



**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 first part (public)\* of the 156th meeting**

Held at the Palais Wilson, Geneva, on Monday, 4 April 2011, at 10 a.m.

*Chairperson:* Mr. El Jamri

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 10.10 a.m.*

### **Opening of the session**

#### **Opening address by Ms. Kyung-wha Kang, United Nations Deputy High Commissioner for Human Rights**

1. **Ms. Kyung-wha Kang** (United Nations Deputy High Commissioner for Human Rights) declared open the fourteenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. Recalling the consultation process under way to strengthen the treaty body system, she invoked its various stages: the Dublin Statement (November 2009), the Marrakech Statement (June 2010) and the Poznan Statement (September 2010). The consultations had continued in Geneva, from 12 to 14 January 2011, with the meeting of the Working Group on Follow-Up, which had been attended by Ms. Cubías Medina and Mr. Sevim and had focused on the follow-up procedures relating to the treaty bodies' concluding observations, decisions on communications, visits and inquiries, including an assessment of their effectiveness. The points of agreement of the Working Group would be placed before the Inter-Committee Meeting and the Meeting of the Chairpersons of the Human Rights Treaty Bodies in June for adoption. The consultation process was expected to close in Dublin at the end of 2011. In early 2012, the United Nations High Commissioner for Human Rights would publish a report setting out all the recommendations emanating from the consultation process, which would serve as a basis for measures which would strengthen the treaty bodies, starting that same year.
3. In that regard the Office of the United Nations High Commissioner for Human Rights (OHCHR) had been organizing a series of one-day consultations involving the eight treaty bodies which had a reporting procedure. A retreat for the members of the Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities was scheduled for the forthcoming weekend. It was the next in a series of retreats organized over the preceding months for the treaty bodies to discuss, in advance, the items on the agenda of the forthcoming inter-committee meeting in June.
4. Given the continuous requests from treaty bodies for additional meeting time, the General Assembly had asked the Secretary-General to "submit to the General Assembly at its sixty-sixth session concrete and tailored proposals on the human rights treaty bodies". The continuous growth in the size and workload of the treaty body system was making rationalization increasingly necessary, especially now that the deposit of the twentieth instrument of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance required the establishment of a new monitoring committee, the members of which would be elected on 31 May 2011. In addition, a new open-ended working group established by the General Assembly would meet on 19 April 2011 "for the purpose of strengthening the protection of the human rights of older persons [...], including by considering, as appropriate, the feasibility of further instruments and measures". That could lead to the creation of a new instrument and a new monitoring body. Also, on 17 February 2011, the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child had approved a draft optional protocol for the establishment of an individual communications procedure, which would be submitted to the Human Rights Council for adoption in June 2011 and then to the General Assembly for approval at its sixty-sixth session.
5. OHCHR continued to serve as convener of the International Steering Committee on the campaign for ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In 2011 the Steering Committee had focused on nine States where international support would build on progress towards

ratification. On the occasion of the twentieth anniversary of the Convention, commemorated the previous year, the United Nations High Commissioner for Human Rights had written to the 15 signatories that had not yet ratified the Convention, encouraging them to do so.

6. She (Ms. Kyung-wha Kang) cited the tasks before the Committee on Migrant Workers during the present session, which included the forthcoming dialogue with the delegation of Mexico in consideration of its second periodic report (CMW/C/MEX/2), submitted under article 73 of the Convention, and the adoption of the lists of issues for the consideration, at the Committee's next session, of the reports of Argentina, Chile and Guatemala. Since the previous session, Tajikistan and Paraguay had submitted their initial reports (CMW/C/TJK/1 and CMW/C/PRY/1, respectively).

7. The turmoil in the Middle East and North Africa meant that the protection of migrant workers' rights was facing major challenges. Migrants were frequently the victims of violence, racism and xenophobia and of unlawful and often dangerous interception practices, at both sea and land borders. The economic, social, cultural, civil and political rights of thousands of migrant workers and members of their families were regularly violated. The statement issued a month earlier on the situation in Libya by the Committee on the Elimination of Racial Discrimination highlighted the urgency of addressing the disproportionate impact of the crisis on African migrant workers in particular.

8. The critical situation in the region had demonstrated the importance of continuing to promote the international human rights standards relating to migration. The High Commissioner, when chairing the Global Migration Group the previous year, had drawn attention to the protection of migrant workers in irregular situations and had identified migration as one of the priority areas for OHCHR for the next two years. Migration was the focus of several OHCHR activities, including a round-table meeting on alternatives to immigration detention, scheduled for the following month. It was hoped that a member of the Committee on Migrant Workers would participate in the meeting.

