



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

Distr.: General
18 September 2017

Original: English

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Twenty-seventh session

Summary record of the 366th meeting

Held at the Palais Wilson, Geneva, on Thursday, 7 September 2017, at 10 a.m.

Chair: Mr. Brillantes

Contents

Consideration of reports submitted by States parties under article 73 of the Convention
(*continued*)

Third periodic report of Mexico (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Third periodic report of Mexico (continued) (CMW/C/MEX/3; CMW/C/MEX/QPR/3)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **Mr. Ruiz Cabañas** (Mexico) said that the General Act on the prevention and punishment of disappearance had been adopted in the Senate and was about to be considered by the Chamber of Deputies. The Act had been drawn up in coordination with civil society organizations, including associations representing the families of disappeared persons, and with advice from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and regional experts. The new legislation represented an important step forward, as it raised the issue of disappearance to the federal level, inter alia by establishing a national register of persons alleged to have disappeared.
3. The 30,000 cases of disappearance listed in the register included disappearances of all kinds: enforced disappearance (carried out with the involvement of agents of the State); disappearance at the hands of non-State actors, including criminal organizations; and cases of missing persons, defined as individuals whose whereabouts were simply not known. The fact that the register covered all types of disappearance might go some way towards explaining why only a small number of foreigners were listed as allegedly having disappeared in Mexico.
4. Mexico had a network of 50 consulates in the United States of America, a country that hosted millions of Mexican nationals, including 5.6 million in an irregular situation. It was the consulates in the United States that dealt with the overwhelming majority of requests for consular assistance or advice on human rights, migrant rights and labour rights from Mexican nationals around the world. In response to the recent tightening of United States immigration policy, Mexico had established legal defence centres in every one of those consulates to assist migrants, in particular those without documentation, and to ensure that they had access to reliable information. To date, those centres had served over 460,000 individuals and had held more than 6,000 workshops. In addition, those consulates had seen a 52-per-cent increase in applications to register Mexican nationality and a 45-per-cent increase in applications for registration as an overseas voter.
5. Mexico cooperated closely with neighbouring countries of origin in the northern triangle of Central America. Among other mechanisms, memorandums of understanding were in place to facilitate the safe return of nationals of those States who found themselves in an irregular situation in Mexico and were not seeking asylum. Experience showed that most such individuals wished to return home and make another attempt to reach the United States.
6. **Ms. Figueroa Jácome** (Mexico) said that the Unit for the Investigation of Crimes against Migrants had been established within the Attorney General's Office in order to follow up on the recommendations made by the Inter-American Commission on Human Rights and other bodies in relation to access to justice for migrants and their families. The Unit's tasks also included searching for disappeared migrants, investigating crimes committed by or against migrants and supervising the provision of assistance and compensation to victims of crime. It had a staff of 33 and a dedicated budget of around US\$ 60,000 for 2017.
7. Tabasco, Tamaulipas, Mexico City and Chiapas were the federative entities with the highest rates of crime against migrants. The most frequent crimes were unlawful deprivation of liberty, smuggling of migrants and abduction.
8. The Unit's Mexican External Support Mechanism for Search and Investigation was a cross-border justice mechanism that gave migrant victims of crime and their families access to Mexican institutions from within their own countries. Complaints concerning migrants who had disappeared in Mexico had been received from Honduras, El Salvador

and Guatemala and the families had been kept informed of the progress of the investigations. In Guatemala the complainants had had the services of indigenous-language interpreters. While the Mechanism operated across national borders, it was not a substitute for institutional channels or bilateral cooperation agreements on international legal assistance.

9. As of July 2017, 213 migrants had been registered as disappeared. Not all cases of disappearance involved enforced disappearance, but investigations were conducted in accordance with international standards on enforced disappearance. In some cases migrants were deprived of their liberty by the persons who had smuggled them into the country, or were abducted. In other cases migrants were reported missing but were in fact living in Mexico and had cut off contact with their families.

10. The federal Attorney General's Office was compiling *ante mortem* and *post mortem* data in cooperation with the states. The new national search commission to be established under the General Act on disappearance would coordinate all existing databases.

