

# KNOW Your Rights

A Critical Rights Literacy Framework Based on  
Indigenous Migrant Practices across Guatemala,  
Mexico, and the United States

Research Report

Jennifer Allsopp, David Passarelli, Elaine Chase, Walter Flores, Valentina Glockner,  
and Sophie Buddenhorn



**UNU**  
**CPR**

Life Facing  
Deportation  
Risk. Resistance.  
Rights. Responsibilities.

## Abstract

The scale of Indigenous migration, coupled with its tendency to take place outside of legal channels, poses a challenge to international rights frameworks that seek to protect people on the move, but which are largely orchestrated from a top-down perspective concerned primarily with safe, orderly, and regular migration. In fact, whether the dominant threat is one of land dispossession, labour exploitation, gender-based violence at the border, or some other risk, the migration of Indigenous communities is often far from safe and orderly and, to date, as the United Nations has recognized, States have failed to deliver adequate protections for these populations.<sup>1</sup> Instead, Indigenous communities have developed their own strategies to respond to rights violations and arm themselves with human rights education as a means to exercise their rights or seek justice for the harms they have experienced. This report draws on the direct knowledge and experience of Indigenous migrant communities, and other international actors generated through an international online symposium combined with desk-based research and seeks to showcase and learn from some of these bottom-up practices in the hope that they might inform policy interventions at local, national, and international levels. In doing so, we formulate a novel approach to human rights literacy and advocacy for policymakers to draw on which is centred on valuing Indigenous Knowledges, Networks, Ownership and Words (what we call the KNOW framework). The framework is grounded in community practices and has been developed in consultation with Indigenous communities in Guatemala, Mexico, and the United States through the lens of critical rights literacy.

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## About the authors

**Jennifer Allsopp** is Birmingham Fellow at the University of Birmingham. She was previously a Non-Resident Fellow at the United Nations University Centre for Policy Research (UNU-CPR).

**David Passarelli** is Director of UNU-CPR.

**Elaine Chase** is Professor of Education, Wellbeing and International Development at University College London.

**Walter Flores** is Research Professor at the School of International Service, American University, Washington DC, and a Research Associate at the Center for the Study of Equity and Governance in Health Systems, Guatemala.

**Valentina Glockner** was previously Professor in the Educational Research Department, CINVESTAV, Mexico.

**Sophie Buddenhorn** is a Global Governance Research and Planning Associate at UNU-CPR.

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**Photo:** 'We are one with the Earth.' A mural celebrating Indigenous knowledge, San Marcos La Laguna, Guatemala. **Photo credit:** Jennifer Allsopp, 2021.

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<sup>1</sup> UN General Assembly, *Indigenous People's Rights in the Context of Borders, Migration, and Displacement* (New York: United Nations, 2019). Accessible at: <https://documents.un.org/doc/undoc/gen/g19/275/89/pdf/g1927589.pdf?token=Reid8eLacsmOnJZ2Rr&fe=true>.

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This report is dedicated to the memory of Valentina Glockner Fagetti.

Valentina was a dear colleague, friend, and exceptional academic. As an anthropologist, her work was dedicated to meaningful collaboration with migrant, refugee, and Indigenous women and children through practices of solidarity and advocacy. Valentina's commitment to social and environmental justice in Mexico and the Global South was and continues to be deeply inspirational.



***Por cada práctica de terror,  
hay prácticas de vida;  
por cada práctica de aislamiento  
hay prácticas de solidaridad.***

Valentina Glockner Fagetti

In memoriam

# Executive Summary

## Background

People from Indigenous communities constitute an important population of domestic and international migrants who are from, transitioning through, or residing in Guatemala, Mexico, and the United States (US). Most are adult men whose movement is part of a family livelihood strategy. Women are also represented and since 2014 there has been a large increase in the number of children and young people migrating.

The scale of Indigenous migration, coupled with its tendency to take place outside of legal channels, poses a challenge to international rights frameworks which seek to protect people on the move, but which are largely orchestrated from a top-down perspective concerned primarily with 'safe, orderly, and regular' migration.

A range of multilevel factors cause Indigenous migration across Guatemala, Mexico, and the US, and such movements sometimes begin with rural to urban internal migration. Migratory decisions are often based on adverse conditions, including poverty, poor literacy relative to the rest of the population, malnutrition, and the systematic violation of basic rights, including land dispossession and a lack of access to social services, education, legal representation, and political participation.

Indigenous individuals and families engaged in or affected by migration face a number of challenges in realizing their rights. Among others, these include the risk of forced or multiple displacement; the risk of being subjected to organized crime in transit and country of origin; the risk of labour exploitation and gender-based violence; the fear of detention or deportation by State actors as a consequence of irregular migration; and stigma and possible remigration following return and unsuccessful reintegration within the country of origin. In their host countries, Indigenous migrants are frequently subjected to multiple and intersecting forms of discrimination when accessing education, housing, and the labour market as a result of being migrants *and* Indigenous people. In addition, they experience other horizontal inequalities related to class, gender, and race.

Against this background, Indigenous communities have developed strategies to respond to rights violations and

arm themselves with human rights education as a means to exercise their rights and seek justice for the harms they have endured. The bottom-up and networked practices developed by Indigenous communities can inform policy interventions at local, national, and international levels.

Indigenous migrants in Guatemala, Mexico, and the United States are the *de jure* holders of a range of rights which stem from the international system as well as regional and national protection frameworks. Alongside the Universal Declaration of Human Rights, a range of other instruments apply to this population as Indigenous people as well as migrants. They are also entitled to protections accorded to workers, refugees, women, children, individuals affected by environmental degradation and climate change injustices, as well as survivors of armed conflict and war.

The authorities in all levels of government must provide, in accordance with their competences, appropriate services to children and adolescents in situations of migration, regardless of their nationality or migratory status. The competent authorities must comply with the procedures for the care and special protection of migrant children and adolescents as provided for in that country's migration regulations and other applicable laws. At all times, the principle of the best interests of the child and international standards relating to this matter must be upheld.

## Critical Rights Literacy as a Framework for Exercising Rights

Information about people's rights to services, processes, and entitlements at various stages of the migration cycle is, in many cases, not adequately available to Indigenous migrants and their families. Frequently, such information is not understood because of its inaccessible format or lack of translation into native languages. Moreover, Indigenous communities are prevented from accessing their rights through a broad range of institutional, structural, and societal barriers, and in some cases, experience problems accessing material resources that are a condition to the realization of rights. They may be distrustful of information provided by official sources, looking instead to friends, family, or community networks for advice. Raising awareness of rights is thus one step in a requisite comprehensive system change if inequities in access to rights for Indigenous migrant communities are to be addressed.

The critical rights literacy approach to human rights education and advocacy in the context of Indigenous migration proposed in this report links raising *awareness* of rights to thinking about how such knowledge can be *operationalized* by different populations of concern and across different stages of the migration cycle. It encourages us to look at migration governance in connection with other human rights issues rather than in isolation and through a transnational, longitudinal lens that considers the role of networks as well as individual actors.

Indigenous communities are taking leadership in educating themselves and others about their rights in contexts of migration through critical rights literacy and are putting in place processes which facilitate the operationalization of such rights. This report showcases examples of grassroots initiatives working to uphold labour rights; women's rights; access to due legal process; language rights; and cultural preservation rights among other areas. It also provides concrete examples of effective partnerships, and how statutory and intergovernmental organizations and institutions can best resource these initiatives and protect Indigenous migrant communities in their endeavours across all stages of the migration cycle, from pre-migration and transit to settlement in host communities and post-return.

We propose the KNOW framework for rights literacy, which involves valuing Indigenous Knowledges, Networks, Ownership, and Words. The framework is grounded in community practices and has been developed in consultation with Indigenous communities. The components can be summarized as follows:

1. Centre localized, Indigenous **Knowledges** and ways of knowing to respond to the causes of, as well as consequences of, migration;
2. Recognize the importance of **Networks** and adopt a network approach to better understand the place of community and family in shaping decisions and patterns of migration and mobility;
3. Support Indigenous **Ownership** in research by involving Indigenous people in all efforts to understand and respond to their migration challenges through principles of co-design and building meaningful research and data gathering partnerships based on trust;
4. Recognize the value of **Words** through a commitment to language justice and preservation.

Aspects of the framework cross over conceptually and material investment is often a necessary condition for its meaningful realization in practice. The framework is both a tool and 'checklist' to inform policy interventions at local, national, and international levels.

## List of Acronyms and Abbreviations

Aarhus Convention – UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters  
CALAS – Center for Environmental and Social Legal Action of Guatemala  
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women  
CEGSS – Center for the Study of Equity and Governance in Health Systems Guatemala  
CECIG – Centro de Estudios en Cooperación Internacional [Research Centre on International Cooperation]  
CIELO – Indigenous Communities in Leadership  
CRC – International Convention on the Rights of the Child  
EMRIP – Expert Mechanism on the Rights of Indigenous Peoples  
HRC – United Nations Human Rights Council  
HRDs – Human Rights Defenders  
ICCPR – International Covenant on Civil and Political Rights  
ICT – Information and Communication Technology  
IDP – Internally Displaced Person  
IMUMI – El Instituto para las Mujeres en la Migración [Institute for Women in Migration]  
IOM – International Organization for Migration  
IPCC – Intergovernmental Panel on Climate Change  
MICOP – Mixteco/Indígena Community Organizing Project  
Migration Compact – Global Compact for Safe, Orderly, and Regular Migration  
MPP – Migrant Protection Protocol  
OAS – Organization of American States  
OCA – Our Common Agenda  
OHCHR – United Nations Office of the High Commissioner for Human Rights  
PML – Advocates for Migrant Liberation  
UNECE – United Nations Economic Commission for Europe  
UNESCO – United Nations Educational, Scientific and Cultural Organization  
UNDHR – Universal Declaration of Human Rights  
UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples  
UNPFII – UN Permanent Forum on Indigenous Issues  
US – United States  
REDCSALUD – Network of Community Defenders for Health Rights  
Refugee Compact – Global Compact on Refugees  
SDGs – Sustainable Development Goals  
SWAP – System Wide Action Plan  
TVN – Transnational Village Network  
WCAHS – Western Center for Agricultural Health and Safety



# Introduction

Having historically been excluded from development initiatives, over the last two decades Indigenous communities have emerged as influential actors in domestic and international migration in the Americas.<sup>2</sup> Nowhere is this more apparent than in Guatemala, Mexico, and the United States, countries within which many individuals and families are part of ‘mixed migration’ flows: internally displaced persons (IDPs), economic or ‘labour’ migrants, refugees, and individuals whose movement has been motivated by a combination of factors.<sup>3</sup> The latter includes what UN researchers have termed ‘survival migrants’ – individuals, and in some cases, whole communities motivated to migrate through a combination of threats such as environmental change, livelihood collapse, and State fragility.<sup>4</sup>

These factors are compounded by a lack of State-sanctioned (often known as ‘regular’) mobility opportunities. As a consequence, people in communities with relatively large Indigenous populations are more likely to migrate through irregular channels.<sup>5</sup> An Indigenous community leader from Sololá, Guatemala, explained: “We don’t have the opportunity to go to other countries freely as we don’t have the opportunity to get a visa or a passport.”