9. **The Chairperson** welcomed the fact that the consultation process was an open one that did not consist merely of considering OHCHR proposals for the rationalization of the work of the treaty bodies. The current session was taking place at a time when migrants were facing particular difficulties, and the meetings on the following Thursday might be devoted to migratory flows not only in Libya, but in the Middle East and North and West Africa as well.

10. High demand for jobs meant that the notion of so-called "illegal" migration was gaining ground in developed countries, which was having a negative impact on migrant workers' rights. During the current session, members of the Committee would discuss holding a day of general discussion on undocumented workers at its next session.

11. **Mr. Brillantes** said that it might be a good idea for the Committee to issue a statement on the situation of migrant workers in the Middle East, North Africa and Japan, even if such cases were not specifically referred to in the Convention.

12. **Mr. Ibarra González**, while recognizing the gravity of the situation in Japan, said that in Latin America it was the laws of the North American countries that had exacerbated the situation for the region's migrants. They were victims not only of organized criminal gangs during transit, especially in Mexico, but also of tougher immigration laws in their target destinations, such as the state of Arizona. Some countries had no qualms about stripping children born in their territory of their nationality in order to be able to expel them. The Committee needed to issue a statement on the situation in those host countries because it was affecting migrants and their families.

13. **Ms. Kyung-wha Kang** (United Nations Deputy High Commissioner for Human Rights) said that the provisions of the Convention were not designed to address the kind of situation currently unfolding in North Africa. OHCHR, however, encouraged Committee members to continue with their sensitization efforts and commended them for their seriousness. Xenophobia was real and growing worldwide, and it was up to OHCHR and the Committee to seize every opportunity to remind policymakers of their moral obligation and duty to foster tolerance. OHCHR would continue to support the Committee's work within the framework established in the Convention.

#### **Adoption of the agenda (CMW/C/14/1)**

14. *The agenda was adopted.*

#### **Promotion of the Convention**

15. **The Chairperson** reported that he had participated in the celebration of the twentieth anniversary of the Convention organized by the OHCHR Brussels office, the European Parliament and civil society. He had also been to Bangkok where he had stressed, together with regional partners, the importance of the Convention and its ratification in that region, before travelling to Dhaka, Bangladesh, to meet with ministers and civil society representatives. Bangladesh was expected to ratify the Convention shortly as the meeting with ministers had made it possible to address certain reservations, especially regarding legislation. Regarding the seminar of the European Trade Union Confederation (ETUC) on undocumented migrant workers, the unions intended to protect their workers better by fighting for the protection of the rights of all workers, be they nationals, foreigners or undocumented. ETUC rejected the notion of national preference, which prevailed in the European Union, and had affirmed its interest in working with the Committee. The organization of a global platform had been proposed, and a meeting would be held on the following Friday to discuss the matter.

16. In reply to a question posed by Mr. Carrión Mena, on the attitude of European Union countries towards the Convention, arguments against ratification had lost some force thanks to the action taken to raise awareness of its content. All the same, a number of policymakers had said they wanted to curb migration because it had become a business enterprise. Economic policymakers, however, wanted migration to continue. Studies, particularly those of the Organization for Economic Cooperation and Development (OECD), showed that migration should not be halted because, as soon as economic growth picked up again, migrant labour would be in demand. He noted that the entry into force of the Treaty of Lisbon meant that ratification by all countries of the European Union was now possible.

17. **Mr. Sevim** said that the meetings held by the Working Group with non-governmental organizations (NGOs) had been highly constructive. It was unfortunate that none of the NGOs attending the meeting had represented migrant workers. Nevertheless, the NGOs that defended workers' rights in general defended migrant workers' rights as well. At a meeting held on 15 December in Amsterdam, which had been organized by a group of migrants from Turkey, Africa, Asia and Latin America, he had noticed that knowledge of the Convention was very poor among NGOs. He had therefore decided to arrange information seminars for NGO representatives and to set up a pressure group to defend and explain the Convention.

