UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: *3rd Cycle, 31st Session*

MEXICO

I. BACKGROUND INFORMATION

Mexico acceded to both the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the "*1951 Convention*") in 2000, making reservations to articles 17, 26, 31.2 and 32 of the *1951 Convention* as well as an interpretative declaration to article 1 and the *1967 Protocol*; in 2014, Mexico withdrew its reservation to article 32. Mexico also acceded to the *1954 Convention relating to the Status of Stateless persons* (the "*1954 Convention*") in 2000 with reservations to articles 17, 31 and 32. Reservation to article 31 was subsequently withdrawn in 2014. The State is not a party to the *1961 Convention in the Reduction of Statelessness* (the "*1961 Convention*").

The *2011 Refugees, Complementary Protection and Political Asylum Act* and its *Regulatory Framework* together with the *Migration Act* constitute the domestic legal framework governing asylum. Further guarantees related to the principle of *non-refoulement*, upholding the best interests of the child, and due process during migration procedures are enshrined in the *General Law on the Rights of Children and Adolescents* published in 2014, along with its *Regulatory Framework.* The principal government body responsible for refugee issues, including refugee status determination, is the Mexican Commission for Refugees (COMAR), created by Presidential decree in 1980 under the Ministry of Interior. In 2011, Mexico adopted its Migration Law, creating a formal statelessness determination procedure which began functioning in 2012. The statelessness determination procedure (SDP) is mainly regulated by Article 150 of the Regulations to the Migration Law. Applications for statelessness status are received by the National Migration Institute, which requests a legal opinion from COMAR.

Violence and persecution inflicted mostly by criminal actors in the North of Central America (NCA) [1] triggers forced displacement with increasing numbers of unaccompanied children and adolescents, families, as well as persons discriminated against on the basis of sexual orientation and gender identity. While more than 400,000 people were estimated to have crossed Mexico's southern border in 2016, only approximately 2 percent of those applied for asylum, representing nevertheless an increase of 156 per cent from claims submitted in 2015. Out of the total asylum applications in 2016, 5,954 persons completed their process (3,076 persons were recognized as refugees and 641 were given complementary protection). From January to December 2017, 14,596 people applied for asylum (1,907 persons were recognized as refugees, 918 given complementary protection, and 7,719 cases remain pending).[2] Statistics indicate that for the period January-December 2017, 29% asylum-seekers were from Honduras, 25% from El Salvador, 4.6% from Guatemala, and 27% from Venezuela.

Regarding unaccompanied children from North of Central America (El Salvador, Honduras and Guatemala), approximately 35% of them expressed fear of returning to their country of origin due

[1] Mexico is also a country of transit for refugees and migrants from Asia and Africa seeking to reach the United States and Canada.
[2] Government of Mexico, *COMAR Statistics*, available at: https://www.gob.mx/comar/articulos/estadisticas-2013-2017?idiom=es Last visited: 12 March 2018.

to social violence or domestic violence.[3] UNHCR conducted interviews with unaccompanied and separated children (UASC) and determined that violence led more than 48.6% of them to leave their countries of origin, thus meaning they had potential international protection needs.[4] However, in 2016 only 242 UASC applied for asylum (103 were recognized, 28 granted complementary protection, 44 rejected, and 67 formally withdrew or abandoned their claims).

It should be noted that Mexico is playing a key role internationally and in the region with regards to advancing the protection of asylum-seekers and refugees. The Mexican Government is one of the leading States of an initiative to develop a regional application of the Comprehensive Refugee Response Framework, which will contribute to the adoption of the Global Compact on Refugees in 2018. This regional initiative, known as the Comprehensive Regional Protection and Solutions Framework (MIRPS, in Spanish) has been undertaken with the support of UNHCR.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to the 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 148.173: "Continue to work towards the protection and defence of the rights of migrants (Argentina and Bolivia)."