The scale of Indigenous migration, coupled with its tendency to take place outside of legal channels, poses a challenge to international rights frameworks which seek to protect people on the move, but which operate through top-down mechanisms concerned primarily with ‘safe, orderly, and regular’ migration. This objective is embedded in the recent Global Compact on Refugees (Refugee Compact), the Global Compact for Safe, Orderly, and Regular Migration (Migration Compact),<sup>6</sup> and in the 1951 Refugee Convention and its 1967 Protocol,<sup>7</sup> which adopt a relatively narrow definition of refugees.

Whether the dominant threat is one of land dispossession, labour exploitation, gender-based violence at the border, or some other risk, the migration of Indigenous communities is often far from safe and orderly and, to date, as the UN has recognized, States have failed to deliver adequate protections for these populations.<sup>8</sup> Speaking on the International Day of the World’s Indigenous Peoples on 9 August 2021, UN Secretary-General António Guterres remarked: “Indigenous peoples around the world continue to face overwhelming marginalization, discrimination, and exclusion.”<sup>9</sup>

Indigenous migrants are frequently subjected to multiple and intersecting forms of discrimination when accessing education, housing, and the labour market as a result of being migrants *and* Indigenous people, as well as other horizontal inequalities related to class, gender, and race. Some Indigenous communities have developed their own strategies to respond to rights violations and arm themselves with human rights education to address the injustices they experience. This report showcases these bottom-up practices in the hope that they might inform policy interventions at local, national, and international levels. It does so through the presentation of the KNOW framework for human rights literacy and advocacy which is centred on valuing Indigenous Knowledges, Networks, Ownership and Words.

Poor well-being outcomes among Indigenous migrant groups are often linked to a lack of knowledge about rights (among Indigenous migrants and their family members, as well as among advocates and service providers), combined with wider structural factors which undermine the realization of rights. This report captures best practices that improve rights literacy and the exercise of rights among Indigenous migrants and their families. In doing so, it draws on the

2 International Organization for Migration (IOM), *Indigenous Routes: A Framework for Understanding Migration* (Geneva: IOM, 2008); Laura Velasco Ortiz, Dolores París Pombo and Margot Olavarria, “Indigenous Migration in Mexico and Central America: In the Footsteps of Michael Kearney,” *Latin American Perspectives* Vol. 41 Issue 3 (2014): 5–25.

3 See the website of the Mixed Migration Centre for quarterly updates on mixed migration trends across the Americas: <https://mixedmigration.org>.

4 Alexander Betts, “Survival Migration: A New Protection Framework,” *Global Governance* Vol. 16 Issue 3 (2010): 361–382.

5 Asad L. Asad and Jackelyn Hwang, “Migration to the United States from Indigenous Communities in Mexico,” *The ANNALS of the American Academy of Political and Social Science* Vol. 684 Issue 1 (2019): 120–145.

6 *Global Compact on Refugees*, Part II, 2018 (A/73/12); *Global Compact for Safe, Orderly and Regular Migration*, 2018 (A/RES/73/195).

7 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention) art 33; Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (Protocol) art 2.

8 See annual reports by the Special Rapporteur on the Rights of Indigenous People: <https://www.un.org/development/desa/indigenouspeoples/reports-by-the-special-rapporteur-on-the-rights-of-indigenous-peoples.html>.

9 “End inequalities, recognize abuses, UN chief says on International Day of Indigenous Peoples,” *UN News*, 9 August 2021, <https://news.un.org/en/story/2021/08/1097382>.

notion of critical rights literacy. The concept is one that is grounded in community practices and has been developed in this research in consultation with Indigenous communities.

We define rights literacy as education (both formal and informal) about human rights; the critical aspect highlights the fact that learning about one's rights is meaningless without parallel possibilities to exercise and advocate for those rights, including through having access to certain material resources.

This report also refers to *acompañamiento* (accompaniment, or stewardship) – a second concept that has been developed by members of the research team in collaboration with Indigenous partners.<sup>10</sup>

The concept refers to the practice of supporting critical rights literacy, and crucially, drawing attention to the fact that for Indigenous communities in Guatemala, Mexico, and the United States, meaningful rights interventions and the pursuit of justice often require working with people over a sustained period of time and, in many cases, following their outcomes and providing support across multiple jurisdictions and borders.

Drawing directly on the knowledge and experience of Indigenous migrant communities and other international actors, generated through an international online symposium coupled with desk-based research, this report offers new insights into how rights literacy might be better conceptualized and how Indigenous migrant community organizations and activists are leading the way in advocating for more comprehensive protections for themselves, their families, and their communities in contexts of migration.

Working towards more comprehensive rights protections for Indigenous migrants is a cause that concerns us all. In the words of one Indigenous community leader: “The lack of respect for the rights of Indigenous migrants endangers not only individuals but whole cultures, ideas of living, and languages.”

## Methodology

This report draws on a half-day virtual symposium, “Critical Rights Literacy for Displaced Indigenous Populations: Urgent Priorities and New Frontiers in Guatemala and Mexico” (see programme in Appendix 1), coupled with desk-based research. The symposium, which took place on 16 November 2021, was co-organized by the United Nations University Centre for Policy Research (UNU-CPR) and members of the Life Facing Deportation Project, funded by the Economic and Social Research Council.<sup>11</sup> Speakers representing 25 organizations across Guatemala, Mexico, and the United States (including UN and statutory agencies, civil society, academia, and INGOs – see Annex 2 for list of represented organizations) shared existing practices that foster rights literacy among Indigenous populations, as well as ways in which practices might be strengthened and made more accessible in contexts of migration. Participants also identified opportunities for new approaches to support Indigenous communities to exercise their rights, and considered how research might strengthen programming in this area. These insights were supplemented by a desk-based review of policy, grassroots, and academic evidence in English and Spanish about what is known about rights violations and the exercise of rights of Indigenous communities in contexts of migration. Following the initial drafting of the report, in the spirit of co-production, symposium participants were invited to comment on, and provide input to, this final report.

## Outline and Scope

The first part of this report provides a brief background on relevant international rights frameworks and key trends and policy challenges related to the protection of Indigenous migrant communities across Guatemala, Mexico, and the United States. Drawing on a series of illustrative case studies, the report then makes the case for the KNOW critical rights literacy framework, which is centred on valuing Indigenous Knowledges, Networks, Ownership and Words, to inform policy interventions. In so doing, it explores how bottom-up practices developed by Indigenous communities might inform policy interventions at local, national, and international levels. The report ends by identifying thematic areas that require urgent investment in terms of programme delivery and policy research.

10 Valentina Glockner Walter Flores, Elaine Chase, Jennifer Allsopp, Ian Warwick, Deborah Zion, Brad Blitz, Riccardo Muniz-Trejo, Penelope Van Tuyl, and Zhao Cheng, “The theoretical and practical potential of ‘acompañamiento’ for research with people marginalised through immigration controls,” *Being migrant, racialized or Indigenous in times of crisis* eds. L. Benhadjoudja et al. (Ottawa: University of Ottawa Press, 2022).

11 Centro de Estudios para la Equidad y Gobernanza en los Sistemas de Salud de Guatemala (CEGSS), Centro de Investigación y de Estudios Avanzados (Cinvestav), University College London Institute for Education, and the University of Birmingham’s Institute for Research into Superdiversity (IRiS).

# Background

This section reviews relevant frameworks for protecting the rights of Indigenous migrant communities in Guatemala, Mexico, and the United States, and provides an overview of the current state of Indigenous migration in this region. Specific policies are discussed in the subsequent section via case studies.

## Rights Protections for Indigenous Migrants in Guatemala, Mexico, and the United States

Indigenous migrants in Guatemala, Mexico, and the United States in theory hold a range of rights which stem from international, regional, and national protection frameworks. The Universal Declaration of Human Rights (UNDHR) and a range of other instruments apply to this population as Indigenous people as well as migrants. They also variably benefit from protections accorded to workers, refugees, women, children, individuals affected by environmental degradation and climate change, as well as survivors of armed conflict and war. In practice, Indigenous people who migrate often fall between migration and Indigenous rights protection policies.<sup>12</sup>

First and foremost, the UNDHR establishes the inherent dignity and equal rights of all (Article 1). Other important rights relevant to Indigenous migrants include the right to life, liberty, and security of person (Article 3); the right to recognition everywhere as a person before the law and guarantees of due process without discrimination (Articles 6 to 11); freedom from arbitrary interference regarding privacy, family, or home life (Article 12); and the right to move within and leave their country (Article 13) and seek asylum (Article 14). The Declaration also contains important protections related to family life (Article 16); rights to property (Article 17); freedom of expression (Articles 18 to 20); political participation (Article 21); economic and

cultural rights (Article 22); decent work (Articles 23 and 24); health (Article 25); education (Article 26); and culture (Article 27). In addition, the Sustainable Development Goals (SDGs), a collection of 17 interlinked global goals, established in 2015 by the UN General Assembly, draw on the UNDHR, alongside other rights instruments to propose a concrete vision for development to be achieved by 2030, with the ultimate goal of “leaving no one behind.”<sup>13</sup>

In the last two decades, the UN has also taken steps to affirm and protect the specific rights of Indigenous peoples. Such measures include Our Common Agenda (OCA) of 2021,<sup>14</sup> which seeks to proactively empower marginalized groups, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>15</sup> UNDRIP is an important complement to the UNDHR since it recognizes that human rights belong to *peoples* as well as to individuals. It acknowledges collective rights to language, culture, and natural resources as a core part of Indigenous identity,<sup>16</sup> affirming the right of Indigenous peoples to due process and remedies for all infringements of their individual or collective rights, and consideration of their traditions and legal systems as well as international human rights. The Declaration also asserts the responsibility of States to ensure the protection of Indigenous languages so that Indigenous peoples can understand and be understood in administrative, legal, and political proceedings. UNDRIP recognizes that Indigenous peoples have the right to active participation as citizens of a State as well as rights to independent political organization and education systems. It also codifies a right to non-discrimination and self-determination. In the absence of a singular definition of ‘Indigenous peoples’ within the international human rights frameworks, the most common definitional criterion is the right of Indigenous peoples to determine themselves.

12 Cristhian González, “5 Key Aspects of the Migration of Indigenous Peoples”, *IOM*, 3 Apr 2019, <https://rosanjose.iom.int/en/blogs/5-key-aspects-migration-indigenous-peoples>.