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

### *Dialogue with NGOs on the second periodic report of Mexico*

18. **Mr. Batista Jiménez** (National Human Rights Commission of Mexico) outlined the activities of the Commission, an autonomous constitutionally established public agency whose duties included the protection of migrants' rights. The Mexican Government had taken a number of measures to safeguard those rights, including the creation of instruments to assist the victims and witnesses of crimes linked to trafficking in persons, abduction and other grave human rights violations; adoption and amendment of legislation and the introduction of reforms to boost the fight against human trafficking; implementation of a strategy to prevent the abduction of migrants; and introduction of training programmes for immigration officials and police officers. Much still remained to be done, however, to ensure that migrants in Mexico enjoyed all their basic rights. The migrant population was particularly vulnerable at that moment and was exposed to extortion, discrimination, exploitation, physical and sexual violence, trafficking and abduction, among other dangers.

19. The Commission, which had implemented a programme to protect migrants' rights, was also bound by the Constitution to investigate allegations of human rights abuses committed by public officials by deed or omission. The investigations were carried out through its 15 offices located at migrant transit points. In 2010, the Commission had made 3,000 visits and provided assistance to over 68,000 people. Since 2006, it had handled almost 2,500 complaints, with violations being confirmed in 41 per cent of cases. The analysis of those complaints showed that migrants passing through Mexico were often victims of theft, extortion and violence at the hands of the authorities, delinquents and organized criminal gangs. In the often violent and unnecessary police migration control operations, migrants were placed in holding centres, where they did not receive proper medical or other kinds of necessary attention, were not kept duly informed of their situation and were not provided with the services of an interpreter. Come to that, human rights defenders had only limited access to migrant holding centres.

20. Since 2006, over 1,700 complaints had been filed against personnel of the National Institute for Migration, and human rights violations had been detected in 46 per cent of the cases. It should be noted that the number of complaints filed was smaller than the number of abuses actually committed because migrants were in a highly vulnerable situation and reluctant to draw attention to themselves. That was why the Commission had made it a point to go to the areas in which migrants lived and meet with them there. Thanks to such visits, 16,700 applications had been made, with the support of civil society organizations, to various authorities on behalf of migrants to obtain health care, information and legal aid for them.

21. The Commission was concerned by the growing vulnerability of human rights defenders and by the increase in the threats made against them, and it was therefore calling on the Mexican Government to adopt, as a matter of urgency, measures to guarantee their safety. The Commission was also engaged in the promotion and dissemination of human rights and was organizing training on migration for public officials. The Commission worked with various civil society organizations that promoted the interests of migrants, as well as with international agencies, such as the International Organization for Migration, OHCHR and the International Committee of the Red Cross.

22. The President of the Commission had presented a proposal in 2010 for an Ibero-American observatory on migration and human trafficking, the purpose of which would be to identify emergency situations, take measures and adopt public policies to combat trafficking in persons. The proposal had been taken up by the Ibero-American Federation of Ombudsmen and would be implemented shortly.

23. The Commission had also published a report on the abduction of migrants in Mexico to highlight the scope of the problem and assess the Government's measures. The report estimated that 11,333 migrants had been abducted between April and September 2010, although the real number could be even higher. Members of the security forces were sometimes either directly involved in the abductions or complicit in some way. The Commission had looked into the measures taken by various public agencies to prevent and combat the abduction of migrants. Most were isolated measures that had little impact and few were monitored or evaluated. There was little coordination among the competent agencies. The Commission had drawn up a 28-point proposal for the implementation of a policy to prevent the abduction of migrants.

24. In order to deal with the range of situations that arose and ensure protection for the most vulnerable, Mexico needed to implement a set of laws and policies that took into account all the challenges that migration posed. A policy to combat poverty and improve education and employment among migrants was required. Migrant holding centres needed to be improved, and coordination between local, state and national migration officials involved in migration strengthened.

25. **Mr. Knox** (Amnesty International) said that he was very worried by the situation of migrants in Mexico. Amnesty International had made Mexico a priority on account of the scope and seriousness of the violations migrants faced in the country. The organization had visited Mexico on several occasions between 2008 and 2010, visiting migrant shelters there. It had found that the extortion, torture, disappearance or murder of migrants in transit was systematic and large-scale. According to the National Human Rights Commission, 11,000 migrants had been abducted in six months for purposes of extortion and their human rights grossly violated. The witness statements gathered by Amnesty International and other organizations were proof that the authorities and the police, to varying degrees, participated in such gang-led operations, including deliberate obstruction of investigations.

26. Amnesty International welcomed the new measures taken by Mexico to protect migrants, but they were insufficient, especially with regard to access to justice. Improvements had been introduced, but barely 1 per cent of migrants lodged complaints in the case of rights violations, thus enabling the State to minimize the problem. As to complicity, Amnesty International wished to know how many officials had been prosecuted and convicted for violence or complicity in violence against migrants. Steps should be taken nationwide to coordinate the action of the various agencies, which were currently working separately. It was also difficult to obtain accurate and reliable data on court cases and sentences involving gang members or public officials or on disappeared and abducted persons, data which would make it possible to assess the effectiveness of the measures taken.