UNHCR commends Mexico's active participation and leadership in the San José Action Statement, the New York Declaration on Refugees and Migrants, the Leadership Summit on Refugees, and the CRPSF process in October 2017. Mexico undertook a number of laudable commitments in the framework of MIRPS. In particular, Mexico committed to: (a) expand the scope of programmes on alternative measures to detention to asylum-seekers, specifically unaccompanied children and adolescents, persons in situations of vulnerability, families, older persons, and persons with medical needs; (b) expand access to basic services and rights for asylum-seekers and refugees, such as through the incorporation in the public health-care system (Seguro Popular) and in other social programs through the Social Development Ministry (SEDESOL) and, (c) carry out information and awareness-raising campaigns on the asylum procedure for government officials as well as persons with international protection needs.

UNHCR commends Mexico for its undertaking to strengthen the Mexican Refugee Agency (COMAR) and the establishment in 2015 of the Special Unit for the Investigation of Crimes Against Migrant Persons within the Attorney General's Office (PGR).

Linked to 2nd cycle UPR recommendation no. 148.154: "Intensify efforts to guarantee universal access to health services, information and education on health and sexual and reproductive rights, particularly for adolescents (Uruguay)."

UNHCR is pleased to note that Mexico has 76 Ambulatory Centres for the Prevention and Attention of AIDS and Sexually Transmitted Infections (CAPASITS, in Spanish) throughout all 32 states in the country – 15 of those along the migration route - which offer medical attention and psycho-social attention, as well as free antiretroviral treatment. Migrants, asylum-seekers, and refugees can receive medical treatment and HIV and ITS medication at CAPASITS at no cost and regardless of immigration status after persons have registered with the *Seguro Popular*.[5]

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

[3] CONAPO, "Características, tendencias y causas de la migración de niñas, niños y adolescentes desde, hacia y en tránsito por México, 2011-2016" en *La situación demográfica de México 2016*, https://www.gob.mx/conapo/documentos/la-situacion-demografica-de-mexico-2016.

[4] ACNUR, "Arrancados de Raíz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y/o separados de Centroamérica y su necesidad de protección internacional", 2014, http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2014/9828.

[5] UNHCHR has not received any information indicating that asylum-seekers or refugees have been refused medical attention at CAPASITS, regardless of immigration status or registration with Seguro Popular.

Issue 1: Ratification of international instruments

Linked to 2nd cycle UPR recommendation no. 148.7: "Ratify the *1961 Convention on the Reduction of Statelessness* (Paraguay)."

Mexico is a party to the *1954 Convention Relating to the Status of Stateless Persons* having made reservations to articles 17 and 32, and has not yet acceded to the *1961 Convention on the Reduction on Statelessness*. UNHCR appreciates that Mexico has been a key promoter in international fora of the right of all persons to be registered at birth and to be recognized everywhere as a person before the law. In this regard, efforts should be made to reform national legislation in ways that permit accession to the *1961 Convention* and also to withdraw the reservations made to the *1954 Convention*.

Recommendations:
UNHCR recommends that the Government of Mexico:

(a) Consider acceding to the *1961 Convention on the Reduction of Statelessness*;
(b) Consider withdrawing the reservations made to the *1954 Convention Relating to the Status of Stateless Persons*;
(c) Strengthen the implementation of the statelessness determination procedure; and
(d) Ensure Mexican legislation is in line with the *1961 Convention on the Reduction of Statelessness*.

Issue 2: Protection of human rights of asylum-seekers and refugees

Linked to 2nd cycle UPR recommendation no. 148.175: "Effectively protect and guarantee the safety and human rights of migrants, especially women and children, including those that are in transit in the national territory, ensuring their access to justice, education, health and civil registry, incorporating the principle of the best interest of the child and the family unit (Holy See)."

In addition to ensuring respect for migrants' human rights, the *2011 Migration Act* also has the merit of establishing mechanisms for preventing crimes against migrants and procedures leading to regularization of immigration status, as well as for the issuance of "temporary visitor for humanitarian reasons" cards to migrants who are victims of serious crimes, unaccompanied children and asylum-seekers, which allow freedom of movement and access to formal employment in principle, but in practice individuals also require a Unique Population Code to be hired (CURP, in Spanish) and existing administrative arrangements do not allow for this code to be issued to asylum-seekers (see Issue 5, below).