11. With respect to the question concerning incidents aboard trains, there were no statistics on persons who injured themselves by falling off trains. In many cases they fell off because they went to sleep, and such incidents were deemed accidents rather than crimes. There were, however, records of incidents in which private security guards on trains had opened fire on migrants; there had been two such cases to date.

12. With regard to efforts to combat migrant smuggling, she said that judgments had been handed down in some 50 cases. What the Attorney General's Office considered most important, however, was to attempt to understand the particular attitude of Central Americans towards the smugglers, or *polleros*; judging from interviews with migrants, it seemed to be a cultural issue.

13. In reply to a question from Ms. Landazuri de Mora, she said that the National Human Rights Commission had issued six recommendations in respect of migrants. Two had been implemented in full and two were currently being implemented, while the remaining two were very recent and were still under review.

14. With regard to the San Fernando, Tamaulipas, cases, she said that the Unit for the Investigation of Crimes against Migrants was dealing with the case in which the bodies of 72 individuals shot in the head, 62 of whom had been migrants, had been found in a cellar. Fifteen individuals were currently awaiting judgment and were serving prison terms in relation to other offences. The National Human Rights Commission had declared the incidents to be serious human rights violations and the families were entitled to full reparation. Ten of the bodies found had yet to be identified.

15. As to the 47 mass graves containing 193 bodies, the investigation was being conducted by the Abductions Unit, which dealt with organized crime. Charges of involvement in organized crime had been brought against 72 individuals and charges of homicide and other offences against 23. To date, 37 migrants had been identified among the dead; 77 bodies remained to be identified.

16. In the case of the remains discovered in Cadereyta, Nuevo León, she said that 14 of the victims had been identified; of those, 13 had been migrants. Subsidiary compensation, which was one component of comprehensive reparation, had been offered to the victims' families.

17. The Forensic Committee that had worked on those three cases had helped to identify many of the bodies. Given the large number that still remained to be identified, however, it was not yet possible to say whether the Forensic Committee's mandate would be extended to cover other cases. It had established a number of good practices that had been applied by the Attorney General's Office in other areas. Reports that the Forensic Committee had had to resort to *amparo* proceedings to gain access to information were not accurate; all of the experts involved, including those of the Forensic Committee and independent experts, had had access to the relevant information.

18. **Mr. Rochín del Rincón** (Mexico) said that the Victims Act had established the National Victim Support System, which was intended to operate at the three levels of

government. The system was fully operational at the federal level and in half of the federative entities to date. The Act recognized the concept of comprehensive reparation in accordance with international human rights law, including restitution, satisfaction, rehabilitation and guarantees of non-recurrence. In 2016 the Executive Commission for Victim Support had decided, in relation to the death of a 12-year-old Ecuadorian girl, that various forms of reparation should be granted to the parents, who lived in the United States.

19. The Act established a comprehensive redress and assistance fund to provide the necessary medical, psychological and other resources to support victims from the moment they contacted the authorities. Provision was also made for victims to engage a legal adviser, a right that had proved important in helping those living in migrant holding centres to understand their rights under Mexican law. Of the 1,674 victims in migrant centres dealt with by the Executive Commission, 111 had decided to bring a complaint and to accept the services of a federal legal adviser. The Act also required that the victim's consulate should be informed. Moreover, the National Victim Support System would be coordinated with the new legislation on torture and on the prevention of disappearance.

20. In respect of the San Fernando and Cadereyta cases, the Federal Legal Advice Service of the Executive Commission for Victim Support and the redress and assistance fund had been instrumental in guaranteeing the rights of victims living in Central and South America to justice, truth and reparation, either by helping to locate and identify remains in various countries, by covering funeral expenses, or by bringing indirect victims to Mexico to take part in the investigations and procedures. In both the San Fernando and the Cadereyta cases it had been possible to work directly with the victims' families. However, the fact that most of them lived outside Mexico made it very difficult to guarantee victims' rights, and Mexico was attempting to work out strategies with the countries in which they lived in order to provide support and assistance through their national institutions.

