



# **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**  
Thirteenth session  
22 November–3 December 2010

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

**List of issues to be taken up in connection with the consideration of the  
second periodic report of Mexico (CMW/C/MEX/2)**

### **I. General information**

1. Please provide more information on the status of the draft migration bill, and indicate whether the State party plans to withdraw its reservation to article 22, paragraph 4, of the Convention in the near future (second periodic report of Mexico, para. 24).
2. Please provide information on the systems used to assess and monitor the inter-agency programme for children in border areas (PIAMF), aimed at Mexican children and adolescents in border areas, which is implemented on the northern border (Baja California, Sonora, Chihuahua, Coahuila, Nuevo León and Tamaulipas) and the southern border (mainly Chiapas) (paras. 46–56).
3. Please describe how NGOs and the National Institute for Migration (INM) participated, if at all, in the preparation of the periodic report and in the work to provide follow-up to the Committee's previous recommendations.
4. Please indicate whether the State party plans to accede to the International Labour Organization (ILO) Migration for Employment Convention (Revised) (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention (No. 143), and explain what progress has been made in the consultations mentioned in paragraphs 27 and 28 of the second periodic report.

### **II. Information relating to each of the articles of the Convention**

#### **A. General principles**

5. Please describe what steps the State party has taken to train members of the judiciary in the content of the Convention.

6. Please provide information on the establishment of any programmes to prevent and combat xenophobia, racial discrimination and the criminalization of migrants in transit in Mexico, particularly in towns with migrants' shelters and homes, together with details of their evaluation or monitoring mechanisms and their funding (para. 153).
7. Please provide information on the State party's comprehensive review of the Population Act, indicating whether the Act is to be brought into line with the Convention. Please also state whether civil society has been consulted in connection with the preparation of the draft legislation.
8. Please describe the impact of the training given to officials of the National Institute for Migration, the Federal Police, the state and municipal police, local prosecution offices, and other federal public administration bodies, on the human rights of migrants in transit in Mexico, the prevention of trafficking in persons and the protection of trafficking victims. In addition, please state whether any training is given on the content of the Convention, including training to raise awareness of the obligations the Convention imposes on public servants and law enforcement officials (paras. 41–43 and 149).
9. How have the Committee's concluding observations on the State party's initial report (CMW/C/MEX/CO/1) been disseminated, and to whom? Have workshops, conferences, round tables and other similar events been organized, and specific meetings held, in conjunction with civil society organizations, on the implementation of the recommendations?

## **B. Part III of the Convention**

### **Article 3**

10. Please provide information on the progress made in investigating the murder of more than 70 Central American and South American migrants in transit in the State of Tamaulipas in August 2010, and in identifying those responsible. In this regard, please provide information on the establishment of a protection programme following the murder of the Central American migrants. In addition, please indicate whether any preventive measures have been put in place to stop these types of crimes from recurring.

### **Article 8**

11. Please provide more detailed information on the Population Act amendment that annulled the classification of illegal entry into Mexico as an offence punishable by deprivation of liberty. Please also state which authorities have been punished for violating the human rights of, or assaulting, migrant workers, and the penalties imposed (paras. 136 and 137).

### **Articles 10, 11 and 16**

12. Please provide information on what steps the State party has taken to protect migrants from being kidnapped by organized criminal gangs. Given the increasingly high number of such kidnappings in recent years, in areas supposedly controlled by Mexican security authorities, what practical steps have been taken to make those authorities aware of the routes, and the means of transport, used by migrants in transit towards the north, so that they can intervene effectively?

13. Please indicate how many humanitarian visas, referred to in paragraph 172 of the periodic report, enabling migrants who are victims of offences to file a criminal complaint, were granted. How many complaints of migrants being kidnapped have been filed? How many judgements have been handed down? Has the Office of the Attorney General of the

Republic conducted any ex officio investigations into the kidnapping of migrants? How many convictions have been handed down? In addition, please provide information on public policy on preventing and prosecuting the kidnapping of migrants, and on any programmes and actions to protect kidnapping victims who have been subjected to various types of labour and sexual exploitation (paras. 171 and 172).

14. Please provide a list of migrant holding centres where detainees' right to communication is exercised through the provision of a telephone line for incoming calls. Please specify in which cases this right has been restricted, and how any damage suffered as a result by detained migrants has been compensated. In addition, please list the migrant holding centres in which detainees have the right to make their first external telephone call free of charge (paras. 161 and 162).

