



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families
Fourteenth session**

Summary record of the 157th meeting

Held at the Palais Wilson, Geneva, on Monday, 4 April 2011, at 3 p.m.

Chairperson: Mr. El Jamri

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention

Second periodic report of Mexico (CMW/C/MEX/2; CMW/C/MEX/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mexico took places at the Committee table.*
2. **Mr. Beltrán del Río Madrid** (Mexico), introducing his country's second periodic report (CMW/C/MEX/2), said that while considerable progress had been made in protecting the rights of migrants, many challenges remained. A change in approach to migration issues was reflected in three broad trends. First, a number of steps had been taken to implement international human rights standards and to bring national legislation into line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Measures included an amendment to the Population Act, decriminalizing irregular migration; the adoption of the Act on Refugee Status and Complementary Protection in December 2010, providing for the granting of refugee status on the basis of gender-related persecution; and constitutional reform designed to ensure effective implementation of rights enshrined in international instruments to which Mexico was a party. In addition, a bill providing for the recognition of the rights of migrants irrespective of their status was currently being debated in the Chamber of Deputies. Second, the Government recognized the need to ensure that foreign migrants in Mexico enjoyed the same rights and treatment as those it demanded for Mexican migrants abroad. Lastly, a comprehensive migration policy had been developed that provided for institutional coordination in a federal framework.
3. Migration was an issue that affected Mexico in a number of ways. It was a country of origin, transit and destination for migrant workers: some 12 million Mexicans were living in the United States of America; 150,000 migrants passed through Mexico every year on their way to the United States; and 1 million foreign-born persons were living in Mexico. Between 2009 and 2010, 1 million Mexicans had been repatriated from the United States and, during the same period, 135,000 foreigners had been returned to their places of origin from Mexico. It was important that repatriation should be safe and orderly and that support should be provided to facilitate migrants' reintegration into their communities. To that end, Mexico had entered into agreements with various countries at the regional level.
4. Transnational organized crime posed the greatest threat to the security of migrants in transit across Mexico. His Government was acting on two fronts to address the issue: it had introduced a comprehensive strategy to prevent, combat and punish offences committed against migrants and it had coordinated its efforts with neighbouring countries. As access to justice was an essential aspect of the State's obligations towards migrants, various instruments had been established to facilitate the reporting of offences, such as the "humanitarian visas" granted to migrants who had been victims or witnesses of offences in order to allow them to take part in judicial proceedings. His Government would not tolerate violations of migrants' rights.
5. Another important aspect of transit migration concerned migrant holding centres. In 2009, new rules on the operation of the centres had been introduced which were designed to ensure full respect for the human rights and dignity of migrants. Numerous international human rights organizations had visited the centres and the National Human Rights Commission also had full access to them.
6. Training and accountability for migration officials were also key concerns. In cooperation with the Office of the United Nations High Commissioner for Human Rights in Mexico and the International Organization for Migration, the Government had provided

training for officials on the implementation of the Convention and other human rights instruments. Furthermore, in late 2010, the Population Act had been amended to provide for heavier penalties for public officials committing human rights violations against migrants.

7. With regard to human rights defenders, his Government was committed to creating the conditions required to enable them to carry out their work adequately. In cases where defenders had been the victims of assault and harassment, precautionary measures could be ordered to protect their physical integrity.

8. Fighting trafficking in persons was a key Government priority. Measures included the adoption of the Act to Prevent and Punish Trafficking in Persons and the establishment of the Office of the Special Prosecutor for Crimes of Violence against Women and Human Trafficking. In states experiencing the highest levels of migratory flows, such as Chiapas and Oaxaca, government initiatives included the introduction of legislation to combat discrimination against migrants and the establishment of a special prosecutor's office for offences against migrants.

9. **Mr. Carrión-Mena** (Country Rapporteur) said that Mexico was to be commended on the pioneering role it continued to play in applying the Convention and in dealing with migration issues that were particularly complex given its position as a major country of origin, transit and destination for migrants. However, while recognizing the efforts of the State party in a number of areas, the Committee was concerned at the involvement of organized criminal gangs in trafficking in persons and acts of violence against migrants in transit through Mexico and at the lack of progress in bringing those responsible to justice. He also expressed concern at reports that public officials were involved in the commission of such offences.

10. Although he was aware of the difficulty in obtaining statistics on migration given its often clandestine nature, he regretted that the report did not provide more detailed information on migrants in Mexico. He was also concerned that the provision of training for officials responsible for implementing the Convention was inadequate and that migrant workers living in, or in transit through Mexico were not sufficiently aware of their rights. A further concern was that little progress had been made in relation to the withdrawal of the State party's reservation to article 22, paragraph 4, of the Convention.