21. **Mr. Guerra García** (Mexico) said that unaccompanied migrant children and adolescents were fully protected under the 2014 General Act on the Rights of Children and Adolescents and the mechanisms established thereby, namely the Federal Office for the Protection of Children and Adolescents and the National System for the Comprehensive Protection of Children and Adolescents. The regulations pertaining to the Act were already in place at the federal level and in 24 of the 32 federative entities, with the 8 remaining federative entities expected to follow suit in the course of the year.

22. The main reason that the number of child and adolescent migrants registered in National Institute for Migration holding centres had increased over the last few years was that the two mechanisms established under the General Act — the Federal Office and the National System — had shed light on the real number of such migrants served by the centres. The 32 state protection offices were working with over 12,000 civil servants to place minors in shelters rather than in holding centres. An updated protocol for the care of unaccompanied child and adolescent migrants in shelters had been prepared and over 1,200 civil servants had received training in that regard.

23. All child and adolescent migrants wishing to benefit from assisted return were treated equally. Mechanisms for coordinating action between the various child and adolescent protection and migration bodies had been set up to ensure that migrants had access to specialized assistance. The eight federative entities in which most child and adolescent migrants were found had set up a forum for cooperation with the various competent government bodies. In addition, an inter-agency working group had been established to examine the issues of child migrant protection and risky migration.

24. **Mr. Ponce Vázquez** (Mexico), referring to the information contained in paragraph 200 of the State party report (CMW/C/MEX/3), said that the National System for the Comprehensive Protection of Children and Adolescents was a high-level policymaking body under which 1,524 comprehensive protection systems had been set up across Mexico. Once fully implemented, the National System would be staffed by around 900,000 civil servants in all areas of government.

25. The National Institute of Statistics and Geography was currently working with the United Nations Children's Fund (UNICEF) to set up an information system on children based on over 240 indicators. A special child protection commission had been created to

bring together all the various state protection offices and relevant federal agencies. An intergovernmental group had been established on cases and procedures involving child and adolescent migrants.

26. Priorities for the protection of child migrants included the effective implementation of the General Act on the Rights of Children and Adolescents, capacity-building, continued provision of training on the rights of the child to civil servants, budgetary allocations for cross-cutting and specific actions, and efforts to guarantee the rights of child and adolescent migrants without discrimination. Under the General Act, children and adolescents were entitled to priority treatment in the exercise of all their rights, in particular the right to protection and assistance under any circumstances.

27. **Ms. Casado García** (Mexico), turning to a question posed by Mr. Ceriani Cernadas relating to the use of child migrants as workers on coffee plantations, said that Mexico was a party to the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization (ILO). The minimum working age had recently been raised to 15 years. The Interministerial Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescents of Working Age in Mexico worked with employers' and workers' organizations, civil society and international organizations to develop strategies for tackling child labour and protecting the fundamental rights of minors. In line with a specific ILO-approved protocol on the elimination of child labour, special inspection operations had been carried out on coffee plantations in southern Mexico. Child and adolescent labourers were immediately removed from the workplace by the authorities. Between September 2015 and June 2016, 2,060 child and adolescent labourers had been identified. Employers using underage workers faced sentences of 1 to 4 years' imprisonment and heavy fines. The Federal Labour Act had been overhauled to include provisions on decent work and non-discrimination on the basis of, among other things, ethnic or national origin and immigration status.

28. **Mr. Berumen Sandoval** (Mexico) said that, under the 2014-2018 Special Migration Programme, Mexican migrants abroad must be included in national development programmes. Over the last few years, remittances had never accounted for more than 2.5 per cent of GDP and had amounted to just under US\$ 27 billion in 2016. The national authorities were currently working to reduce the cost of money transfers from around 3.5 per cent of the total sum being sent to 3 per cent.

29. Under the "Tres por uno" (Three for One) programme, Mexican migrant associations in the United States paid into local funds across the country and their donations were matched dollar for dollar by the municipal, state and federal authorities, thus quadrupling the original sum contributed. The money collected was used for social, community, productive and educational projects. In 2016, US\$ 685 million had been transferred to Mexico under the programme.

30. The Special Migration Programme 2014-2018 used a number of indicators for the follow-up of public policies. However, the task of collecting statistics from existing migration programmes and projects and developing additional indicators remained a significant challenge.

