



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Information received from Mexico on follow-up to
the concluding observations on its combined
twenty-second to twenty-fourth periodic reports***

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* The present document is being issued without formal editing.



I. Introduction

1. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee on the Elimination of Racial Discrimination requests Mexico to provide, within one year of the adoption of the concluding observations, information on its implementation of the recommendations contained in paragraph 39 (a), on community radio stations, and paragraph 45 (b), on unaccompanied migrant children.

II. Additional information relating to the concluding observations (CERD/MEX/CO/22-24)

A. Information relating to paragraph 39 (a)

Community radio stations

2. The Office of the Special Prosecutor for Crimes against Freedom of Expression is the institution solely responsible for investigating offences committed against those who engage in journalism and exercise freedom of expression for information purposes, meaning that they carry out informational or opinion-shaping tasks through a media outlet, as long as the offence in question was committed in response to the exercise of the right to information or freedom of the press. This mandate is set out in Agreement A/145/10¹ of the institution formerly known as the Counsel General's Office (now the Prosecutor General's Office), which was published in the Official Gazette on 5 June 2010.

3. Freedom of expression is understood to mean the powers that a citizen may exercise as a holder of the right to communicate and freely disseminate thoughts, ideas and opinions through speech, writing or any other medium, in accordance with the second paragraph of article 73 (XXI) (c) of the Constitution.

4. Steps taken to improve investigation processes in this area include the preparation, by the Office of the Special Prosecutor for Crimes against Freedom of Expression, of a standardized protocol for the investigation of crimes against freedom of expression, with the aim of providing journalists with support, guidance, legal advice and protection, in order to preserve the lives, integrity, freedom and security of persons who are at risk on account of their journalistic activities and their immediate families. The Protocol was adopted on 11 October 2018, during the fortieth ordinary plenary assembly of the National Law Enforcement Conference, and an extract thereof was published in the Official Gazette on 12 November 2018.

5. Paragraph 6 of chapter 6 of the Protocol, on operating policies, specifically states: "If the journalist or aggrieved party belongs to a group that has historically been in a situation of vulnerability, identifies as a member of the lesbian, gay, bisexual, transsexual, transgender, transvestite and intersex community or as a migrant or a member of an Indigenous community, substantive staff must provide him or her with support in accordance with the corresponding protocol, adopting at all times a cross-cutting human-rights based, gender-sensitive and multicultural approach."²

6. Chapter 8 of the Protocol, on guiding principles, states: "All investigations must be governed by the principles of certainty, lawfulness, objectivity, efficiency, professionalism, impartiality, loyalty, integrity, discipline and respect for the human rights enshrined in the Constitution and the international instruments ratified by Mexico, in order to ensure due process." A differentiated approach must be adopted as follows:

¹ Agreement A/145/10 is available at <https://fgr.org.mx/en/FEMDH/FEADLE>.

² Standardized Protocol for the Investigation of Crimes against Freedom of Expression, published in the Official Gazette on 12 November 2018 and available at https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf.

- “Public prosecutors³ must adopt a differentiated and specialized approach to all their activities, promoting the right to equality and diversity at all times. An analysis based on such an approach will allow them to address criminal acts comprehensively, to put them in context and to comprehend violence against journalists on any grounds, by considering the possible motives behind an attack.
 - Public prosecutors must consistently seek to identify whether, in each specific case, the conduct under investigation may have had different impacts for any reason.
 - This involves checking whether freedom of expression was being exercised within a context of gender inequality and/or power asymmetry.
 - If requested to do so by the victim or the aggrieved party, public prosecutors should try to assign personnel of the same sex to handle and follow up on the proceedings, subject to the capacities of the institution.
 - Public prosecutors must apply these protocols across the board when conducting investigations and dealing with victims, taking into account the characteristics of the victim or aggrieved party and the nature of the offences under investigation.”
7. The Protocol refers to the adoption of an intercultural perspective, drawing attention to the following:
- “If the victim or aggrieved party states that he or she belongs to an Indigenous community, public prosecutors must adjust their approach to the conduct of the investigation in order to take into account, at all times, the culture and context of the victim or aggrieved party.
 - Public prosecutors must gather the information necessary to understand the culture and context of the victim or aggrieved party, the implications of his or her actions and the specific features of journalism in the Indigenous context and in the region where the events took place. In cases that involve Indigenous victims, an interpreter who knows their language and culture must be requested to accompany them during the proceedings.”⁴
8. Information regarding the status of the investigation into the murder of Samir Flores Soberanes can be found in the attached document, which is confidential and therefore cannot be included in the present report.