13 United Nations General Assembly, *Transforming our world: the 2030 agenda for sustainable development, outcome document of the United Nations summit for the adoption of the post-2015 agenda*, RES/A/70/L.1 (New York: United Nations, 2015).

14 UN Secretary-General, *Our Common Agenda* (New York: United Nations, 2021). Accessible at: <https://www.un.org/en/content/common-agenda-report/>.

15 United Nations General Assembly, *Declaration on the Rights of Indigenous People* (New York: United Nations, 2007).

16 Dominic O’Sullivan, “The Universal Declaration of Human Rights and the Rights of Indigenous Peoples: An Eightieth Anniversary Reflection,” *Oxford Human Rights Blog*, 11 February 2019, <https://ohrh.law.ox.ac.uk/the-universal-declaration-of-human-rights-and-the-rights-of-indigenous-peoples-an-eightieth-anniversary-reflection/>.

UNDRIP is complemented by a System Wide Action Plan (SWAP) that aims to reinforce support by the UN system to its Member States for the realization of Indigenous people's rights.<sup>17</sup> The United Nations Voluntary Fund for Indigenous Peoples<sup>18</sup> was established in 1991 to ensure that the voices of Indigenous peoples are heard within the UN system, including the UN Permanent Forum on Indigenous Issues (UNPFII)<sup>19</sup> and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP),<sup>20</sup> as well as relevant meetings of the UN Human Rights Council (HRC) and treaty bodies.

Another significant international protection mechanism is the International Labour Organization's (ILO) Convention 169,<sup>21</sup> which recognizes the desire of Indigenous peoples to determine their development. In the context of migration this means that Indigenous peoples who migrate are able to preserve their identities and claim specific rights for their communities. However, these standards only apply to migration within one's country of citizenship. Further, a 2019 ILO report<sup>22</sup> shows that the implementation of the Convention has been slow, and many Indigenous peoples still face challenges accessing education and dignified work.

Indigenous migrants are protected by the 1951 UN Geneva Convention on the Rights of Refugees and its 1967 Protocol,<sup>23</sup> alongside the International Convention on the Protection of

the Rights of All Migrant Workers and Members of Their Families,<sup>24</sup> which is ratified by both Guatemala and Mexico (but not yet by the United States). The 2017 New York Declaration and the subsequent UN Compacts on Refugees and Migration<sup>25</sup> seek to provide a framework for the implementation and monitoring of migrant and refugee rights.

Other important protections include the International Covenant on Civil and Political Rights (ICCPR),<sup>26</sup> the UN Declaration on the Rights of the Child (CRC),<sup>27</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>28</sup> the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),<sup>29</sup> and instruments containing protections for victims of war, including the Geneva Convention of 1949<sup>30</sup> and related additional Protocols,<sup>31</sup> and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.<sup>32</sup>

With regard to climate-induced migration, relevant protections can be found in the UN Human Rights Council Resolution 48/13 which establishes the right to a clean, healthy, and sustainable environment, and the Convention on Biological Diversity,<sup>33</sup> which deals with protected areas

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- 17 UN Economic and Social Council, *System-wide Action Plan for Ensuring a Coherent Approach to Achieving the Ends of the Declaration on the Rights of Indigenous Peoples*, E/CN.19/2016/1 (New York: United Nations, 2015).
- 18 "UN Voluntary Fund for Indigenous Peoples," *United Nations Office of the High Commissioner for Human Rights (OHCHR)*, last accessed on 11 January 2024, <https://www.ohchr.org/en/about-us/funding-budget/indigenous-peoples-fund>.
- 19 "United Nations Permanent Forum on Indigenous Issues (UNPFII)," *United Nations Department of Economic and Social Affairs, Permanent Forum*, last accessed on 11 January 2024, <https://www.un.org/development/desa/indigenousspeoples/unpfii-sessions-2.html>.
- 20 "Expert Mechanism on the Rights of Indigenous Peoples," *OHCHR*, last accessed on 11 January 2024, <https://www.ohchr.org/en/hrc-subsidaries/expert-mechanism-on-indigenous-peoples>.
- 21 International Labour Organization (ILO), *Indigenous and Tribal Peoples Convention, C169*, 27 June 1989. Accessible at: <https://www.refworld.org/docid/3ddb6d514.html>.
- 22 ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future* (Geneva: ILO, 2019). Accessible at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_735607.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_735607.pdf).
- 23 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention) art 33; Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (Protocol) art 2.
- 24 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, A/RES/45/158 (1990).
- 25 *Global Compact on Refugees*, Part II, 2018 (A/73/12); *Global Compact for Safe, Orderly and Regular Migration*, 2018 (A/RES/73/195).
- 26 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, Vol. 999, p. 171.
- 27 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, p. 3.
- 28 UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, Vol. 1249, p. 13.
- 29 UN General Assembly, *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters Aarhus*, Denmark, 25 June 1998.
- 30 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287.
- 31 International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3.
- 32 United Nations General Assembly, *Resolution 40/34 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, adopted by the General Assembly at 40th Session, United Nations, 29 November 1985, A/RES/40/34.
- 33 United Nations Convention on Biodiversity, 1760 UNTS 79, 31 ILM 818 (1992).

and the protection of territories and oceans. Important case law in this area includes *Teitiota vs New Zealand*,<sup>34</sup> whereby the UN Human Rights Committee states that countries may not deport individuals who face climate change-induced conditions that violate the right to life, and *Sacchi et al v Argentina*,<sup>35</sup> whereby the Child Rights Committee on the Rights of the Child found that a State party can be held responsible for the negative impact of its carbon emissions on the rights of children both within and outside of its territory.

Indigenous migrants can also draw on regional protections. These include the American Convention on Human Rights<sup>36</sup> and the Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement, 2018).<sup>37</sup> The latter contains a specific provision on environmental human rights defenders (HRDs). It enshrines a rights-based approach toward Indigenous peoples and vulnerable populations, with provisions that support access to information, participation, and access to justice. It also responds to the spirit of the UN's Guiding Principles on Business and Human Rights<sup>38</sup> regarding companies' specific obligations to respect human rights in the context of their activities.

The American Declaration of Indigenous Peoples<sup>39</sup> offers specific protection for Indigenous peoples in North America, Mexico, Central and South America, and the Caribbean. It affirms the right of self-determination, rights to education, health, self-government, culture, and lands, and it includes provisions that address the situation of Indigenous peoples in the Americas, including protections for those living in voluntary isolation and those affected by a State's internal armed conflict.

In each country, the competent authorities, once they are in contact with an individual, must adopt the appropriate

measures for the protection of their rights in accordance with international and regional law as codified in national migration regulations and domestic laws related to other relevant human rights provisions. They are required to offer a solution that resolves all protection needs, taking into account the opinions of children and giving preference to family reunification, except if this is contrary to the best interests or wishes of the child.

Areas of accommodation for migrant children and adolescents must respect the principle of separation and the right to family unity, so that unaccompanied or separated children or adolescents will be accommodated in different areas to those reserved for adults. Accompanied children or adolescents should be able to be accommodated with their relatives, except if it is more convenient to separate them in accordance with the principle of the best interests of the child.

It is prohibited to send back, expel, deport, return, reject at the border, or to not accept, transfer, or remove in any form, an individual when their life, safety, and/or liberty are at risk due to persecution (or threat of the latter), widespread violence, or violations of human rights, as well as where they may be subjected to torture or other cruel, inhuman, or degrading treatments. Any decision on the return of a child or adolescent to the country of origin or to a safe third country may only be based on grounds of their best interests. During the administrative migratory procedure, the family unit, or if appropriate, family reunification may prevail, in accordance with the present law and other applicable provisions, provided that the latter is not contrary to the best interests of the child.

Despite the impressive range of international, regional, and domestic mechanisms for protecting the rights of Indigenous migrant communities, the next part of this report documents important implementation gaps.

34 *Ioane Teitiota v. New Zealand* (advance unedited version), CCPR/C/127/D/2728/2016, UN Human Rights Committee, 7 January 2020, <https://www.refworld.org/cases,HRC,5e26f7134.html>.

35 Decision adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of Communication No. 104/2019 CRC/C/88/D/104/2019. Accessible at: [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/CRC\\_C\\_88\\_D\\_104\\_2019\\_33020\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/CRC_C_88_D_104_2019_33020_S.pdf).

36 Organization of American States (OAS), American Convention on Human Rights, "Pact of San Jose," Costa Rica, 22 November 1969. Accessible at: <https://www.refworld.org/docid/3ae6b36510.html> [accessed 2 November 2022].

37 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean C.N.195.2018.TREATIES-XXVII.18 of 9 April 2018 (Opening for signature) and C.N.196.2018.TREATIES-XXVII.18 of 9 April 2018 (Issuance of Certified True Copies). Accessible at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVII-18&chapter=27&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-18&chapter=27&clang=en).

38 John Ruggie, *Protect, respect and remedy: A framework for business and human rights (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises)*, A/HRC/8/5 (Geneva: UN Human Rights Council, 2008). Accessible at: <https://www.refworld.org/docid/484d2d5f2.html>.

39 Organization of American States, American Declaration on the Rights of Indigenous Peoples (2016) OEA/Ser.P AG/RES.2888 (XLVI-O/16) OEA/Ser.D/XXVI.19. Accessible at: <https://www.oas.org/en/sare/documents/DecAmlND.pdf>.

## Indigenous Migration in Guatemala, Mexico, and the United States: Current Trends

Both Guatemala and Mexico are home to large Indigenous populations. Approximately 43 per cent of the Guatemalan population identifies as Indigenous (6.4 million people), speaking 25 languages, while 23 per cent (27.5 million) of the Mexican population identifies as Indigenous, speaking at least 64 languages.<sup>40</sup> Guatemala has created certain institutional structures to protect the rights of Indigenous peoples, such as the Indigenous Ombudsman's Office within the Human Rights Ombudsman's Office (Procuraduría Indígena de la Procuraduría de Derechos Humanos). Mexico's National Development Plan includes a Special Programme for Indigenous Peoples. It is the public policy instrument that guides actions to promote the development of Indigenous Peoples.