31. One of the main objectives of the Special Migration Programme 2014-2018 was to improve attitudes towards migrants. Training in that regard had been provided to over 10,000 staff members of the National Institute for Migration. A number of campaigns had been run to raise awareness of and prevent abuses against migrants.

32. The General Act on the Rights of Children and Adolescents and the Migration Act of 2011 needed to be harmonized at the federal level in order to serve as a basis for further efforts in the field of migration. The issue of harmonizing federal, state and municipal legislation was a challenging one. Additional funding would be required in order to implement any harmonized legislation on migration and to strengthen institutional capacity in that regard.

33. **Mr. Alemán Pacheco** (Mexico) said that the national migration authorities had a legal obligation to detain migrants who were in an irregular situation. A number of

mechanisms had been set up to promote lawful entry into Mexico and the voluntary regularization of immigration status. Migrants could request to be repatriated, be recognized as refugees or stateless persons or have their immigration status regularized on any of a number of humanitarian grounds. Those procedures were expeditious and did not involve any sanctions or other negative consequences. The basic requirements of due process were at all times respected in immigration cases. The Federal Public Defender Institute and a number of civil society organizations offered legal counsel to migrants. The national authorities were currently investigating ways of increasing the provision of free legal counsel for migrants. The National Institute for Migration worked with the National Commission for Assistance to Refugees to ensure that the right of migrants to eligibility procedures was upheld and that certain related proceedings were carried out correctly, but the Institute did not hear or rule on those procedures. He referred to the information on the treatment of such migrants contained in paragraph 122 of the State party's report (CMW/C/MEX/3). Under eligibility procedures, migrants were granted temporary residency, provided with legal and psychological assistance and, in the case of a ruling in their favour, given permanent residency.

34. Domestic policy on asylum was aligned with the Convention relating to the Status of Refugees and made provision for the granting of asylum on grounds of gender-based violence, which was an issue viewed with the utmost seriousness by the national authorities. Asylum had been granted to only a small number of women on that basis because it was often just one of a number of grounds for asylum put forward in individual cases.

35. Efforts were under way to strengthen the National Commission for Assistance to Refugees, in line with undertakings recently made at the highest levels of government.

36. The National Institute for Migration, the National Human Rights Commission and several civil society organizations had set up mechanisms to receive complaints of abuses by public officials. The Attorney General's Office and a number of other competent bodies were coordinating their efforts to tackle that issue, including through training, the dissemination of information and the increased use of sanctions against perpetrators.

37. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he would like to know what measures had been taken to protect defenders of the human rights of migrants against death threats and violence and to punish the perpetrators of those offences.

38. He asked whether adult and child migrants received reparation in cases of labour exploitation and whether the immigration status of adult victims of such mistreatment who were in an irregular situation was regularized and their employment relationships formalized.

39. Information on children forced to work as street vendors would be welcome. He asked what mechanisms had been adopted by the State party to ensure that Mexican workers deported from the United States had access to transnational justice with regard to issues such as labour rights, family separation and arbitrary deportation measures.

40. He enquired about the measures taken to ensure that the rules applicable under the Canadian Government's temporary foreign worker programmes were implemented in practice and that Mexican workers enjoyed the same treatment as local workers. The Committee had been informed of a tendency towards gender bias in recruitment, with women being recruited almost exclusively for employment as caregivers.

41. Regarding the delegation's assertion that the return of migrants in an irregular situation, in particular those from El Salvador, Guatemala and Honduras, to their countries of origin was carried out with their consent, he noted that many such migrants immediately left their home countries again after returning, and asked whether their consent to return was influenced by the fact that it was given while they were deprived of their liberty.

42. He repeated the question he had asked at the preceding meeting as to whether the considerable expansion of checkpoints along migration routes was prompting migrants to take more dangerous alternative routes, where organized crime posed a particular threat. He asked the delegation to comment on reports of ethnic and racial profiling in the conduct of such checks and to specify what measures were taken to ensure that persons found to be in

an irregular situation were not automatically detained. The legal principle of proportionality should be applied in such cases and detention should be a last resort.