11. Observing that violence inflicted by organized criminal gangs on migrant workers in transit through Mexico could seriously hamper the implementation of the State party's well-intentioned measures for migrant workers, he asked whether those responsible for the murder of 72 Central American and South American migrant workers in the State of Tamaulipas in August 2010 had been found and punished, and what steps had been taken to ensure that such a tragedy was not repeated.

12. He expressed concern at reports suggesting that as many as 11,000 migrants had been kidnapped in the State party. Of particular concern, aside from the involvement of transnational organized crime in those kidnappings, were reports of collusion or, at best, inaction by the police and other authorities. Of equal concern was the apparent lack of coordination in the management of migration between federal institutions and between bodies at the federal, state and local levels of government. Corruption also appeared to be a considerable stumbling block at all levels of government.

13. Noting that the State party's periodic report contained evidence of progress in several areas, he asked what had been the outcome of the introduction of humanitarian visas. It would also be useful to know more about the e-Migrantes section — aimed at Mexicans living abroad — of the Federal Government's e-México Internet portal. It also appeared that the State party had considerably improved the services offered by its consulates to Mexican nationals abroad, especially in the United States. Clearly, however, it

was difficult to meet the needs of all the approximately 12 million Mexican migrants residing in that country.

14. Human rights training of migration personnel in the State party had also shown signs of improvement but still fell short of what was needed. The number of staff available to deal with migrants, whether in transit or resident in the State party, was also insufficient.

15. He welcomed the State party's initiative to establish an official relationship between the United Nations and the Global Forum on Migration and Development, as developed destination countries tended to join only migration forums that were outside the United Nations and of which membership entailed no commitment on their part. He also viewed the enactment of legislation on refugees, the debate on a new migration bill and the 2007 General Act on Women's Access to a Life Free of Violence as positive developments, and asked how the Act had benefited migrant women in Mexico.

16. **Mr. Taghizade** requested more details concerning Mexicans who had been repatriated from the United States, particularly with respect to the length of their stay in that country. He would also welcome information on the number of migrants entering Mexico illegally from other States.

17. **Ms. Cubias Medina** said that violations of migrant workers' rights in the State party were on the rise and that migration had become a business. In spite of the considerable efforts by the State party at the federal and state level to combat discrimination and violence against migrants, those phenomena were spreading like a cancer across the country. She wished to know what the federal and state governments were doing to prevent local government officials and municipal police officers from exploiting that situation for their own benefit and to punish those responsible for human rights violations, especially those committed by criminal gangs.

18. She asked what the federal authorities did to follow up reports by migrants of human trafficking and punish those responsible. Was the State party working with other countries in the region to combat the phenomenon? She also wanted to know what was done to protect human rights defenders against reprisals by criminal gangs. Given that the National Human Rights Commission was in close contact with the migrant population, it would be interesting to know how the federal authorities treated its recommendations.

19. **Mr. Ibarra González** welcomed efforts, particularly by the State of Chiapas, to help cross-border workers but said that the growing presence of organized crime and drug-trafficking gangs on both sides of the State party's southern border had worsened the situation of migrant workers. That had been driven home by the murders in Tamaulipas in August 2010, which had profoundly shocked people throughout the region and illustrated the comparative powerlessness of local authorities and the Government to shield migrants in transit from trouble on their journey north. Like Mr. Carrión Mena, he would like to have more information on the investigation of the crime and measures taken to prevent its repetition.

20. With regard to Mexican returnees, he wished to know what policies were in place to monitor their situation and assist them, especially as many would be without work. What funds had been set aside for those policies? Failure to deal with the phenomenon adequately, given the considerable numbers of people involved, could lead to a rapid degeneration of the situation and an increase in crime.

21. **Mr. Sevim** wondered whether there was much point in discussing the various rights of migrant workers in the State party, such as their right to adequate health care, education and social security, if their very right to life was under threat. Nevertheless, with regard to the right to organize, he asked whether foreigners in the State party were entitled to be members of the executive bodies of trade unions. He also wished to know how the social

security rights of people working in the informal economy were assessed and, if they were recognized, how the State party paid them to migrant workers who had returned to their countries of origin. Similarly, he asked what measures were in place to ensure that Mexicans abroad received the social security and pension payments to which they were entitled.