### Causes of Migration and Demographic Trends

Most Indigenous migrants living in Guatemala and Mexico and the United States are adult men whose movement is part of a family livelihood strategy. Remittances from migrant workers constitute an important part of GDP in both Mexico and Guatemala. Women are also increasingly represented, often migrating to join family who are already abroad, to pursue work, or to flee gender-based persecution or violence; among them are pregnant women and single mothers (see IMUMI case study, below). Since 2014, there has also been a large increase in the number of children and young people migrating, some of whom have been deported from Mexico and the United States.<sup>41</sup>

Indigenous migration often begins with internal migration from places of origin to urban centres to find employment, often as a result of exclusion, discrimination, and deprivation of material resources. It is common for Indigenous people to leave their country of origin altogether, in the hope of finding better and more stable opportunities elsewhere, often in the United States, owing to limited access to dignified

education, weak labour protections, socioeconomic discrimination, as well as diverse forms of violence. Migratory processes among Indigenous communities can seldom be described as 'voluntary,' since migratory decisions are often based on adverse conditions, including poverty, poor literacy relative to the rest of the population, food insecurity, and the systematic violation of basic rights, including access to social services, education, legal representation, and political participation. Often, these adverse realities clash with rigid immigration laws that require asylum claims to be based on a credible fear of persecution (see next section).

Indigenous communities in Guatemala and Mexico have historically been the targets of institutional violence and civil war. Some Indigenous communities in Guatemala are still engaged in quests for justice in relation to the civil war which took place between 1960 and 1996.<sup>42</sup> In Mexico, the threat of drug-related homicides and the threat of political violence remain high. In 2018, there were an estimated 33,342 drug-related homicides in Mexico and it is reported that cartels killed at least 120 candidates and politicians in the lead up to the 2018 Presidential elections.<sup>43</sup> Contemporary threats of violence and land dispossession also come from transnational development projects such as mines and hydroelectric dams.

Both Guatemala and Mexico are sites of significant organized crime, being strategically located in the corridor between South and North America. Indigenous territories are particularly affected by such activity, as they are often targeted by groups seeking territorial control to facilitate trafficking of drugs and other goods and materials, including people. Women and youth are particularly vulnerable in these environments. It is estimated that 70 per cent of human trafficking victims are Indigenous women.<sup>44</sup> Femicide also disproportionately affects Indigenous women due to weak democratic and justice mechanisms.

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40 Congressional Research Service, *Indigenous Peoples in Latin America: Statistical Information* (Washington, DC: Congressional Research Service, 2023). Accessible at: <https://sgp.fas.org/crs/row/R46225.pdf>.

41 "Facts and figures: Deportations of unaccompanied migrant children by the USA and Mexico," *Amnesty International*, 11 June 2021, <https://www.amnesty.org/en/latest/news/2021/06/facts-figures-deportations-children-usa-mexico/>.

42 Patrick Costello, "Guatemala: Displacement, Return and the Peace Process," *refworld*, 1 April 1995, <https://www.refworld.org/docid/3ae6a6b98.html>.

43 Center for Preventative Action, "Criminal Violence in Mexico," *Global Conflict Tracker*, 12 May 2022, <https://www.cfr.org/global-conflict-tracker/conflict/criminal-violence-mexico>.

44 Josamine Bronnvik, "Cultural Survival Advocates for Indigenous Women in Mexico," *Cultural Survival*, 19 June 2018, <https://www.culturalsurvival.org/news/cultural-survival-advocates-indigenous-women-mexico>.

The last three reports of the Intergovernmental Panel on Climate Change (IPCC) make extensive and alarming references to the impacts of climate change on migration.<sup>45</sup> Indigenous peoples are overrepresented among people living in poverty and will be disproportionately impacted by climate change.<sup>46</sup> They have been among the first to face its direct consequences, including the devastating impacts of changes to weather patterns, due to their dependence upon, and close relationship with, the environment and its resources.<sup>47</sup>

### Policy Challenges

There is a lack of data on the Indigenous make-up of Guatemalan and Mexican populations abroad, since in immigration data they are often not considered distinct from other ‘Latinos’ or ‘Hispanics’ born in the same country (see section on Words). However, Indigenous communities constitute an important percentage of Guatemalan and Mexican migrants in the United States. An estimated 1.4–1.6 million Guatemalans live in the United States alongside some 37 million Mexicans who make up about 24 per cent of all US immigrants.<sup>48</sup> Migration is most frequent from regions in both countries that tend to be Indigenous and rural.

A small population of Guatemalans and Indigenous migrants from other Central and South American countries are resident in Mexico. Others pass through Mexico as ‘transit migrants’ on their way to the US, a phenomenon that has come to be known as the ‘migrant caravan.’ These are people fleeing violence, poverty, land dispossession, and/or multiple forms of rights violations from which their

governments have proven unwilling or unable to protect them. Human rights violations against transit migrants in Mexico are well documented.<sup>49</sup> They are routinely robbed, assaulted, and kidnapped by criminal gangs. A network of migrant protection organizations documented 5,298 criminal acts against transit migrants in 2016 alone,<sup>50</sup> but such crimes are likely underreported.

While many Indigenous migrants come to work in the Mexican economy, others seek asylum. Mexico has adopted a broader refugee definition than the US and grants a higher percentage of asylum applications. Recognized refugees in Mexico can access work, healthcare, and education, and can also benefit from family reunification policies. However, the current system is reported to be overwhelmed, resulting in significant delays to decision-making on applications.<sup>51</sup> This can be seen as part of a wider global trend of ‘involuntary immobility’ among transit migrants in which people wait for prolonged periods of time, often lasting several years, to have their applications for asylum considered, an aspect of the system requiring urgent policy attention.<sup>52</sup>

Some human rights experts have argued that recent US policy changes that make it more difficult to claim asylum at the US-Mexico border (for example, Mexico’s designation as a ‘safe third country’) have contributed to this buildup of individuals in situations of protracted transit.<sup>53</sup> The US has several agreements with Central American countries on immigration, including the Migrant Protection Protocol (MPP) which entered into force under the Trump

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- 45 Intergovernmental Panel on Climate Change (IPCC), *The Ocean and Cryosphere in a Changing Climate* (IPCC, 2019). Accessible at: [https://www.ipcc.ch/site/assets/uploads/sites/3/2019/12/SROCC\\_FullReport\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/sites/3/2019/12/SROCC_FullReport_FINAL.pdf); IPCC, *Climate Change and Land (Summary for Policymakers)* (IPCC, 2019). Accessible at: <https://www.ipcc.ch/site/assets/uploads/2019/08/Fullreport-1.pdf>; “IPCC 1.5-Degree C Special Report,” *Center for Climate and Energy Solutions*, last accessed on 11 January 2023, <https://www.c2es.org/content/ipcc-1-5-degree-c-special-report/>.
- 46 “Indigenous Peoples Disproportionately Impacted by Climate Change, Systematically Targeted for Defending Freedoms, Speakers Tell Permanent Forum,” *United Nations*, 18 April 2018, <https://press.un.org/en/2018/hr5389.doc.htm>.
- 47 “Climate Change,” *UN Department of Economic Affairs, Indigenous Peoples*, last accessed on 11 January 2024, <https://www.un.org/development/desa/indigenouspeoples/climate-change.html>; IOM, *World Migration Report 2022* (Geneva: IOM, 2022). Accessible at: <https://publications.iom.int/books/world-migration-report-2022>.
- 48 Jens Manuel Krogstad, Jeffrey S. Passel, and Luis Noe-Bustamante, “Key facts about US Latinos for National Hispanic Heritage Month,” *Pew Research Centre*, 23 September 2022, <https://www.pewresearch.org/fact-tank/2022/09/23/key-facts-about-u-s-latinos-for-national-hispanic-heritage-month/>; Nicole Ward and Jeanne Batalova, “Central American Immigrants in the United States,” *Migration Policy Institute*, 11 August 2021, <https://www.migrationpolicy.org/article/central-american-immigrants-united-states>.
- 49 A. Anaya Muñoz and A. Díaz de León, “El activismo transnacional alrededor de los derechos humanos de los migrantes en tránsito por México,” *Perspectivas migratorias II: La agenda pendiente de la migración* eds. C. Heredia Zubieta et al. (México, DF: CIDE, 2012); T. Basok et al. *Rethinking Transit Migration: Precarity, Mobility, and Self-Making in Mexico* (London: Palgrave Macmillan, 2015).
- 50 Red de Documentación de las Organizaciones Defensoras de Migrantes, “Migrantes en México: Recorriendo un camino de violencia,” *Informe 2016* (México, DF, 2016).
- 51 “‘We Can’t Help You Here’: US Returns of Asylum Seekers to Mexico,” *Human Rights Watch*, 2 July 2019, <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.
- 52 For example see: Bryan S. Turner, “The Enclave Society: Towards a Sociology of Immobility,” *European Journal of Social Theory* Vol. 10 Issue 2 (2017): 287–304. Accessible at: <https://doi.org/10.1177/1368431007077807>.
- 53 See for example, reporting by Human Rights Watch: <https://www.hrw.org/tag/remain-mexico>.

administration in January 2019. MPP allows US authorities to send migrants, including asylum seekers, who arrive at the US-Mexico land border without approved legal documentation, back to Mexico to wait out the duration of their US immigration proceedings. Title 42, meanwhile, is a public health and welfare statute that introduced special powers to remove individuals entering the country without authorization in the context of the coronavirus pandemic.<sup>54</sup> After 16,000 children travelling without a parent were expelled from the US under Title 42, the Biden administration exempted unaccompanied minors from the policy, a move welcomed by human rights actors. The policy remains subject to legal scrutiny and at the time of writing was still in place.

The intersection of diverse migration flows to and through Mexico since 2015 has left a lasting impression on the country's demographic makeup and challenged its identity as primarily a country of emigration. It has also challenged its institutions to respond quickly and creatively to new migration dynamics. The Protection Pathway for the Rights of Child and Adolescent Migrants (Ruta de Protección de Derechos de Niñas, Niños y Adolescentes en Situación de Migración), initiated by the Government of Mexico, aims to build the capacity of public institutions to identify their areas of responsibility and agree how they should coordinate to uphold the rights and best interests of migrant children and young people. UNHCR has been working with the Government to strengthen and expand its asylum procedures amid the sharp increase in the number of people seeking asylum in the country.<sup>55</sup> While the National Migration Institute determines the migratory condition of the child or adolescent, the National Welfare System (DIF) or the Systems of the Entities, as appropriate, is required to

deliver the protection provided for in this law and other applicable provisions.

Over the course of this research, Indigenous migrants who were either seeking to stay in or transit through Mexico, reported long wait times, frequent detention and deportation, and a lack of functional access to the asylum system. Legal barriers, including a bar to applications submitted more than 30 days after entering the country, were said to further limit access to the asylum process.

Guatemala, meanwhile, is seeking new ways to strengthen its asylum system, in particular to address backlogs in applications by training more personnel. In 2021, the UNHCR welcomed the opening of a new processing centre.<sup>56</sup>

A key finding from our research is that efforts by statutory and international actors to enhance the rights of migrant Indigenous communities on the move are important but fall short given the realities these communities face on the ground. Moreover, there is a lack of trust in institutions that is exacerbated by the inability of public officials to communicate in Indigenous languages (due to a lack of interpreting services). This is a significant barrier to accessing rights among this population.