43. The State party had referred to detention as a protective measure, yet the Committee had been informed that the holding centres were overcrowded, that they contained punishment cells and that persons deprived of their liberty were subjected to various kinds of abuse. Cases of suicide had also been reported. Moreover, according to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the detention of migrant children could be perceived as cruel, inhuman and degrading treatment.

44. He requested additional information concerning the process of regularization, which was reportedly offered, *inter alia*, to victims of crime, asylum seekers and unaccompanied minors. He also requested information regarding the border control procedures conducted by the armed forces and navy under the Southern Border Programme.

45. He asked the delegation to confirm that, when the authorities received a report that an individual was missing, they took immediate action under the protocol for effective search and investigation in order to rule out the possibility of enforced disappearance.

46. He asked whether the Federal Public Defender Institute had established a team that was familiar with migrant rights and capable of providing legal assistance and advice to migrants. He also wished to know how many of the 188,000 persons detained in 2016 had requested legal aid.

47. He enquired about the impact of the protocol for the consular care of unaccompanied migrant children concluded in 2015 between the Ministry of Foreign Affairs and the United States in cooperation with UNICEF.

48. He asked whether steps had been taken to ratify the ILO Domestic Workers Convention, 2011 (No. 189). He enquired about the situation of domestic workers and about facilities to regularize their immigration status, since many of them reportedly worked without formal contracts.

49. With regard to the right to health, he asked whether there was any mechanism to prevent health-care personnel from reporting the irregular status of patients to the authorities.

50. He enquired about the number of persons convicted of crimes against migrants in the previous two years and the reparations provided to the victims.

51. He requested information regarding the implementation of the General Act on the Rights of Children and Adolescents. For instance, how were the best interests of the child determined by the authorities when they took decisions on issuing a humanitarian visa or a family resettlement visa and on returning children to their country of origin or sending them elsewhere? He asked how many such decisions had been taken pursuant to that Act or the Migration Act, and whether the child's views were taken into account. He also wished to know whether the final decision was taken by the National Institute for Migration or by the local or federal protection office. He noted that more than 85 per cent of the 42,000 children detained in 2016 had been returned.

52. He asked whether the municipal police referred migrants in an irregular situation to the immigration authority. He also enquired about the role of the armed forces, the navy and the Ministry of National Defence.

53. With regard to the mass graves in San Fernando, he asked whether the independent investigation had focused on the suspected participation of municipal police officers.

54. Lastly, he enquired about legal aid for asylum seekers.

55. **Ms. Landazuri de Mora** (Country Rapporteur) asked whether the curricula for primary and secondary education in the State party included subjects that dealt with migration and cultural diversity with a view to promoting peaceful coexistence with migrants. She also enquired about the enrolment of migrant children, including those who were in an irregular situation, in educational establishments and the measures taken to ensure that they were not rejected by their fellow pupils and teachers. She also asked whether action was taken to ensure that the messages disseminated by the media promoted

solidarity with migrants instead of portraying them as criminal, with a view to preventing discrimination and xenophobia.

56. She enquired about policies to protect Mexican minors who were left alone when their parents emigrated.

57. As many women migrated to escape from gender-based violence, she asked whether the State party's consular network encouraged women's organizations to combat such violence, including in the destination country, so that the victims had access to protective mechanisms and transnational justice.

58. She enquired about the authorities' channels of communication with civil society, measures taken to surmount any obstacles, and existing procedures for receiving and addressing complaints. She wished to know, for instance, whether the Advisory Council on Migration Policy engaged in regular consultations with civil society.

59. The State party's public statement regarding the suspension of the Deferred Action for Childhood Arrivals programme in the United States had motivated many other Governments to make similar comments. The challenge presented by the programme's suspension should be addressed not only by the consular network but also by institutions within the State party. She asked whether there were any mechanisms that could develop strategies to defend victims' rights in the receiving country prior to their deportation and to deal with the anticipated inflow of migrants.

60. The State party had been confronted with a crisis when a large group of undocumented Cuban citizens had endeavoured to migrate to the United States. She enquired about the action taken to address the crisis and what its outcome had been.

61. **Mr. Tall** drew attention to the concluding observations adopted in June 2015 by the Committee on the Rights of the Child with respect to the State party (CRC/C/MEX/CO/4-5), in which concern was expressed about the treatment of migrant children in detention centres and about cases in which migrant children had been murdered and kidnapped. He enquired about the steps taken by the State party to implement that Committee's recommendations.