22. On the issue of migration from Mexico to the United States, he asked the delegation how the State party viewed the security fence along the border between the two countries. On the issue of second-generation Mexicans born abroad, he considered the fact that Mexican nationality was granted to children born of a Mexican father and foreign mother or Mexican mother and unknown father only if they would otherwise be stateless to be a form of gender discrimination.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

23. **Mr. Beltrán del Río Madrid** (Mexico) said that the State party had launched a comprehensive national strategy to prevent the kidnapping of migrants, which involved the Ministry of the Interior, the Ministry of Public Security, the Office of the Attorney-General and, of key importance, the National Human Rights Commission. In order to coordinate that strategy with the states, the Federal Government had signed agreements with the governments of Chiapas, Tabasco and Campeche. Agreements with several other states would follow shortly. At a meeting on migration organized by Mexico in October 2010, 17 American states had agreed to a raft of measures, including the exchange of relevant information between them.

24. Turning to the murders in Tamaulipas, he said that six of the perpetrators had been killed at the time of the massacre and eight others were currently in detention. It had been established that gangs in El Salvador had been involved in transporting the murdered migrants to the Mexican border, but not necessarily in the massacre itself, and three persons had been arrested there. The Federal Government had posted a reward for persons able to help with investigations.

25. Humanitarian visas had been introduced in 2007 to encourage migrants to report crimes they had witnessed or of which they had been victims and to remain in the country to assist with investigations. In recent months, hundreds of such visas had been issued to nationals from countries that included Honduras, El Salvador, Guatemala, Nicaragua and Colombia.

26. **Ms. Herrera Rivero** (Mexico) said that the investigation into the murder of 72 migrants in San Fernando, Tamaulipas, had resulted in charges being brought against 8 persons on 7 counts. Arrest warrants had been issued for a further three persons and a reward had been offered for information leading to their capture. A number of countries had collaborated in the investigation, which was ongoing.

27. A coordinated approach among Mexico's various federal entities had led to considerable progress being made in the fight against the trafficking of migrants. Special units had been set up in each state to combat specific offences through various measures including the establishment of a common database for information sharing. Furthermore, a framework agreement on preventing and combating the kidnapping of migrants had been signed by the Ministry of the Interior, the National Human Rights Commission, the Ministry of Public Security and the Office of the Attorney General. A working group had been set up with the aim of stepping up efforts to raise awareness among migrants of their rights and promoting the exchange of information on combating crime among the authorities.

28. While the involvement of organized crime in the kidnapping of migrants had not yet been established, it seemed clear that the gangs carrying out such offences were operating

in a coordinated fashion. The authorities were taking measures to counter the activities of those groups using the full range of legal tools at their disposal, including telephone intercepts, search warrants and preventive custody measures.

29. A number of steps had been taken to facilitate the reporting of complaints. One such measure was the inclusion of links on Mexican embassy websites allowing persons abroad to report offences committed in Mexico. The Office of the Special Prosecutor for Crimes of Violence against Women and Human Trafficking had established a network for receiving complaints, in particular in those states where women were most at risk. Victims could also report incidents through a telephone hotline or in person at public prosecutors' offices throughout the country. Civil society organizations also played an important role in bringing offences to the attention of the authorities and ensuring that perpetrators were brought to justice and punished.

30. **Mr. López Salazar** (Mexico) said that the length and porosity of the southern border of Mexico encouraged the presence of criminal groups seeking to extend their activities by exploiting migrants. The Federal Government had implemented coordinated actions with state governments and municipal authorities to combat such activities. In Chiapas, a special prosecutor's office had been set up to deal with offences against migrants with the aim of ensuring access to justice and protection for migrant victims of crime. In the previous two years, 25 criminal groups involved in serious offences against migrants had been disbanded as a result of action taken by the office.

31. Turning to measures to prevent the kidnapping of migrants, he said that a group had been established within the National Conference of Judicial Officers to formulate an effective strategy to combat the problem. A border police force had also been set up in the south of Mexico in order to safeguard the physical integrity of migrants and provide them with support. In view of the fact that some public officials had been involved in protecting such criminal groups, the Government had introduced a new policy on screening and recruiting police officers and set up units to monitor the conduct of government officials. Three officials had been convicted of abuse of authority and sentenced to prison terms in cases involving migrants.

32. With regard to trafficking, a law had been introduced on combating, preventing and punishing trafficking in persons and had led to the disbandment of 26 groups and the conviction of several individuals involved in trafficking and sexual exploitation. An inter-agency committee on the prevention of human trafficking had been established in Chiapas and was conducting a multilingual public awareness campaign on the issue. As part of efforts to train public officials on the proper administration of justice, over 4,600 persons had attended courses on various trafficking-related issues, including human rights, victim support and interview techniques. The important role played by civil society in combating the problem had been highlighted by the organization of an international forum on migration trafficking in persons and in Chiapas in March 2011. The Government would take account of the conclusions of the forum when designing future programmes.