Civil society groups are mobilizing to further critical rights literacy. Their work draws attention to four key thematic priorities that policymakers and advocates might seek to operationalize at local, national, and international levels: valuing Indigenous Knowledge, Networks, Ownership, and Words (what we call the KNOW framework). Following an introduction, we illustrate this framework through a series of case studies in the next section of this report.

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54 American Immigration Council, "A Guide to Title 42 Expulsions at the Border," *Fact Sheet* (Washington, DC: American Immigration Council, 2022). Accessible at: <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

55 "UNHCR ramps up support for Mexico amid mounting asylum applications," *UNHCR UK*, 13 April 2021, <https://www.unhcr.org/news/briefing/2021/4/607549864/unhcr-ramps-support-mexico-amid-mounting-asylum-applications.html>.

56 "UNHCR, the UN Refugee Agency, welcomes the establishment of a new asylum unit in Guatemala which will have expanded capacity to receive, process and adjudicate asylum claims in the country" *UNHCR*, 10 February 2021, <https://www.unhcr.org/news/press/2021/2/6023f7d918/unhcr-welcomes-expansion-guatemalas-asylum-capacity.html>.



# Critical Rights Literacy as a Pathway to Exercising Rights: Introducing the KNOW Framework

The rapidly shifting immigration and asylum policy landscape in the Americas described above means it can be difficult for refugees, migrants, service providers, and policymakers to keep up with new policies and practices. Often lacking reliable access to formal sources of information and forms of learning about their rights – including information in their own languages – many Indigenous migrants rely on support in non-formal settings to better understand and exercise their rights throughout their migratory journeys. This section introduces the concept of critical rights literacy and the KNOW framework. It showcases the work of Indigenous actors and allies on the ground and offers practical guidance for policymakers and advocates seeking to address the challenges discussed above.

## Critical Rights Literacy

One civil society leader introduced the concept of critical rights literacy in the following terms:

“Grassroots organizations talk of rights literacy as an exchange of information and knowledge within a framework of trust and empathy. Information is part of it, but that’s not the most important part of it. Rights literacy is based on trust and empathy, and it can only work if communities have trust in those organizations providing those services.”

Critical rights literacy is centred on values of trust and empathy. It considers information exchange as a two-way process, rather than a simple transmission of information to those with less power by those in a position of greater authority. The term borrows from ‘critical health literacy’ which involves going beyond linking poor health to a lack of knowledge and ties ‘health literacy’ to a process of thinking about the wider structures and factors that undermine health. It also alludes to ‘cosmopolitan critical literacy,’<sup>57</sup> an

approach that has been used to acknowledge and challenge the uneven distribution of power globally in how rights are conceived and made accessible within the general human rights literacy framework.

A critical rights literacy approach to human rights education and advocacy moves us beyond ideas of rights as conceptualized in rights literacy to consider the structural and institutional barriers to people exercising these rights. Raising awareness of rights is linked to thinking about how such knowledge could then be operationalized – in this case, by different populations of concern and across different stages of the migration cycle.

## The KNOW Framework

Applying a critical rights literacy framework to Indigenous migration in the Americas draws attention to opportunities to foster greater coherence between the promotion of rights in an intersectional way, beyond looking at migration governance in isolation.

We have devised the KNOW framework, which we illustrate and discuss through a series of case studies below, to capture how Indigenous communities are working with a range of actors to model best practices in human rights literacy and advocacy centred on valuing Indigenous Knowledges, Networks, Ownership, and Words. The framework is one that is grounded in community practices and has been developed in this report in consultation with Indigenous communities. Aspects of the framework naturally intersect, and we acknowledge that material investment is often a necessary pre-condition for the meaningful realization of the principles in practice. Recognizing this, the framework seeks to provide a series of principles to guide the work of policymakers and advocates, and will likely also have relevance for other actors, for example, private companies.

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57 Brenda Carren Vellino, “Everything I know about human rights I learned from literature: human rights literacy in the Canadian literature classroom,” *Home-Work: Postcolonialism, Pedagogy, and Canadian Literature* eds. Cynthia Sugars (Ottawa: Ottawa University Press, 2004); Judith Dunkerly-Bean, Thomas W. Bean, and Khaled Alnajjar “Seeking asylum: Adolescents explore the crossroads of human rights education and cosmopolitan critical literacy,” *Journal of Adolescent & Adult Literacy*, Vol. 58 Issue 3 (2014): 230–241; Thomas W. Bean and Judith Dunkerly-Bean, “Cosmopolitan critical literacy and youth civic engagement for human rights,” *Pedagogies: An International Journal*, Vol. 15 Issue 4 (2020): 262–278.

The components of the KNOW framework can be summarized as follows:

1. Centre localized, Indigenous **Knowledges** and ways of knowing to respond to the causes of – as well as some consequences of – migration;
2. Recognize the importance of **Networks** and adopt a networked approach to better understand the place of community and family in shaping decisions and patterns of migration and mobility;
3. Support Indigenous **Ownership** by involving Indigenous people in all efforts to understand and respond to their migration challenges through principles of co-design and building meaningful research partnerships based on trust;
4. Recognize the value of **Words** through a commitment to language justice and preservation.

The next part of the report discusses each of these components through an overview followed by a series of illustrative case studies.

## 1. Knowledge

Indigenous peoples have developed sophisticated tools of knowledge acquisition over centuries which have commonly been ignored in favour of Westernized practices. Indeed, international, and sometimes national, efforts to educate communities about their human rights have suffered from the accusation of framing these rights as something bestowed from *outside* a community, rather than seeing them as something embedded within and shaped by the community itself.

Indigenous people play a crucial role in preserving our environment and adapting and mitigating climate change. Much of the world's remaining diversity – biological, ecosystem, landscape, cultural, and linguistic – resides in Indigenous territories. Indigenous peoples are the primary holders of site-specific holistic knowledge of their territories and beyond, and they play a significant role in maintaining locally-resilient social-ecological systems.

Knowledge – for example about the relationship between individual health and the health of the environment – is often passed on through performances, including oral traditions, song, dance, and ceremony, that convey both literal and metaphorical truths about these relations.<sup>58</sup> Skilled individuals and families are entrusted to maintain these traditions. Oral traditions, whether communicated as historical narratives or mythical stories, constitute forms of traditional knowledge passed between generations. Country-led, critical rights literacy can help to re-value this knowledge and find ways to channel it for sustainable development.

The initiatives discussed below place human rights in local contexts and invest in community practitioners and leaders as rights knowledge brokers. Such approaches foster local and national integration and help Indigenous citizens defend themselves against rights violations and discrimination. A framework for Indigenous communities to come together and work through issues facing their communities can address the root causes of displacement, including discrimination, suspension of land access, and environmental degradation.

### Case Study 1.1: Citizen's School for Human Rights

The Network of Community Defenders for Health Rights (REDCSALUD<sup>59</sup>) is a grassroots Indigenous organization with over 180 members in 35 rural municipalities. Together with CEGSS (the Center for the Study of Equity and Governance in Health Systems Guatemala), REDCSALUD co-designs and implements the Citizen's School for Human Rights (Escuela Ciudadana de Derechos Humanos). The school follows the learning principles of Paulo Freire's 'popular education' (participatory and empowering) and the Indigenous knowledge practices of 'leading by example,' which means that the teacher or facilitator in the training must be a practitioner of the knowledge and the skill they seek to convey. In addition to face-to-face sessions, the school uses Indigenous storytelling methods to co-develop rights literacy content which is shared as audio files for mobile phones. Recently, the school produced animated videos and printed infographics to inform communities about their right to birth registry, non-discrimination, and information. From 2022, all materials will be translated into seven Indigenous languages widely spoken within the target territories.

58 Margaret Bruchac "Indigenous Knowledge and Traditional Knowledge," *Department of Anthropology Papers* (Philadelphia: University of Pennsylvania, 2014). Accessible at: <https://core.ac.uk/download/pdf/219378082.pdf>.

59 See REDC Salud website: <https://vigilanciaysalud.com>.

## Case Study 1.2: CALAS and Environmental Rights Literacy

Local Maya Q'eqchi' communities in El Estor in Izabal department and Panzós in Alta Verapaz have recently been involved in consultations with Guatemala's energy and mining industry in the context of the relaunch of a nickel mine in Fénix by Solway Investment Group. This followed the suspension of the company's mining license by the constitutional court in 2019 due to an injunction request filed by the national NGO, Center for Environmental and Social Legal Action of Guatemala (CALAS), which claimed that Indigenous communities were not consulted and asked for their knowledge prior to the commencement of operations. CALAS works to promote environmental issues, community participation, and respect for the collective rights of Indigenous communities. Understanding processes of conflict resolution and community was crucial to ensuring meaningful negotiations. The consultation is being conducted in line with the ILO's Convention 169, which relates to the rights of Indigenous communities. Promoting community knowledge of their legal right to protest has also been an important aspect of critical rights literacy interventions that help defend against unlawful police activities.

## Case Study 1.3: Pura Vida Atitlan

Pura Vida has developed a range of educational materials in Spanish and Indigenous languages which include games, songs, and dances to educate children about the environment and celebrate sustainable Indigenous traditions. This work involves promoting, enhancing, and celebrating literacy based on indigenous knowledges. The traditional dress of certain communities, such as the *huipils* worn by many Indigenous women in Guatemala, carry important messages through rich symbolism about the relationship between ecology and community, for example. Pura Vida Atitlan also seeks to integrate support for recycling in rural Guatemala with the promotion of better nutrition and sustainable building practices based on Indigenous traditions, knowledge, and practices. They encourage schools and civil society groups to minimize consumption of single-use plastics and to recycle them through the creation of 'eco bricks.' Eco bricks are plastic bottles stuffed with plastic waste which are then hygienically sealed, tied together in frames, and used in the construction of community buildings and emergency housing. Highly contaminating waste is thus transformed. The award-winning model has been adapted in different communities to respond to crises, including mud slides and volcano eruptions, as well as being used as the basis for several community buildings and schools. The building material has been shown to be particularly resistant to earthquakes. The collective also promotes knowledge of ancestral plants which have nutritional qualities. Among future ambitions is the creation of a recycling museum to educate local school children and attract sustainable tourism.<sup>60</sup>

## 2. Networks

Human rights interventions have traditionally failed to recognize the importance of networks in relation to migration – perhaps because the individual is at the centre of human rights discourses, and most protections rely on the defence of an individual whose rights have been violated rather than a family or community network. There is some evidence that this is changing on the community level, with important progress made in defence of community land rights (see Section, Rights Protections for Indigenous Migrant). However, the family remains underrepresented in

most migration-focused rights protection frameworks. Adopting a community approach to human rights requires working with families and communities over time and often across borders.