62. **Mr. Núñez-Melgar Maguiña** said that the State party's situation was extremely complex owing to its status as a transit country, a sending country, a receiving country and a country of return. He underscored the importance of providing statistics on the outcome of the State party's policies and actions that were of relevance to the Convention. Noting that the total amount of annual remittances was small in comparison to the total number of Mexicans living abroad, he asked why the amount was so small and whether any action was being taken to increase it.

63. He asked how many Mexican consulates existed in the United States and requested further information on action taken under migrant support programmes, for instance in emergency situations and to defend labour rights, and on interaction with Mexican civil society organizations of migrants. He asked whether legal advice facilities were provided for migrants and whether any amicus curiae procedures had taken place. He also enquired about alliances with other Latin American consulates to address problems stemming from more stringent immigration policies in the United States.

The meeting was suspended at noon and resumed at 12.15 p.m.

64. **Mr. Ruiz Cabañas** (Mexico) said that a Protection Mechanism for Human Rights Defenders and Journalists had been established in 2013. It was composed of representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the Attorney General's Office and other federal bodies with responsibility for human rights issues. However, half of the members of the Protection Mechanism's governing council were representatives of civil society organizations. When it failed to reach a consensus, the deciding vote was cast by a representative of the independent National Human Rights Commission. The Mechanism was currently providing protection for 638 persons.

65. **Ms. Casado García** (Mexico) said that inspections concerning agricultural workers were conducted jointly by the Ministry of Labour and Social Security and the National

Institute for Migration. Workers were referred, if necessary, to the Institute's reparation services.

66. The ILO Domestic Workers Convention was currently being analysed, with ILO technical assistance, with a view to its ratification.

67. Meetings were held annually with employers of temporary agricultural workers in various provinces of Canada. About 14 per cent of the workers were women.

68. **Mr. Guerra García** (Mexico) said that meetings on children and adolescents living in the streets had been held at the end of 2016 with civil society organizations and with state and municipal systems for the comprehensive development of the family. Funds had been provided in 2016 for more than 100 projects serving roughly 15,000 children and adolescents living in the streets. Forty-six civil society organizations had provided support for about 5,600 children and adolescents, and 40 municipal systems had provided support for 7,835 children and adolescents.

69. **Mr. Lara Cabrera** (Mexico) said that the consular network in the United States implemented an External Legal Assistance Programme which facilitated access to lawyers and other forms of aid in legal proceedings. Free legal aid was also provided to persons who had been returned to Mexico and had pending civil, criminal, administrative or human-rights-related proceedings in the United States. Support had been provided under the Programme for 3,517 cases in 2016 and for more than 75,000 cases during the period from 2000 to 2016.

70. **Mr. Ruiz Cabañas** (Mexico) said that the vast majority of Central Americans who entered Mexico intended to travel on to the United States. When they were detained under the Migration Act, a specific protocol was applicable to their return. They were generally conveyed to their communities of origin in buses provided by the Government, in accordance with agreements concluded with the countries concerned. The term "voluntary" was used because the migrants in question were not seeking asylum and thus could not remain in Mexico.

71. With regard to organized crime, Mexico had been producing cannabis for decades, primarily to meet the demand for marijuana in the United States. At the end of the 1990s, the United States Government had adopted a programme aimed at blocking the trade in cocaine, which at that time had been transported from South America to Florida via the Caribbean Sea. As a result, traffickers had begun to transport cocaine through Central American countries and Mexico, and criminal organizations had become far more powerful. The Government was compelled to implement far more robust strategies, occasionally involving the armed forces. Consumers in the United States spent about US\$ 150 billion each year on illicit drugs. In 2005 the United States had lifted its ban on the sale of high-powered weapons. As a result, transnational criminal organizations had acquired far greater firepower than the Mexican municipal police. The armed forces endeavoured to assist the public prosecution service in disrupting organized criminal operations, which also sometimes involved human trafficking and migrant smuggling. According to official United States data, there were about 9,000 gun retailers along the border with Mexico on the United States side.