Additionally, concerns persist regarding the rise in crimes and the increased risk towards migrants throughout the country, the high levels of impunity for crimes committed against migrants, and the difficulties that migrants who are victims of crime and asylum-seekers continue to face in accessing justice and obtaining regularization for humanitarian reasons under article 52 of the *2011 Migration Act*. These concerns were also raised recently by the United Nations Committee on the Rights of Migrant Workers (27 September 2017, CMW/C/MEX/CO/3)

Recommendations:
UNHCR recommends that the Government of Mexico:

(a) Ensure access to justice for migrants, asylum-seekers and refugees by strengthening the Special Unit for the Investigation of Crimes against Migrant Persons within the Attorney General's Office (PGR), and the State-level Special Prosecutor Offices for the Attention of Crimes against Migrants; and
(b) Standardize administrative practices in the National Institute of Migration (INM) to ensure that all migrants who fall within the scope of article 52 of the *2011 Migration Act* and all asylum-seekers are duly granted the "temporary visitor for humanitarian reasons" card.

Issue 3: Sexual and gender-based violence against migrants, asylum-seekers and refugees

Linked to 2nd cycle UPR recommendation no. 148.79: "Continue to take the necessary measures to prevent violence against women, particularly migrant women and penalise those who commit these acts of violence (Nicaragua)."

The *2007 General Act for Access for Women to a Life Without Violence* and its *2008 Regulations* together with the 2014-2018 Comprehensive Programme to Prevent, Punish and Eradicate Violence against Women establish the obligations of the Mexican state to punish and eradicate violence against women under its national framework. The National Human Rights Commission (CNDH) recognized violence against women as an extremely serious problem in Mexico noting that almost 7 out of 10 women in Mexico have suffered violence.[6] In this context, migrant, asylum-seeking, and refugee women are particularly vulnerable due to their national origin and their legal status in Mexico, due to discrimination, lack of generalized knowledge by public officials – particularly at the local level - regarding the rights of migrants, asylum-seekers and refugees, and due to a lack of specialized services. The application of administrative detention measures for persons submitting asylum claims at the border exacerbates the risk of violence for women, girls, and LGBTI persons because to avoid detention almost all enter the country irregularly. Asylum-seekers generally then travel to towns located 20 to 160 km from the border to make asylum claims, but to do so they often travel along remote routes and are exposed to significant risks of assault and sexual and gender-based violence. Additional obstacles hamper migrant, asylum-seeking and refugee women's access to services and justice, such as lack of access to services due to irregular migration status, lack of awareness by justice and public health authorities regarding the rights that asylum-seeking and refugee women and girls are entitled to in Mexico, lack of access to legal representation to file criminal complaints, among others.

Recommendations:
UNHCR recommends that the Government of Mexico:

(a) Implement programmes aimed at the prevention, punishment and eradication of sexual and gender-based violence faced by women migrants, asylum-seekers and refugees, which include adequate training for relevant government and health officials; and
(b) End the administrative detention of asylum-seekers who submit international protection claims at the border.

Additional protection challenges

Issue 4: Detention of migrants and asylum seekers, particularly children and other vulnerable persons

The *2011 Migration Act* provides for the automatic administrative detention of all persons in an irregular immigration situation in the country. This law prescribes a time limit of maximum 15 working days for immigration detention which can be extended up to 60 working days in exceptional cases. However, the *2011 Migration Act* does not specify a time limit for detention for those who initiate an administrative procedure or judicial remedy, with the consequence that in practice there is no maximum period for immigration detention for asylum-seekers who initiate a legal remedy. Furthermore, although national law prohibits the detention of children and the Government of Mexico committed to fully ending the administrative detention of children under 11 years of age during the 2016 Leaders' Summit on Refugees, many children detected by migration authorities are referred to Immigration Stations (detention centers) or to closed-door shelters. During 2016, more than 186,216 detentions for immigration-related purposes took place, including 40,144 children, of whom 17,557 were unaccompanied. Concerns have been expressed by the Inter-American Commission on Human Rights on the deterrent effect that detention has on persons