Many migrant rights interventions focus on addressing a need at a particular moment of the journey, a particular local or national context, or in response to a specific policy. Attention to this specific context is important for targeted interventions especially where, for example, people are at risk of trafficking or labour exploitation, or have been detained or face imminent deportation. Other rights work

60 See PuraVida Atitlan website: [https://puravidaatitlan.org/en\\_PHASE\\_2nd.html](https://puravidaatitlan.org/en_PHASE_2nd.html).

requires working transnationally to document and seek remedy for injustices that are opaque and cut across jurisdictions, such as individuals going missing en route, as in the below case study of the Mesoamerican migrant movement, or supporting individuals post-return, as in the work of IMUMI (El Instituto para las Mujeres en la Migración - Institute for Women in Migration) in Mexico, also discussed below. Working in partnership across borders makes it possible to trace and document rights abuses transnationally and observe the long-term and direct impacts of policies on individuals, families, and communities. The impact of migration on those family members left behind – including the pursuit of personal healing and justice for those whose family members have gone missing or been the victims of crimes – is rightly growing in importance in policy discussions.

Stigmatizing migration control practices – including detention, deportation, and the criminalization of irregular work – impact the ability of certain organizations to effectively work with families by barring access and/or making certain migrants wary of advocates from outside their immediate communities. A core dimension of protecting families and supporting them to claim their rights in this context, as the work of the Network of Agricultural Laborers' case study shows, is assistance with communication among themselves, creating opportunities to problem-solve together about their situation. This contrasts with a top-down model of 'saving' an isolated individual in crisis. The lack of access to technology is also an important barrier for rights interventions that require a networked approach, as technology facilitates work with individuals and families across space and time.

### **Case Study 2.1: The Network of Agricultural Laborers**

The Network of Agricultural Laborers (la Red de Jornaleros Agrícolas) is part of the CECIG (Research Centre on International Cooperation). They approach migration through the lens of equitable development, situating rights literacy in the broader context of social harm and violence, environmental degradation, and labour rights. Their approach involves conducting 'diagnosis' with community groups to develop rights interventions, with a strong focus on community participation and democracy. Central to their mission is the promotion and strengthening of spaces for dialogue between different international actors, academia, the Church, and other parts of civil society, as well as the private sector and government agencies. Through their community research, the network, and CECIG more broadly, plays an important role in assessing the impact of international, national, and local policies on the ground, and whether they meet sustainable development goals. This aspect of their work exemplifies an important strand of critical rights literacy which is about communities educating policymakers about their realities and needs on the ground and demonstrating the consequences of policies for their everyday lives. As well as building community spaces where agricultural labourers can discuss their rights *in situ*, the network works with labourers' families in recognition of the fact that the migration of one person can have implications for an entire family or community. A situation of labour exploitation whereby someone is not paid, for example, is seen through this lens; the exploitation is not only understood as an abuse against that individual person, but also as a form of exploitation that has practical consequences for family members back home who are dependent on remittances to meet basic needs.

### **Case study 2.2: IMUMI's Focus on Transnational Families**

Civil society organization IMUMI<sup>61</sup> conducts research and documents cases that show the impact of restrictive immigration policies and practices in the US on transnational families. IMUMI helps mitigate the challenges faced by families who have members who have been deported or returned to Mexico. Their work also involves helping families reunite and integrate into Mexico and they provide training to government, academia, and civil society organizations on the needs of transnational families. A key part of their current work is responding to the situation of children born in destination or transit countries whose parents are migrants. Protection gaps include birth registration, vaccination, and health care as well as access to legal documents. They are also working in shelters to respond to the needs of pregnant women and young mothers. Having observed in their work that children and young people are especially isolated and face specific challenges in gaining access to knowledge about and exercising their rights, they are working with these

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61 See IMUMI website: <https://imumi.org>.

communities to build ‘pop-up’ education centres for migrants in transit, including those held in shelters or closed detention centres. They have found that lack of access to technology is a huge obstacle to the network aspect of critical rights literacy, both in terms of communities and families being able to problem solve together and civil society groups being able to meaningfully work with and ‘accompany’ individuals through space and time. IMUMI is working to provide migrant communities with technology, including mobile phones and access to the internet so that they can provide networked support and empower transnational families to advocate for themselves.

### Case Study 2.3: The Caravan of Mothers of Missing Migrants

The Caravan of the Mothers of Missing Migrants (Caravana de Madres de Migrantes Desaparecidos) is a movement of people and organizations across the Americas (a self-described ‘web of relationships and contacts’) seeking justice for migrant workers and their families. Their endeavour is explicitly transnational. They aim to give voice to family members affected by the migration of loved ones as well as those who migrate. They tell the stories of and pursue justice on behalf of family members who have gone missing overseas during their migration journey. Each year, from 2004 until the onset of Covid-19, a group of women travelled 4,000 km (2,485 miles) across Mexico searching for their children who went missing while migrating through the country. The caravan brings together mothers from El Salvador, Guatemala, Honduras, and Nicaragua, many of whom are Indigenous. They cross the border between Guatemala and Mexico on inflatable rafts to illustrate the risks migrants face when crossing into Mexico. They then travel together across Mexico in search of their relatives who disappeared. In the 13 years since the caravan was first organized by the Mesoamerican Migrant Movement, 270 missing migrants have been located. The caravan highlights migrant disappearances in transit through Mexico and seeks accountability for human rights violations on behalf of their loved ones. Participants have explained their participation as an act of holding States accountable as well as seeking personal healing, both of which are pursued through networked community action across borders.

### 3. Ownership

Collecting knowledge about Indigenous communities throughout the different stages of migration is important to justify resource allocations as well as to promote representation. Statistical information on migration is collected and distributed by national statistics and census offices, other ministries, and central banks.<sup>62</sup> The census, in particular, is used to determine the budget to address the needs of each State and the particularities of their populations in the US. However, to date, Indigenous populations have been undercounted in the census, leading to a low allocation of resources. This undermines the foundation for effective community advocacy. As shown in the case of the Transnational Village Network below, government actors are acknowledging communities’ demands in terms of definitional issues, in keeping with the right for Indigenous communities to define themselves. Meanwhile, initiatives such as the Indigenous Navigator suggest that organizations are making headway in

addressing data access and community ownership of knowledge—objectives promoted in the 2030 Sustainable Development Goals. A side-event<sup>63</sup> at the twenty-first session of the UN Permanent Forum in 2022 concluded:

“As the human rights-based approach to development has shown, if there is no disaggregated data on Indigenous Peoples, and no effort to ensure they are included in digital transformations, they will remain invisible, their rights will continue to be disregarded in the context of implementing the SDGs and they will be left behind.”

Information gathering can be challenging among Indigenous communities who may distrust external authorities or prefer to stay undocumented because they have migrated irregularly and fear detention or deportation by immigration control. Indigenous people may be migrating in the first place to flee persecution based on their Indigenous identity or other identifying characteristics. In this context,

62 “Migration data in Central America,” *Migration Data Portal*, 10 July 2021, <https://www.migrationdataportal.org/regional-data-overview/migration-data-central-america>.

63 “Virtual side event - Indigenous Peoples’ Rights and Development on the Ground: Indigenous Data to secure rights,” *Indigenous Navigator*, 13 April 2022, <https://indigenavigator.org/news/virtual-side-event-Indigenous-peoples-rights-and-development-on-the-ground-Indigenous-data-to>.

community ownership with regards to the purpose, method of collection, and retention of data is important. Two case studies below illustrate this issue in the context of Covid-19. In the absence of suitable community data repositories, Indigenous organizations devised their own sophisticated data gathering exercises. This data supported resource allocation and achieved 'buy in' and trust by promoting community ownership of knowledge. They were able to

address head on a range of barriers to representation, including a lack of inclusivity with regards to data categorizations and a lack of means by which to collect, transmit, and retain knowledge that were meaningful for Indigenous migrant communities. NGOs were an important bridge between States and Indigenous communities where, in the case of the Covid-19 emergency, partnerships were key.

### **Case Study 3.1: CIELO Map 'We Are Here'**

CIELO (Indigenous Communities in Leadership)<sup>64</sup> is an Indigenous, women-led NGO that works with Indigenous communities residing in Los Angeles. Providing language access to rights is one of their key missions, alongside ending gender-based violence, and promoting cultural preservation and reproductive justice. They created the virtual map, We Are Here, as a way of addressing the fact that Indigenous communities are often erased in the immigrant narrative of the US and are commonly missing from data collection and datasets on migrant communities. Indigenous migrant communities in the US have historically been undercounted in the census, for example, due to many being classified as Hispanic/Latino. The erasure of Indigenous communities from public records is directly linked to barriers in accessing basic human rights such as the lack of interpretation services within institutions. CIELO surveyed some 2,500 Indigenous migrant families in Los Angeles who they were supporting during Covid-19, asking key demographic questions such as household size and language preference. With the data collected, they generated the data density map, We Are Here. The map identified 17 linguistic families (of Indigenous languages) in the city of Los Angeles, a large number of them from Guatemala and Mexico. The map helps people within these linguistic groups to network and build community. Crucially, it has also shaped service delivery. Additionally, the map contains data on work which was important to the Covid-19 response, for example, by demonstrating that people surveyed were overwhelmingly essential workers, such as people employed in the food industry or as dry cleaners.

### **Case Study 3.2: Transnational Village Network**

Recognizing that one of the reasons that Indigenous migrants have traditionally not taken part in the US census was because much of the information was not available in the languages spoken by Indigenous populations, the Transnational Village Network (TVN), together with the support of the Colibri Collective and Indigenous interpreters, provided interpretation in different languages to make the information more accessible and promoted the importance of the census with videos. Using instruments and tools in Indigenous languages so that people felt identified made the census more relevant and encouraged Indigenous migrant participation. They further observed that the census contained some questions which caused confusion regarding ethnicity and race and how people self-identified, notably homogenizing migrants from Central and Latin America as Latino and Hispanic and failing to acknowledge ties to an Indigenous culture abroad. As well as taking action to secure official representation in the future, recognizing that Indigenous migrant communities were undercounted and thus not factored effectively into communities' Covid-19 response plans, TVN also took action to fill in data gaps. TVN provided vital information – improving access to care and prevention – through social media initiatives. TVN set up virtual chats in different Indigenous languages to enable live dialogue and discuss available Covid-19 vaccines. In conjunction with the Department of Health, they facilitated community and virtual chats in different languages on platforms like Facebook Live and YouTube. This illustrates that, while language is essential to providing information, respectful dialogue and engagement through trusted sources are essential for promoting and sustaining people's health and well-being. The case also shows the value in partnership and access to and ownership of knowledge and resources.

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64 See CIELO website: <https://mycielo.org>.