72. **Mr. Alemán Pacheco** (Mexico) said that migrants had voluntary access to regularization mechanisms prior to detention. When migrants were found to be in an irregular situation, they were held in migrant holding centres during the administrative procedures. Great care was taken to provide proper services to migrants in the centres. There were, of course, certain shortcomings in the 58 centres, but a programme was being implemented to improve the existing conditions.

73. **Ms. Figueroa Jácome** (Mexico) said that the protocol for effective search and investigation, which was fully in line with international standards, was applied in the event of any failure to locate a person, whether or not it involved an enforced disappearance.

74. The Committee on the Rights of the Child had recommended that Mexico should increase its efforts to prevent killings, kidnappings, disappearances, sexual violence, exploitation and abuse of migrant children, and should investigate, prosecute and punish perpetrators, including when the perpetrator was an agent of the State. A hearing was being

held that very day at the federal level in connection with the trial of kidnappers of migrant children.

75. **Mr. Ramírez Valtierra** (Mexico) said that civil society organizations participated in meetings of the Advisory Council on Migration Policy in the Ministry of the Interior, the Advisory Council of the National Institute for Migration and other governmental bodies with a view to making proposals, presenting criticism and providing information. As the Government was committed to ensuring joint responsibility and participation of the public and private sectors, all their suggestions were taken into account with a view to developing effective strategies for ensuring orderly migration.

76. **Ms. Figueroa Jácome** (Mexico) said that sensitive data concerning investigations were protected. In the documents provided to civil society organizations that requested such data on behalf of victims or their families, all information that was not directly relevant to the individuals concerned was redacted. Issues of privacy and witness protection also arose in connection with transnational justice. For example, when witnesses made statements concerning traffickers, their names were also redacted.

77. **Mr. Ruiz Cabañas** (Mexico) said that the Government was committed to enhancing the institutional capacity of the National Institute for Migration and the National Commission for Assistance to Refugees. However, more material, financial and human resources were required. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) were providing useful assistance for capacity-building. More budgetary funds must be allocated to provide appropriate services and legal aid for detainees.

78. As the inhabitants of Mexico and Central America were of a similar ethnic background and looked very much alike, he did not think that profiling was a problem.

79. With regard to domestic workers, the Government was seriously considering the possibility of ratifying ILO Convention No. 189. There were some minor budgetary hurdles, but the political will to ratify it existed.

80. Health-care personnel were not required to report the immigration status of patients to the authorities.

81. **Mr. Alemán Pacheco** (Mexico) said that the conduct of immigration checks by authorities other than the National Institute for Migration was expressly prohibited.

82. **Mr. Lara Cabrera** (Mexico) said that the protocol on consular assistance for unaccompanied migrant children and adolescents had been applied since March 2016 in all Mexican consulates in the United States. Between January 2016 and July 2017, a total of 4,944 cases had been registered in the fast-track system. Interviews were conducted with minors to identify those in vulnerable situations and to consider a possible response. The results indicated that the main reasons for migration by unaccompanied minors were employment opportunities, family reunification and human trafficking.

83. **Mr. Ruiz Cabañas** (Mexico) said that Honduras, El Salvador and Guatemala had embassies in Mexico and consulates in areas close to the border. The National Institute for Migration had a mechanism through which cases of detention or return were reported to the consulates. The Mexican Ministry of Foreign Affairs had embassies and consulates in those three countries that received requests for asylum. In recent years the number of requests had increased from fewer than 1,000 three years previously to an estimated 8,000 in 2017. The Mexican Government was willing to grant refugee status to applicants who demonstrated their entitlement thereto under the 1951 Convention relating to the Status of Refugees. Such persons were usually at risk of persecution by criminal organizations. UNHCR and IOM field offices provided useful assistance in that regard.

84. **Ms. Figueroa Jácome** (Mexico) said that the Attorney General's Office had attachés for Central America and the Caribbean, and criminal complaints could be filed through the Mexican consulates. The aim was to take joint action to eradicate impunity for perpetrators of human trafficking and migrant smuggling.