B. Information relating to paragraph 45 (b)

Unaccompanied migrant children

9. Mexico, in accordance with its international commitments, protects Mexicans abroad through its consular and diplomatic missions. It also makes considerable efforts to keep families together and to ensure that family members separated by immigration proceedings can be reunited or that the return of parents to the United States of America is facilitated, where possible.
10. This is done with the support of the consular network in the United States, which follows up promptly on individual cases and takes specific steps to ensure that parents involved in immigration proceedings in the United States can participate actively in custody proceedings relating to their children, in order to avoid family separation. In addition, efforts are being made to create specific support networks for transnational families, with particular emphasis on family reunification.
11. The General Act on the Rights of Children and Adolescents ensures that minors are not returned when their lives or security are at risk, and decisions on their return are based on their best interests. The reform adopted in 2021 provides for the granting of “visitor for humanitarian reasons” cards to migrant children and adolescents without exception, as a temporary measure while the relevant office for the protection of children and teenagers

³ [Not applicable to English]

⁴ Ibid.

draws up a rights restoration plan. This status may be extended to the adult responsible for the child. This ensures that children and adolescents are not returned without prior proceedings determining, on the basis of their best interests, that they may be returned.

12. When a child in need of asylum is identified, the child protection authorities notify the Commission on Assistance for Refugees, which initiates the relevant procedure under article 98 of the General Act on the Rights of Children and Adolescents. The offices for the protection of children and teenagers provide legal representation during the refugee status determination procedure. As part of the procedure, the child is issued with a unique population registry code and the relevant documents relating to migration status.

13. Mexico also has a National System for the Comprehensive Protection of Children and Adolescents, under which children are assisted with due regard for their individual situation and the best interests of the child are given priority. The role of the System, as set out in the General Act on the Rights of Children and Adolescents, is to coordinate the State's efforts to safeguard the rights of children and adolescents living in or travelling through Mexico. The Commission for the Comprehensive Protection of Child and Adolescent Migrants and Asylum-seekers sets national policy in this area, coordinating the strategies and actions necessary to ensure that the rights of these children and adolescents are respected and protected.

14. In addition, in January 2025, the National System for the Comprehensive Protection of Children and Adolescents and the systems in the country's border states joined the "Mexico Embraces You" strategy by issuing recommendations aimed at protecting the integrity, documents and dual nationality of Mexican migrants and empowering them to face the risk of family separation due to possible mass deportations from the United States.

15. Other measures that have been taken in recent years include the development of the Strategic Plan of Action for the Care of Migrant Children and Adolescents, which sets out coordinated actions for the protection of migrant children and adolescents in the current context.

16. The Plan comprises two main components: strategic actions and specialized bodies. The first component consists of specific actions in two priority areas: human security and governance, and the rights of children and adolescents. The second component relates to the establishment and operationalization of state commissions on migration with the aim of institutionalizing and making sustainable the efforts made to address the issue of migrant children and adolescents in the federative entities.

17. In addition, the Model for the Protection of the Rights of Unaccompanied Migrant and Returnee Children and Adolescents includes child protection officers, who provide care, assistance and differentiated support to accompanied and unaccompanied children and adolescents during administrative immigration proceedings. The National Institute of Migration, as the institution in charge of the child protection officer programme, has staff in all 32 federative entities.

18. A further development is the implementation, since 2023, of a training programme for officials responsible for child protection and assisting vulnerable groups, designed to build their knowledge and skills, instil the right attitude and values in them, and ensure that they act in accordance with the principles of legality and professionalism, the best interests of the child and the current regulations. A total of 33 events, attended by 1,109 participants, have been organized in collaboration with the United Nations Children's Fund, the Federal Office for the Protection of Children and Adolescents, the Commission on Assistance for Refugees, the International Organization for Migration, the Ministry for Women (formerly the National Institute for Women), the National System for the Comprehensive Protection of Children and Adolescents, Save the Children and the National Institute of Migration, with the aim of applying the highest international standards.