27. In Amnesty International's view, the Mexican Government needed to adopt a more aggressive approach. There was a total lack of coordination among public agencies, which, combined with the lack of adequate statistics, made it impossible for the Government to implement an effective migration policy.

28. **Ms. Vertie** (National Network of Human Rights NGOs "All Rights for All") called upon the Mexican Government to overhaul its policies and practices, which thus far had been characterized by the persecution and criminalization of migrants and the individuals and groups that defended migrants' rights and gave them humanitarian assistance. Migrants were the joint responsibility of the countries of origin, transit and destination, but also of the various levels of public administration. Legislation on migration should be completely separate from legislation on national and public security and should promote the rights set forth in international instruments, including those of vulnerable groups. Adequate mechanisms also needed to be devised to change the attitudes of State agents and society at large that perpetuated discrimination, marginalization, impunity, discretionary power and

violence. Police operations to round up migrants, besides being unconstitutional, invariably involved excessive use of force and discretionary power on the part of the authorities. Abductions were a new problem raised by migrant shelters and by human rights organizations, including the National Human Rights Commission itself, which had recorded over 11,000 cases of persons whose lives or physical integrity had been threatened, often with the authorities' active or passive complicity. In the face of prejudice, discretionary power, inadequate information, the incompetence and inefficiency of the judicial system and the impunity enjoyed by public officials, migrants were left powerless and stripped of their rights to life, redress, due process and access to justice.

29. **Ms. Salim** (International Catholic Migration Commission) drew attention to the issue of irregular migrants, who were often the victims of crimes, particularly kidnapping, but were covered by the provisions of several international instruments to which Mexico was a party, including the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It was essential for Mexico to recognize such migrants first and foremost as victims of serious crimes and not as persons who might have committed an administrative infraction. Second, the irregularity of their status in fact deprived them of the protection of victim's rights, including the right to compensation established in article 16 of the Convention on Migrant Workers, because it dissuaded them from reporting the criminals who took advantage of their situation.

30. The International Catholic Migration Commission recommended that Mexico should pass legislation to protect migrants from reprisals when they denounced aggressors and provide them with emergency medical and psychosocial care. It also encouraged it to implement broad protection of basic rights of all migrant victims and witnesses of crimes, who would then be more inclined to cooperate with the police. She could not overemphasize the importance of protecting human rights defenders whose lives were put at risk because of work to serve migrants and implement the Convention on Migrant Workers. Invoking article 64 of the Convention, she reiterated the importance of multilateral cooperation to protect migrants across borders, and urged Mexico to work with Central and South American States of origin to combat the trafficking of migrants and the other abuses to which they were subjected, such as cross-border kidnapping. As to Mexican citizens abroad, she was concerned about assaults by police in certain border areas of Mexico on Mexican nationals deported from the United States. She urged the Government to work with the United States to find solutions to those problems.

31. **Mr. Guerra** (Dimensión Pastoral de la Movilidad Humana) said that, despite high levels of corruption, positive signs, especially on the legislative front, were beginning to emerge. Parliament and civil society were showing slightly more concern for the plight of migrants. However, the Government seemed to be more worried about its image than about achieving real reform. In one mass abduction case involving Guatemalan migrants in 2007, the perpetrators had never been brought to justice despite the abundance of evidence and witness statements gathered. Hundreds of such cases had been reported in vain. The National Human Rights Commission itself had published a recommendation on the matter, which had been forwarded to the public security authorities, but it had come to nothing. As far as the human rights of migrants in Mexico were concerned, public officials enjoyed almost total impunity despite the evidence and witness statements presented. The trend was shifting slightly, however: it now seemed that three police officers who had assaulted and robbed migrants in the State of Oaxaca would probably face prosecution. The Mexican Government must take bold steps to end the prevailing impunity. Without justice in public administration, there would be no justice for migrants. Article 67 of the Population Act, most recently amended in 2008 and intended to improve the protection provided to migrants, would be unenforceable unless impunity was eradicated.