15. Please provide information on: (a) conditions in migrant holding centres; (b) criteria for admission to a holding centre; (c) the maximum holding period; (d) procedures for repatriating migrants; (e) whether migrants in these centres can apply for asylum and whether there is any procedure to allow them to prove they are victims of trafficking or other serious human rights violations.

16. Please provide information on: (a) protective measures for migrant children in migrant holding centres; (b) what child protection services are available to migrant children, in what way the relevant authorities are involved in dealing with cases of migrant children in holding centres, and whether a legal representative is appointed immediately to advise and protect separated children.

17. Please state what mechanisms are used by the National Institute for Migration to ensure that migrant workers do not become victims of sexual or labour exploitation. Please provide disaggregated statistics on documented and non-documented migrant workers in the State party, and the type of work they perform. Please also inform the Committee of the number of employers punished by the National Institute for Migration, the grounds on which they were punished, and the penalties imposed (paras. 180 to 187).

#### **Article 17**

18. Please indicate how many migrant workers have been deprived of their liberty between 2006 and 2010 and what the main charges are against them. Are migrant workers separated from prisoners who have been convicted or accused of ordinary offences? Do separate, suitable holding centres exist for migrant workers in an irregular situation?

#### **Article 22**

19. Please explain why the bill to amend article 33 of the Constitution has been held up in Congress, and what the Government's position is regarding the initiative to ensure review by a judicial authority of the procedure for the expulsion of foreigners, in accordance with article 22 of the Convention. How has due process been guaranteed in the deportation of migrant workers and their families from Mexico between 2006 and 2010 (para. 25)?

20. Please provide statistics, disaggregated by nationality, sex and age, on the migrant workers and their families deported from Mexico between 2006 and 2010. Was due process guaranteed in their deportation? If so, how?

#### **Article 23**

21. Please inform the Committee how effective Mexican consular services are in protecting Mexicans abroad, particularly those deprived of their liberty. Is legal assistance provided, including in deportation cases?

**Article 25**

22. Please provide detailed information on the number of disputes concerning unfair dismissal, employment-related complaints, or compensation for injury suffered by foreign workers in an irregular situation, that are before conciliation and arbitration boards and the courts (para. 30).

23. Please provide further information on the efforts made to improve the situation of undocumented women migrant workers, particularly those employed as domestic servants. In addition, please indicate what steps have been taken to guarantee that these women have access to the legal remedies established in the General Act on Women's Access to a Life Free of Violence, in the event that they are subjected to violence, and specify how many of the victims received protection and assistance under this Act (para. 57). In this regard, please describe any practical results of the meetings on mechanisms for reporting violations of migrants' human rights, held by the National Institute for Women and the National Institute for Migrants (paras. 57, 62, 65 and 66).

24. Please provide information on the procedure followed by the Beta Migrant Protection Groups when they hear of alleged violations of migrant workers' human rights, and on the scope of the Beta Groups' powers to act on such complaints (para. 154).

**Article 29**

25. With regard to children's right to an identity, please provide information on the treatment of migrant children in an irregular situation. Please also indicate: (a) whether migrants in an irregular situation or without valid identity documents can register their children at the registry office; (b) whether such migrants can obtain a birth certificate establishing parentage; and (c) what the administrative and practical obstacles are to registering the births of migrants.

**C. Part VI of the Convention****Article 68**

26. Please provide information on the cases of trafficking in persons recorded between 2006 and 2010, the investigations conducted and any resulting convictions (including details of the punishment handed down). Please indicate whether the State party has any protocols for the care and repatriation of victims of trafficking in persons. Have any special shelters been set up for girls, adolescents, young people and women who are victims of trafficking? Please explain how the articles of the Criminal Code on the transport and handover of persons for sexual exploitation, and on trafficking in persons for other purposes, are implemented in light of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Please also comment on reports that only a small proportion of complaints of trafficking in persons are brought before a court and result in a conviction. How does the victim and witness protection programme work in cases where the victims of trafficking in persons are foreigners?

27. Please clarify the mandate and powers of the office of the special prosecutor for crimes of violence against women and trafficking in persons, and indicate whether the mandate includes investigating, prosecuting and trying in the courts persons responsible for trafficking in persons. Please indicate the results attained from the actions, programmes and strategies to identify and protect victims of trafficking in persons which were drawn up, implemented and assessed by each of the 32 inter-agency committees on trafficking in persons (paras. 40, 41 and 43).