19. In addition, since 2023, a memorandum of understanding on unaccompanied child migrants has been signed with the United States, with the aim of ensuring that child migrants do not have to move through the region in an irregular situation and, above all, that they do not come into contact with criminal trafficking and smuggling networks. Given the

transnational nature of migration flows, the document is also intended to help other countries in the region to promote international cooperation in their child protection policies.

20. The State has also focused on strengthening the protection and assistance provided to migrants by its diplomatic missions abroad. One strategy that has been pursued is the signing of a general cooperation agreement between the Ministry of Foreign Affairs and the National Autonomous University of Mexico on the creation of the “UNAM, Acción Migrante” platform, which provides guidance, psychological support and legal advice to Mexican migrants who are living in or have returned from the United States. This initiative will be rolled out in the 53 Mexican consulates in the United States.

21. Article 2 (II) of the Mexican Foreign Service Act and article 27 of the Internal Regulations of the Ministry of Foreign Affairs state that, although there are other parties involved, such as the National System for the Comprehensive Development of the Family and local governments, the consular network in the United States is responsible for following up on family reunification cases, in accordance with the legal framework described below.

Trafficking Victims Protection Reauthorization Act of 2008⁵

22. This law establishes procedures for the care and protection of unaccompanied minors, including their transfer to the Office of Refugee Resettlement and their possible reunification with family members or sponsors.

23. Among its key provisions, it states that minors from non-contiguous countries must be transferred to the custody of the Office of Refugee Resettlement no later than 72 hours after their apprehension by the immigration authorities. The Office of Refugee Resettlement is responsible for finding suitable sponsors, usually relatives, to whom they may be released while the issue of their migration status is resolved.

Immigration and Nationality Act

24. The Immigration and Nationality Act, as the framework law on immigration in the United States, defines the powers of the Department of Homeland Security and the Department of Health and Human Services. Following a transfer of responsibilities under the Homeland Security Act of 2002, matters relating to the custody of unaccompanied minors fall to the Office of Refugee Resettlement of the Department of Health and Human Services. This responsibility includes ensuring their welfare while they are in federal custody and exploring the possibility of family reunification.

Flores Settlement Agreement of 1997

25. This agreement establishes minimum standards for the detention, treatment and release of migrant children. Although it mainly deals with conditions of detention, it has also contributed to the development of a policy of placing children with family members or other responsible adults as soon as possible, under the supervision of the Office of Refugee Resettlement.

Homeland Security Act of 2002

26. Under this law, which was drawn up by the Department of Homeland Security, responsibility for the custody of unaccompanied minors was transferred from the Immigration and Naturalization Service to the Office of Refugee Resettlement of the Department of Health and Human Services. This law formalized the role of the Office of Refugee Resettlement as the agency responsible for caring for minors and reuniting them with family.

⁵ Full title: William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPPRA), Public Law 110-457.

Vienna Convention on Consular Relations⁶

27. The Directorate General of Consular Protection and Strategic Planning of the Ministry of Foreign Affairs of Mexico cooperates with the state passport offices to look after the interests of Mexican minors involved in custody proceedings in other countries. In that context, it works with the local child protection authorities that have temporary custody of the children concerned.

28. To help strengthen the assistance and protection mechanisms that ensure the timely provision of care to vulnerable persons, especially children and adolescents, the consular network is encouraged to sign agreements or memorandums of understanding with local child protection authorities for the establishment of mechanisms that expedite and facilitate family reunification.

29. The Mexican consular network in the United States routinely carries out certain activities to deal with this type of case, including:

- Visiting shelters on a regular basis
 - Conducting individual interviews with the minors in those shelters
 - Monitoring and promptly dealing with the notifications received from the authorities regarding unaccompanied minors entering the system
 - Identifying minors in the custody of Customs and Border Protection who are in the process of applying for asylum
 - Keeping an up-to-date register of minors who have been reunited with a family member
 - Following up on family tracing cases
 - Verifying or, if necessary, issuing the identity documents needed by minors who are in the custody of the authorities or by family members who are being considered for the role of sponsors
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⁶ Article 5 (h).