### Case Study 3.3: The Indigenous Navigator

UNPFII has issued over 130 specific recommendations on data collection and disaggregation, including a recommendation on the Indigenous Navigator during its sixteenth session in 2017. The Indigenous Navigator<sup>65</sup> is a framework and set of tools designed for and by Indigenous peoples to systematically monitor the level of recognition and implementation of their rights. By using the Indigenous Navigator, Indigenous organizations and communities, duty bearers, NGOs, and journalists can access free tools and resources based on community-generated data. Since 2017, Indigenous Peoples in Bangladesh, Bolivia, Cambodia, Cameroon, Colombia, Kenya, Nepal, Peru, Philippines, Suriname, and the United Republic of Tanzania have used the Indigenous Navigator to monitor their rights and development. But it is not currently available in Mexico, Guatemala, or the US. The tool empowers communities to gather and create their own data, building on international human rights instruments such as the UNDRIP and ILO's Convention 169, as well as relevant SDG targets and indicators. The tool has been praised for enabling Indigenous communities to capture the implementation and realization of their rights by duty bearers and for helping them take ownership of information that concerns them while also ensuring it is presented in a format that speaks directly to policymakers at national and international levels.

## 4. Words

Language, notably interpretation and translation, is of central importance in rights literacy for Indigenous migrants, as are ways of communicating knowledge. Yet, in the context of international migration, the lack of attention to the huge diversity of Indigenous languages and a widely reported assumption that Central and South American migrants will all comprehend Spanish, result in inadequate interpretation and translation services, significantly hampering education in and the exercise of rights and due process. As one NGO worker remarked:

“We cannot communicate the root of the displacement in our own language, which limits the possible asylum, especially for the detained children.

They cannot speak and cannot understand what is being said to them.”

Language justice for Indigenous communities in Guatemala and Mexico begins pre-migration and connects to causal factors of migration and forced displacement. Failure to conduct consultations for development projects in local languages (see Section on Knowledge above) can exclude people from meaningful participation and the exercise of their rights. The marginalization of Indigenous languages coupled with stigma and discrimination can hold people back from progressing in work or education in their native environments. Once individuals have migrated, language continues to be a major issue for well-being and identity, including for children who have unique educational needs and may want to learn their mother tongues from abroad.

### Case Study 4.1: Advocates for Migrant Liberation

Advocates for Migrant Liberation (PML - Promotores de la Liberación Migrante) is a programme created in 2016 to give a voice to Indigenous migrants in immigration detention. PML was founded in response to reports of people losing hope in the legal process and disengaging owing to communication difficulties in the Spanish language that was assumed to be the norm for all migrants from Guatemala and Mexico. A significant number of individuals detained at the US-Mexico border are of Indigenous origin, whether Kekchi, Mam, Achi, Ixil, Awakatek, Jakalteq, or Q'anjolab. They come from communities in Guatemala and Mexico, among other countries. Often these migrants rely on family and friends to interpret informally for them which is inappropriate given the sensitive nature of many asylum claims. Moreover, migrants have a right to an interpreter in their mother tongue. While PML began working with women – who may have less education than men and were thus more reliant on family members for language support – they soon recognized the need to also work with men and children. PLM currently provides free legal services in three detention centres where migrant families and children are detained: Dilley; Karnes City, Texas; and Berks, Pennsylvania. While the organization began with free interpretation services, they soon realized that many of those detained were unaware of their rights.

65 See Indigenous Navigator website: <https://indigenournavigator.org>.

They now also run workshops to help people understand their rights before they leave, their rights during the journey, and their rights while they are in detention centres. For these critical rights literacy interventions to be meaningful and sustainable, PML recognizes that it is important to link up different parts of the migration journey rather than simply focusing on rights at one moment in time; again, access to technology is key. PLM also runs a phonenumber for Mayan migrants in the United States. They have a staff of 305 members with the capacity to interpret in more than 20 Mayan languages spoken in Guatemala. They are also working to build capacity to support the speakers of different dialects.

### **Case Study 4.2: Mixteco Radio for Strawberry Farmworkers**

It is estimated that around one-third of farmworkers in California are from Indigenous communities in southern Mexico. In Ventura County, some 20,000 Mixtecos work in the region's famous strawberry fields. These Indigenous populations face unique language barriers and have unique cultural practices and beliefs that can create barriers and isolate them from other migrant populations. The Mixteco/Indígena Community Organizing Project (MICOP),<sup>66</sup> an Oxnard-based nonprofit, employs 22 Mixteco interpreters and contracts with health providers, school districts, and legal services organizations to provide interpretation services. This is part of their wider mission. Running for over 20 years, the project has grown to 20 different programmes, with offices in Ventura County and Santa Barbara County. They help dozens of Indigenous families through advocacy and outreach. MICOP recently partnered with the Western Center for Agricultural Health and Safety (WCAHS) on a community research project<sup>67</sup> that found that Indigenous farm workers face health and safety risks every day, including signing contracts they cannot read, attending safety trainings they cannot understand, and handling chemicals without comprehending warning labels. They also reported experiencing discrimination because they speak an Indigenous language. For example, many are forced to work long hours, often in hazardous conditions, or endure sexual harassment. Together with farmworkers participating in the study – and on the basis of their suggestions – the team are developing a radio programme to inform Indigenous language speakers about their rights alongside a guide to language access laws and improved trainings for service providers and employers about best practices for working with Indigenous farmworkers.

### **Case Study 4.3: School of Happiness TV**

While the digital language of choice for many Indigenous migrants from Guatemala and Mexico is Spanish, the Ki'kotemal TV project,<sup>68</sup> which is part of the Mayan Conservancy, fosters language learning and exchange within the diaspora using new technologies and digital platforms. This includes transmitting cultural knowledge and practices around food. Quij Ch'au pa K'iche is their startup project, which focuses on the teaching and learning of the 22 Mayan languages spoken in Guatemala. Since 2014, they have been working on Ki'kotemal Tijobal, which means School of Happiness in the Maya K'iche language. The Ki'kotemal TV project is dedicated to reaching the children of migrants who have been forced to leave their communities and did not learn their ancestral language. Their mission is to develop educational programmes, emphasizing ancestral practices and values, that offer young people and Indigenous elders the necessary resources to become agents of social transformation and to integrate the ceremonies and customs of their ancestors in these efforts. It utilizes social media platforms such as Twitter, Facebook, Youtube, Instagram, and Soundcloud. They explain:

“At the Ki'kotemal School we are creating spaces where students can ask questions, recover the past, and meet previous generations. It has been our joy to hear some young people declare publicly, ‘I understand better what it means to be Maya’ and ‘Now I can proudly say who I am, where I come from, and decide where to go.’”

66 See Mixteco website: <https://mixteco.org>.

67 A. Uliasz and V. Terán, “Not Everyone Speaks Spanish! The Need for Indigenous Language Interpreters in California’s Agricultural Workforce,” *Western Center for Agricultural Health and Safety*, 11 July 2021, <https://aghealth.ucdavis.edu/news/not-everyone-speaks-spanish-need-indigenous-language-interpreters-californias-agricultural>.

68 See The Mayan Conservancy website: <https://www.themayaconservancy.org/escuela-ki-kotemal>.



## Conclusion

Protecting the dignity and well-being of Indigenous people, families, and communities in contexts of mobility is a major priority of the international human rights system. We have seen that the rights dimension is doubly present in the case of Indigenous migrants and the problems they face: individuals face specific rights threats, both as migrants and as Indigenous people. Identifying the specific needs of Indigenous populations within more general movements of people is a pressing need. Engaging with the ways in which people move is also crucial to respecting their dignity and enabling their safety. One important part of that is ensuring that people know – and feel able to act upon and shape – their rights throughout their migratory journey. This report has documented how migrants are often unable to access services due to a lack of information about their rights and entitlements in their host country, including what services exist and how to obtain them. Migrants travelling through multiple countries are often unaware of different practices and laws in the countries along their route. They may also lack access to resources necessary to understand and implement their rights.

The evidence has also suggested that, while governments and humanitarian organizations do often share information to varying degrees about services, processes, and entitlements available to migrants, it is in many cases not adequate nor understood. Migrants are often distrustful of information provided by official sources, looking instead to sources such as friends and family (or broader networks). Most importantly, people are marginalized from accessing their rights through a broad range of institutional, structural, and societal barriers. Raising awareness of rights in ways that are sensitive to the unique characteristics of these communities can improve access to rights for Indigenous migrant communities.

Issues of trust, empathy, and culturally-sensitive engagement are key. The critical rights literacy framework allows us to see rights education as a process: Indigenous people on the move are not just passive recipients of rights knowledge, but actors able to enact their rights, and advocate to improve them. Indigenous populations must be empowered to express what would help them best actualize their rights, and public authorities must continue to listen. Building partnerships here is key to upholding individual and collective rights.

Migrants are not inherently vulnerable, nor do they lack resilience and agency. Rather, vulnerability to human rights violations is the result of multiple and intersecting forms of discrimination, inequality, and structural and societal dynamics that lead to diminished and unequal levels of power.

In this context, language and voice are closely connected. Indigenous migrant communities must be empowered to lead rights literacy efforts and these efforts must be adequately resourced. This report has explored how Indigenous communities are taking leadership in this space: educating themselves and others about their rights in contexts of migration through critical rights literacy. This report showcases grassroots initiatives and examples of effective partnerships working.

Four main areas of learning have emerged that we have proposed operationalizing in the KNOW framework, which values Indigenous Knowledge, Networks, Ownership and Words. The framework is grounded in community practices and has been developed in consultation with Indigenous communities through the lens of critical rights literacy. The framework can be a useful tool and ‘checklist’ to inform policy interventions at local, national, and international levels.

The framework highlights the importance of:

- K Centring localized, Indigenous ways of **Knowing** and beyond to respond to the causes of – as well as some consequences of – migration;
- N Using a **Networked** approach to understand the place of community and family in migration across the whole (im)mobility cycle;
- O Involving Indigenous people in all efforts to understand and respond to their migration challenges through meaningful research based on trust-driven participatory data collection practices of which they have significant **Ownership**; and
- W Recognizing the value of **Words** through integrating a commitment to language justice and preservation into rights work across all contexts.

# Appendices

## Appendix 1: Proposed Priority Areas for Policy Action

The following areas for urgent action have been identified for the attention of international, national, and local policy actors based on the symposium, desk-based research, and further consultation with and feedback from attendees.

### **Interpreting provisions in Indigenous languages:**

Resources need to be available for interpreting services to enable fair asylum processes and to facilitate the important work of rights literacy by civil society and statutory actors on the ground across Guatemala, Mexico, and within the US. This includes at the border, in situations of detention, and during immigration tribunals within the US. Interpretation services are also required for individuals who may be returned to a part of their country where they do not speak the language and need support relocating.