33. **Mr. Yrizar Barbosa** (Mexico) said that his Government paid particular attention to protecting the physical integrity of defenders of migrants' rights. Precautionary measures issued to ensure their protection were currently being implemented in accordance with guidelines established by the National Human Rights Commission. They included coordinated police protection, the installation of closed-circuit cameras in migrants' shelters and 24-hour telephone hotlines to report incidents.

34. **Mr. Negrín Muñoz** (Mexico) said that the precautionary measures implemented in such cases were issued by the office of the ombudsman, an autonomous body, or by a public prosecutor or the Inter-American Commission on Human Rights.

35. **Mr. Beltrán del Río Madrid** (Mexico) said that the annual number of Mexicans repatriated from the United States had fallen from 1 million in 2005 to 469,000 in 2010. In most cases, those persons had been living in that country for several years and had been detained in their place of work or residence rather than at the border. The same applied to the approximately 40,000 Central American citizens who had been returned from the United States in 2010. With regard to the estimated 150,000 Central American nationals in transit through Mexico, some 52,000 had been repatriated to their places of origin in 2010 under a memorandum of understanding between Mexico, El Salvador, Guatemala, Honduras and Nicaragua.

36. As to the issue of training, he said that a national programme was run for all staff of the National Institute for Migration, covering such aspects as respect for human rights, victim support and issues related to minors. In 2010, some 1,000 officials had received training in those areas. Similar training programmes for law enforcement officials aimed at preventing human rights violations were being implemented at the state level with the support of United Nations human rights experts and the International Organization for Migration. E-learning courses were also being set up for officials from various federal and state institutions.

37. Turning to the issue of federal officials accused of committing human rights violations against migrants, he said that the National Human Rights Commission and the National Institute for Migration had investigated 1,325 complaints, 81 of which had resulted in the imposition of penalties.

38. The adoption of legislation providing for penalties for criminal offences fell within the competence of state legislatures. In Chiapas, for example, the penalty for kidnapping ranged from 20 to 50 years' imprisonment, while in Oaxaca it ranged from 40 to 65 years. However, penalties were increased significantly in cases where public officials were involved in any type of crime against migrants.

39. **Ms. Hernández Fitzner** (Mexico) said that local and transnational organized criminal gangs were involved in the trafficking of migrant workers. To confront them in the State of Chiapas, strategic security points staffed by federal, state and municipal security forces had been established at key locations along the coastal and mountain migration routes. They were based in migrant hostels operated by NGOs, which indicated to the security forces where violence against migrants was taking place. Their operations had thus far led to the disbanding of 25 criminal groups.

40. In conjunction with the Federal Government, mechanisms had been established to provide protection and counselling for migrants who had been victims of trafficking, kidnapping or other crimes. The State Attorney General took charge of investigations if the criminal gangs concerned were based in Chiapas and the Office of the Attorney General took charge if the gangs were transnational. When a crime was reported, the process for issuing a humanitarian visa to the victim was initiated in coordination with the National Institute for Migration. Victims were housed in migrant hostels or refuges for crime victims run by NGOs. If remaining in Chiapas exposed the victims to further danger, they were transferred to other states. Cooperation between NGOs, the National Institute for Migration and all levels of government was key to providing adequate care and protection to migrant victims of crimes and apprehending the perpetrators, 253 of whom had been convicted to date.

41. The presence of temporary cross-border workers from Guatemala was a boon to the economy of Chiapas and measures to protect their rights had been taken. Flying squads of the Office for the Defence of Workers and the National Institute for Migration, together with representatives of the Guatemalan consulate, were authorized to inspect farms, issue identification papers to Guatemalans found without documents, regularize their situation as

cross-border migrant workers and report cases in which they had not been paid. Cross-border workers also had access to health care, as well as to education for their children.

42. **Mr. Negrín Muñoz** (Mexico) underlined that the National Human Rights Commission had made 20 recommendations to the National Institute for Migration in the past few years, all of which had been approved and were being implemented.

43. Turning to the issue of returnees, he said that the Returnees at Work (*Repatriados Trabajando*) programme, run by the Ministry of Labour and Social Welfare, was designed to help returnees re-enter the labour market in Mexico. Another pilot project aimed to support returnees with counselling.