32. **Mr. Rigoni** (Scalabrini International Migration Network) applauded the signing into law by the President of Mexico of a new provision meant to align asylum law with international standards, as well as the Mexican Senate's approval of a new immigration law decriminalizing the presence of undocumented migrants, the cooperation agreement signed by Mexico, Guatemala, El Salvador, Honduras and Nicaragua, the coordination of the activities of the Federal Police and the Office of the Deputy Attorney General for the Investigation of Organized Crime (SIEDO) in the Mexican states located along the main route used by migrants, the turning point seen in Mexico's migration policy and the fight against corruption, and the new awareness on the political and social front of the human rights and dignity of migrants.

33. The implementation of the new Refugee Act aroused concerns, however, owing in particular to the chronic lack of personnel, the inordinately lengthy asylum process, the low number of people granted refugee status, and the ignorance among the authorities of the socio-political and cultural situation of asylum-seekers' countries of origin. Scalabrini International Migration Network recommended that Mexico should clearly define who was a migrant, who was a foreigner passing through and who was a possible member of a criminal organization and that it should clarify the concept of regular and irregular migration and so put an end to misunderstandings. The Network recommended, in addition to the fight against corruption of Government officials, the development of a culture of dignity, responsibility and honesty among civil society, which ultimately was the source from which public officials were drawn. It also advised strengthening cooperation among the various agencies working to end the assaults and kidnapping of migrants. It supported the Government's plan to extend to other states the appointment of a special prosecutor to defend migrants' rights as practised in Chiapas and Oaxaca. The number of asylum applications approved could be increased by having fewer people serving on the Refugee Eligibility Committee. Irregular migrants could not remain invisible if they were to be protected from the "bad guys". It was highly regrettable that the Beta Groups, which had originally been established to help and defend migrants, had been weakened: with fewer agents, they could not fulfil the Mexican Government's declared will to improve the protection of vulnerable migrants.

34. **The Chairperson** asked what had become of the human development programmes announced by the President of Mexico at the Global Forum on Migration and Development, held in Mexico, which had created great expectations for migrants and Mexican migration policy.

35. **Ms. Cubías Medina** said that she deplored the increased number of violations committed by the authorities against migrant workers and of migrants abducted by cartels for commercial purposes. She wished to know whether the federal, state and municipal authorities had implemented the recommendations of the National Human Rights Commission and, if so, to what extent. Given the commitment to protect migrants expressed by the executive and the legislature, as well as by certain states, such as Chiapas and Oaxaca, she would like to know what steps had been taken to coordinate action among municipal authorities. She would also like information on the decriminalization of migration and to learn whether irregular migrants were still placed in custody and, if so, on what grounds. She wished to know whether the change in the law had been accompanied by a change in attitudes.

36. **Ms. Poussi**, having first welcomed the efforts described in the State party report, especially those undertaken to train public officials to treat migrants better, said that she was now concerned by recent reports of the violation of migrants' rights by agents of the State. Mexico's attention needed to be drawn to the problem, and she asked the NGOs what specific measures they were taking to address the situation.

37. **Mr. Carrión Mena** said that it was encouraging to see that, despite the difficult situation that Mexico faced as far as migration and migration management were concerned, civil society organizations played an active role in informing migrants of their rights and in conducting inquiries. Mexico's proximity to the United States made it notable for migration issues. The large number of migrants passing through the country, however, also placed it in a highly vulnerable position. Given the high proportion of undocumented migrants in Mexico, he wondered how reliable the facts and figures provided really were. There had been repeated references to violations, offences and abuses committed by the Mexican authorities at various levels. Despite an apparent interest in improving management of migration flows, what has been done left much to be desired. In fact, although the Mexican Congress seemed to be willing, it was sometimes at loggerheads with the federal Government. Meanwhile the situation of Mexicans abroad needed to be clarified.

38. **Mr. Ibarra González** asked how the project to set up an observatory to protect migrant workers would be implemented. The case of the murder of 72 migrants, some of whom had been Guatemalan and Honduran, was worrying, and although some sources claimed that the murderers had been drug traffickers, it would seem that municipal authorities had also been involved.

39. **Mr. Batista Jiménez** (National Human Rights Commission of Mexico) said that, as a result of its examination of 1,741 cases, the National Human Rights Commission had issued 27 recommendations involving serious rights abuses. The Commission had also issued over 180 reconciliation proposals, which constituted, as it were, efforts precedent to a recommendation. If the National Institute for Migration agreed to the terms of the proposal for reconciliation, the Commission would not issue a recommendation. In over 160 cases, the Institute's internal oversight service had been called upon to investigate certain officials. Also, complaints brought before the Commission in over 430 other cases had involved irregularities or what were deemed minor violations, and the agencies in question had been investigated. That did not mean, however, that no human rights violations had been committed in those cases. In internment centres, for example, the agents of the National Institute for Migration still failed to provide migrants with the care they needed, and the Commission had in fact concluded that basic rights had been violated in 46 per cent of cases, a by no means negligible proportion.