**Access to technology:** Access to phones and the internet is urgently required at all stages of the migration cycle to facilitate access to information and enable the meaningful exercise of rights. Because of the critical importance of being able to speak in one's language, which is often denied Indigenous migrants, their experience of immigration detention, in which they are often deprived of access to their phones and technology, can be especially rights-restricting. Indigenous communities should have access to technologies which facilitate knowledge about and the practice of rights, including helping them access service providers. Indigenous communities are already using technology in new ways, such as using mapping software to assess risk and plan migratory journeys. Videos, audio, and applications (apps) could also be created in different languages and formats to provide Indigenous migrant communities with information about their rights.

**Children, youth, and pregnant women:** Urgent attention is required to consider how best to work with Indigenous populations who may be particularly vulnerable, including children, young people, and pregnant women. Enabling civil society organizations to access shelters and detention centres is key. The co-creation of materials in Indigenous languages is imperative to disseminating knowledge of rights most relevant to these populations.

### **Transnational protections for human rights defenders:**

The policing and persecution of migrant rights defenders has been identified as a growing trend globally, including by the UN Special Rapporteur on Human Rights Defenders. Meanwhile, Indigenous people in Guatemala and Mexico face specific challenges when trying to organize and demand better treatment and respect for their rights. This is especially, though not exclusively, the case when seeking to protect the environment and defend land rights. High levels of violence against Indigenous activists increases the cost for those leading advocacy and organizing efforts and dissuades people from acting in defence of their rights. The UN has occupied an important monitoring role in this space and should continue to do so. A new US policy outlined in an October 2021 US Government report, which proposes a pathway to refugee status for persecuted environmental defenders, is also commendable.<sup>69</sup> More resources could be made available for Indigenous human rights defenders to skill share among themselves and conduct preventative critical rights literacy work in this area.

### **Learning from Indigenous knowledges and creating dignified work in the area of climate change mitigation:**

In the context of climate change mitigation and climate injustices, and linked to knowledge exchange, more should be done to learn from Indigenous communities' environmental damage mitigation practices, as well as to consider how environment-focused livelihoods can be secured in precarious contexts.

**Labour rights:** Critical rights literacy in the field of migrant labour rights remains lacking, particularly in relation to building trust between undocumented migrants and immigration control authorities to encourage the pursuit of legal remedy in situations of rights violations.

**Families and migration:** There is a need to better understand the dynamics of family migration over time and how physical acts of mobility correlate with other forms of transnational interactions, including the sending of remittances and goods. Important to integrated interventions is to include in any analysis family members who stay behind when others migrate and to build on existing literature on the nature of transnational family ties.

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69 The White House, *Report on the Impact of Climate Change on Migration* (Washington, DC: The White House, 2021).

A key question is: how can the family unit be engaged as an actor in critical rights literacy – including giving due consideration to the impact of the breach of certain rights on the entire family rather than solely the individual?

**Return and reintegration:** Little is known of the medium and long-term prospects of Indigenous migrants who return either through their own volition or as a result of forced return. However, existing evidence suggests that more support is required to tackle a host of issues, including managing debt and finding decent work on return. Following individuals' and families' migration patterns over the longer term would help to understand how individual migration relates to family and community trends and consider how to secure sustainable outcomes. This raises a further question of how skills and competences acquired during periods of migration might be invested to support sending communities. Finally, more community-led research is needed to see the effectiveness of different forms of support

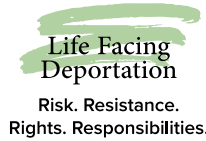
to individuals who have suffered trauma and adversity through their migrations and how those who have been detained and forcibly returned may experience and navigate issues, including stigma.

**Rapid response:** Given the rapid reforms in immigration and asylum policy across the various levels of governance, there is a need to identify and disseminate more effective ways to transmit knowledge of legislative changes to practitioners working with Indigenous migrant people across a range of contexts and to Indigenous groups themselves, in multiple languages. Mapping more thoroughly how Indigenous migrants and their families access and use educational rights tools, including the role of technology as well as word of mouth, is an important first step. As has been outlined in this report, the context of Covid-19 provides ample examples that merit further study in terms of what worked, and what was less successful in different migratory contexts.

## Appendix 2: Symposium Programme



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# Rights Literacy in Indigenous Migrant Communities: Priorities and New Frontiers in Guatemala, Mexico, and the United States

A virtual workshop to develop a new engagement and research agenda for  
Indigenous people on the move

Thursday, 18 November 2021  
12.00 pm – 4.30 pm EST / 5.00 pm – 9.30 pm BST

## Programme

**Opening Session: 12.00 – 1.00 pm EST A New Inter-Sectoral Research Agenda on Rights and Indigenous Migration in the Americas**

**Dr. David Passarelli**, Executive Director, UNU Centre for Policy Research (UNU-CPR)

**Jorge Peraza**, Chief of Mission in Guatemala, International Organization for Migration

**Ariana Sawyer**, US Border Researcher, Human Rights Watch

**Leticia Teleguario**, of the Mayan Kaqchikel community and UN Women Acting Representative in Guatemala

**Prof. Valentina Glockner**, Professor, Educational Research Department, Mexico, CINESTAV

**Testimony of Epifanio Moreno**, Na Savi migrant and researcher for National Geographic Society

**PART 1:** 1.00 pm – 2.30 pm EST

**Frameworks, Policies and Trends for Indigenous Migrants in Guatemala, Mexico, and the United States**

The first session will discuss the recent trends in Indigenous migration through and within Central America. The panel and ensuing discussion will also consider what we know about the intersecting reasons why Indigenous people choose to move or stay in different contexts; what is specific about the Indigenous migrant experience; and why this group requires specific attention in protection responses.

We will review the international protection framework for Indigenous populations and how this intersects with that of migration, as well as address local and national government efforts to meet the needs of this population, and consider the relationship between internal displacement and international migration of Indigenous people. New and changing rights frameworks will be explored. For instance, Indigenous community interventions to reintegrate deported migrants and prevent stigma in the context of Covid-19.

Each panelist will speak for 10 minutes followed by an interactive discussion with participants.

**Framing remarks:** Dr. David Passarelli, Executive Director, UNU-CPR

**Panelists:**

- **Melissa Vega**, Communication Officer & **Antonio Meoño**, Information Management Officer, International Organization for Migration (IOM)
- **Martin Oelz**, Senior Specialist on Equality and Non-discrimination, International Labour Organization (ILO)
- **Prof. Dulce María Mejía Cortés**, General Director, Legal Representation and Restitution of Rights of Children and Adolescents, Government of Mexico
- **Lesly Ramirez**, Citizen Participation Advisor, Center for the Study of Equity and Governance in Health Systems Guatemala (CEGSS)
- **Salvador Loarca**, Municipal Assistant to the Human Rights Ombudsman, Santiago Atitlán Office, Sololá, Guatemala
- **Soo-Young Hwang**, Legal Officer, UN Environment Programme (UNEP)

**Respondent:** Dr. Gaspar Rivera-Salgado, Project Director at UCLA Center for Labour Research and Education

**Discussion moderator:** Sophie Buddenhorn, Carlo Schmid Fellow, UNU-CPR

**PART 2:** 2.30 pm – 4.00 pm EST

**Improving Critical Rights Literacy among Indigenous Migrants and their Communities**

This second session will consider what we know about how current legal frameworks are being *communicated* and *applied in practice* to and with Indigenous migrants as they navigate different stages of migration, including (i) Prior to migration; (ii) During migration; (iii) After migration; and (iv) After return.

Evidence pertaining to the challenges and opportunities Indigenous migrants and the diaspora face in learning about and accessing their rights will be presented. Practical approaches to improve rights literacy will be discussed for individuals at all stages of the migratory journey. We will consider the role of technology, formal educational institutions as well as informal educational institutions, including places of worship and community spaces. Panelists will consider what might be done to strengthen regional and international collaboration in this area and also across rural and urban areas, as well as how networks can be strengthened between sending and receiving communities, and how the topics of migration and human rights are approached in formal and non-formal learning spaces. Finally, we will consider, how Indigenous individuals and families can be co-creators of rights-based knowledge across research, policy, and protection dimensions.

Each panelist will speak for 10 minutes followed by an interactive discussion with participants.

**Framing remarks:** Prof. Elaine Chase, Institute of Education, University College London

**Panelists:**

- **Odilia Romero**, Executive Director & co-founder of Comunidades Indígenas en Liderazgo (Indigenous Communities in Leadership), Community organizer and Zapotec translator
- **Clara Benilda Batzin Churunel**, Executive Director, CEGSS & **Juana Navichoc Culum**, Community leader from San Pablo la Laguna, Sololá
- **Ana Gomez**, Founder and Coordinator, Promotores de la Liberación Migrante
- **Rosalba Rivera Zúñiga**, Child Rights Coordinator, Institute for Women in Migration (IMUMI)
- **Luis Ángel Gallegos Rodríguez**, Lead Organizer, Transnational Village Network & **Yoloxochitl Marcelino Cano**, Member of the Indigenous Immigrant Council of New York

**Respondent:** Dr. Giovanni Batz, Researcher, Department of Native American Studies, University of California, Davis

**Discussion moderator:** Sophie Buddenhorn, Carlo Schmid Fellow, UNU-CPR

**Closing:** 4.00 pm – 4.30 pm EST **Reflections and next steps**

- **Dr. Walter Flores**, Principal Advisor, CEGSS
- **Dr. Jennifer Allsopp**, Birmingham Fellow & UNU-CPR Senior Fellow
- **Dr. David Passarelli**, Executive Director, UNU-CPR

**Post-conference screening of a short film by Epifanio Moreno**, Na Savi migrant and researcher for National Geographic Society and **Prof. Valentina Glockner**, Professor, Educational Research Department, Mexico, CINESTAV



### **About UNU-CPR**

United Nations University Centre for Policy Research (UNU-CPR) is a think tank within the United Nations that carries out policy-focused research on issues of strategic interest and importance to the UN and its Member States. The Centre prioritizes urgent policy needs requiring innovative, practical solutions oriented toward immediate implementation.

The Centre offers deep knowledge of the multilateral system and an extensive network of partners in and outside of the United Nations. The United Nations University Charter, formally adopted by the General Assembly in 1973, endows the Centre with academic independence, which ensures that its research is impartial and grounded in an objective assessment of policy and practice.

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**New York** (Headquarters)  
767 Third Avenue 35B  
New York, NY 10017  
United States  
Tel: +1-646-905-5225  
Email: [comms-cpr@unu.edu](mailto:comms-cpr@unu.edu)

**Geneva**  
Maison de la Paix  
Chemin Eugène-Rigot 2E  
Geneva, Switzerland  
Tel: +1-917-225-0199  
Email: [comms-cpr@unu.edu](mailto:comms-cpr@unu.edu)