44. With regard to the State party's reservation to article 22, paragraph 4, of the Convention, he said that, under a recent constitutional reform bill passed by Congress and awaiting the required approval of at least 17 states in order to be promulgated, judges would be able to invoke in court all international instruments to which Mexico was a party. In addition, an amendment to article 33 of the Constitution guaranteed foreigners due to be deported the right to a prior hearing. The promulgation of the reform should remove any reason for maintaining the reservation.

45. **Mr. Navarrete Gutiérrez** (Mexico) said that all women, not just migrant women, had benefited from the General Act on Women's Access to a Life Free of Violence, as it had led to the institutionalization of mechanisms aimed at combating domestic violence. Around 1,200 municipal women's agencies had been established around the country, along with state and federal institutions that were entrusted with the implementation of the Government's gender policy. In just two years, all 32 states of the State party had passed legislation emulating the Act.

46. Together with the General Act on Equality between Women and Men, the Act had contributed to making gender a cross-cutting policy consideration, meaning that women were accorded priority in areas ranging from health to education. The Act had also facilitated implementation by the State party of its commitments under the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (the Belén do Pará Convention). Those instruments were also increasingly being invoked in the State party's courts.

47. In the previous four years, Mex\$ 14 billion had been earmarked for gender equality policy, and Mex\$ 15 billion had been spent on financing the relevant federal departments in the previous year. Gender policy was tailored to the varying needs of women, given that the priorities of urban, rural and migrant women differed greatly. Specialist units for women were increasingly common in public prosecutors' offices and the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking now had 10 counterparts at the state level.

48. In 2007, 20 general protocols on gender violence had been adopted, 11 of which dealt specifically with sexual violence. A national free telephone helpline for women had been set up, along with a further 28 similar telephone lines in the states. They had received 17,000 calls in 2010 alone. There was also an Internet page for migrant women. A directory with information on 60 federal migrant programmes and a guide to the rights of foreign women in Mexico had also been published.

49. **Ms. Poussi Konsimbo** asked if the approximately 1,000 registered complaints for crimes against migrants by state officials reflected reality. Even if they did, the number of convictions, at around 80, seemed very low. Reports before the Committee suggested that crimes committed by state officials against migrants were so widespread as to amount to a

national scourge. Was it true that state officials could be investigated for such crimes only after complaints had been lodged?

50. She asked if special measures were in place to protect women and children against rape when they were kidnapped. She also wanted to know more about the outcome of efforts by the Beta Groups to aid migrants and whether the State party was satisfied with their work.

51. **Mr. Carrión-Mena** asked whether the State party had been in contact with all the countries whose nationals had been among the victims of the massacre in Tamaulipas, and if not, why not. He also asked how the State Centre for Confidence-building in Chiapas worked and what it had achieved.

52. He requested greater detail on the number of state officials who had received human rights training. If, as appeared to be the case, state officials had participated in crimes linked to what was increasingly being referred to as the business of migration, what sort of punishment had they received? It was well known that the State party's southern border was far from watertight, but he wished to know to what extent it was out of the State's control and why there was not a greater presence of State security forces along the well-known migration routes leading north to the border with the United States. Why did the security forces not intercept and, where necessary, come to the aid of migrants on those routes?

53. With regard to remittances sent by Mexican migrants, he asked whether the State party, at the federal or state levels, had any influence on how those monies were distributed.

54. Finally, he said that efforts by the State party to protect human rights defenders appeared to be inadequate.

55. **Ms. Cubias Medina**, noting reported cases of migrant women who had been victims of rape and returned to their countries of origin without any form of counselling or assistance, asked whether the State party had established any aid programmes for such women.

56. Turning to the State party's migration bill, she expressed concern that article 114 of the bill, which appeared to permit the deportation of foreigners without a prior hearing, contradicted the amendment to article 33 of the Constitution. She reiterated Mr. Carrión-Mena's request for more information on the State Centre for Confidence-building and asked what the State party was doing to overcome migrants' fear of the authorities and encourage them to report crimes committed against them.

57. **The Chairperson** asked whether the State party was able to measure progress on the implementation of the many pieces of legislation, regulations and training programmes it had put in place. He also wished to know whether it was doing anything to assist Mexican citizens in an irregular situation in the United States who could not be deported but who were obliged to wear electronic tracking monitors on their ankles, in some cases for years.

58. He asked whether the State party planned to improve the gathering of data on migrants in transit through Mexico and whether there were any alternatives to the detention of migrants in holding centres. It had been reported that migrants held in such centres were frequently subjected to heavy exactions. He would also like to know whether the migration bill contained provisions for issuing migrants in an irregular situation in Mexico with temporary visas and under what conditions such visas would be granted.

The meeting rose at 6.05 p.m.