40. As to the implementation of recommendations, it was important to note that once a recommendation had been issued, the federal authorities were obliged to act on it and investigate and punish the party or parties responsible. Admittedly, not all recommendations were implemented. As to coordination of action, the Commission had drawn attention to the inconsistencies and gaps in coordination not only among the municipal, state and federal authorities, but also among federal agencies. With regard to the new Act, the Commission was organizing a seminar to be attended by experts in order to provide lawmakers with the material they needed to secure the Act's prompt passage.

41. **Mr. Knox** (Amnesty International), painting a mixed picture of migration in Mexico, said that while relative progress had been made at the local level, according to the information provided, the Government had opened only three investigations in three years into abductions of migrants, even though such abductions were known to be numerous. It was extremely difficult to gauge the scale of the problem even by consulting more sources, and official statistics reflected only a tiny part of the picture. The National Institute for Migration, which was often the main source of information, was a strictly administrative organ and hence not in the best position for transmitting information as it should to the Federal Prosecution Service. That was why, in its recommendations, Amnesty International had placed emphasis on data, aware that they were highly unreliable and consequently of little use in policymaking. As to the National Human Rights Commission's recommendations or conciliation proposals, no information had been provided on their

follow-up: in other words, on any persons prosecuted and the penalties incurred. With regard to the complicity of public officials in certain cases, the Government had stated that criminal organizations had been the perpetrators, which was clearly true in the abductions. There was, however, complicity at many levels from municipal to federal, and investigation measures did not match what was happening on the ground. As to the new Act, some aspects were positive, but it remained to be seen whether the Act would be effectively enforced. Once again, there was a lack of data, and of initiative on the part of the federal authorities.

42. **Ms. Vertie** (National Network of Human Rights NGOs “All Rights for All”) said that, on the legislation front, certain organizations had tried to open a debate on the new Act and its impact, both positive and negative. As stated in the Network’s report, the main concern was the lack of consultation with civil society organizations. National security and migration issues were still linked, which led to the criminalization of migrants. For that matter, there were no safeguards for the exercise of their right of access to justice and a fair trial. Nor were there any specific measures to recognize and protect human rights defenders nor initiatives to enhance transparency, access to information, accountability, gender mainstreaming considerations or the situation of unaccompanied minors, whose numbers had increased in recent years.

43. The new Act was also disturbing in that it hardly complied with international standards on fundamental rights. Moreover, a new law on migration on its own was insufficient; other legislation needed to be amended, such as the labour and health laws. In addition to legislation and social programmes, new training and sensitization programmes were needed for members of the judiciary. Despite all the Network’s efforts to achieve access to justice for migrants, when their cases came before the courts they realized that the judicial system was not designed with them in mind.

44. **Mr. Bingham** (International Catholic Migration Commission), responding to Ms. Cubías Medina’s question about changing attitudes, said that it was a matter of agreeing on a definition of migrant, foreigner, criminal and person in transit. The change must be attended by the utmost caution, pursuant to article 68 of the Convention. In response to Mr. Carrión Mena’s query about the measures taken outside the country of origin, in other words, the measures taken by Mexico to promote the protection and regularization of Mexican citizens abroad, attention should focus on States parties’ obligation to contact migrants and their family members, as well as the organizations defending them.

45. **Mr. Guerra** (Dimensión Pastoral de la Movilidad Humana) said that the figures reported by the National Human Rights Commission did not reflect the complex and fragmented reality of Mexico because many data were not recorded. It seemed that the Congress and the Government were not acting in tandem. Although migration had been decriminalized, the police tended to ill-treat migrants even before asking to see their identity papers. For its part, Dimensión Pastoral had registered 47 attacks on its staff and its facilities, and armed persons had even entered its shelters to take migrants away.

46. **Mr. Rigoni** (Scalabrini International Migration Network) stressed the need to make sure that migration was no longer deemed an offence.

47. **Mr. Batista Jiménez** (National Human Rights Commission of Mexico) explained that the Commission made 1,700 visits each year to different migrant shelters, including those run by Dimensión Pastoral. Accounts of those visits were published in the Commission’s reports. Also, the Commission would shortly make decisions and recommendations on the irregularities detected at the various levels of administration.

*The first part (public) of the meeting rose at 12.45 p.m.*