85. **Mr. Guerra García** (Mexico) said that migrants who were minors were referred by municipal police officers to the National Institute for Migration. The Institute's child

protection officers interviewed the minors and notified the municipal or state protection office, or the federal protection office where necessary. The interviews were multidisciplinary, encompassing psychological, social, medical and health dimensions, with a view to determining the minors' best interests and preventing secondary victimization. The Institute and the protection offices jointly decided whether to send the minors to social welfare centres run by the state or municipal authorities or by civil society organizations.

86. **Mr. Rochín del Rincón** (Mexico) said that the San Fernando investigation had been coordinated by a highly respected investigator in collaboration with the Executive Commission for Victim Support. Information had been sought from survivors, witnesses and authorities at all levels. A book had been published on the subject, with extensive annexes. It considered the possible responsibility of federal, local and municipal authorities and possible errors and omissions in the investigations. The first part focused on the events that had occurred in 2010. The second part, concerning the San Fernando graves, was currently being prepared and would be completed in November 2017.

87. **Mr. Alemán Pacheco** (Mexico) said that minors were returned to their countries in coordination with the protection offices under what was termed a plan for the restoration of their rights. The best interests of the child were determined in each case in light of a protocol based on the implementing regulations of the General Act on the Rights of Children and Adolescents.

88. **Mr. Ponce Vázquez** (Mexico) said that a legislative reform that had come into force on 23 March 2017 was aimed at eliminating impediments to the education of migrant children and adolescents. The initiative included an amendment to article 33 of the Education Act stipulating that such minors could not be denied access to education on the grounds that they lacked identity documents and requiring the authorities to facilitate their access to such documents. Its implementation was being monitored by civil society organizations.

89. Since 2012 the National Council for the Prevention and Eradication of Discrimination had distributed 2 million textbooks for the fourth to sixth grades of primary education, together with a teacher's handbook. About 20 television programmes had been broadcast on all forms of discrimination, migration and xenophobia, and the status of asylum seekers. In addition, the Council, UNHCR and the National Human Rights Commission had organized a competition in recent years in which about 6,000 primary- and secondary-school students had told their stories of how they had become migrants or refugees. With the assistance of journalists, the Council had also produced a textbook on how to avoid hate speech. Four courses held in various parts of the country had been attended by more than 2,000 journalists.

90. **Mr. Ruiz Cabañas** (Mexico) said that the elimination of gender-based violence was a major challenge. However, consulates were empowered to assist Mexican women. A protocol had been signed with the National Institute for Women and the Ministry of Foreign Affairs to ensure that consulates intervened when they detected gender-based violence against Mexican women.

91. Many states within the United States were apparently intending to take legal action against the suspension of the Deferred Action for Childhood Arrivals programme. The Mexican authorities would use all available legal resources to support so-called Dreamers and to prevent any violation of their rights.

92. Mexico had the largest consulate network in the world. There were 50 consulates in the United States alone and migrants could seek free legal advice 24 hours a day by means of hotlines.

93. Mexico ranked third or fourth in the world in terms of remittances. Although they were relatively small in terms of the size of the Mexican economy, they were particularly beneficial for the poorest sectors of society.

94. **Mr. Ceriani Cernadas** said that the situation in Mexico was extremely complicated. As the main challenges related to the structural causes of migration and regional responses, he encouraged the State party to study the Committee's recommendations to Honduras and El Salvador so that coordinated action could be taken on those issues.

95. He welcomed the progress made in protecting and promoting the rights of child and adolescent migrants, particularly with respect to detention, the right of return and the best interests of the child.

96. **Ms. Landazuri de Mora** expressed appreciation of the involvement of civil society in action on behalf of migrant workers, as well as the State party's action to address existing challenges and to correct past mistakes.

97. **Mr. Ruiz Cabañas** (Mexico) said that, although his country faced enormous challenges, the State was identifying correct and effective responses and was striving to coordinate action by states and municipalities to protect migrants' rights. While migration was a multidimensional phenomenon with repercussions in many areas, including security, migration in itself was not viewed as a security issue. His country was proud of its rights-based legal framework on migration, which set very high standards.

98. The recommendations of the Committee and of other United Nations treaty bodies would be taken very seriously. All available resources would be mobilized to implement them and to shore up migrants' rights.

The meeting rose at 1.15 p.m.