[6] Comisión Nacional de los Derechos Humanos, *Diagnóstico de la Comisión Nacional de los Derechos Humanos como integrante de los grupos de trabajo que dan seguimiento a los procedimientos de Alerta de Violencia de Género contra las Mujeres (AVGM),* 2017, p. 50

with international protection needs, who may choose not to apply for asylum in detention centres or to make a claim but later abandon or withdraw it.[7]

In 2016, the Government established a program to release asylum-seekers from detention to continue their asylum procedures in civil society shelters. From July 2016 until December 2017, over 1,900 asylum-seekers were released from detention to shelters. However, this release programme has not been regulated through the issuance of an administrative directive or a legal reform, which generates uncertainty and protection gaps.

Recommendations:
UNHCR recommends that the Government of Mexico:

(a) Ensure that the legal framework on migration and asylum is fully harmonized with the *General Law on the Rights of Children and Adolescents* and with relevant international standards on the rights of the child, to ensure that no child is subject to administrative detention and that all children shelters have an adequate comprehensive attention model;
(b) Ensure that the migration authority implements measures to identify international protection needs during the initial appearance at the Immigration Stations, thus facilitating access to the asylum system and the alternatives to administrative detention programs;
(c) Consider amending the *2011 Migration Act* to remove those provisions that authorize the automatic administrative detention of all persons in an irregular migratory situation, particularly asylum-seekers; and
(d) Consider amending relevant legislation or issuing an executive or administrative order to ensure that the alternative to administrative detention program for asylum-seekers is fully enforceable, transparent, and applicable throughout the country.

Issue 5: Access to economic, social and cultural rights for asylum-seekers and refugees

The *2011 Refugees, Complementary Protection and Political Asylum Act* establishes that refugees should have all possible means to access the rights and guarantees established in the Mexican Constitution, including the right to work, housing, health, education, and other relevant economic, social and cultural rights.

Nevertheless, asylum-seekers and refugees continue to face several obstacles in fully enjoying economic, social, and cultural rights due to obstacles in obtaining the Unique Population Code (CURP). The lack of knowledge of asylum-seekers and refugees' rights and related documentation by public service providers constitutes an additional barrier. In some instances, discriminatory patterns further complicate effective access to rights.

Recommendations:
UNHCR recommends that the Government of Mexico:

(a) Continue strengthening efforts to ensure full enjoyment of economic, social, and cultural rights for asylum-seekers and refugees, including by removing administrative barriers or by facilitating access to social programs;
(b) Ensure that asylum-seekers have access to the *Seguro Popular* national health insurance scheme for a period of at least one year;
(c) Ensure that banking and financial institutions fully comply with the CNBV directive so that all identity documents issued by the National Institute of Migration are duly accepted to open bank accounts and access financial services; and
(d) Consider facilitating access to the CURP identification number for asylum-seekers.

UNHCR
March 2018

[7] Inter-American Commission on Human Rights, *Human Rights of Migrants and other Persons in the Context of Human Mobility in Mexico* (2013), available at: http://www.oas.org/en/iachr/migrants/docs/pdf/Report-Migrants-Mexico-2013.pdf.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

MEXICO

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Mexico.

I. Universal Periodic Review (Second Cycle – 2013)

Recommendation[8]	**Recommending State/s**	**Position**[9]
Ratification of international instruments		
148.7. Ratify the 1961 Convention on the Reduction of Statelessness.	Paraguay	Noted[10]
Migrants and refugees		
148.146. Further enhance institutions and infrastructure for human rights, policies and measures toward enhancing the social inclusion, gender equality and non-discrimination, favourable conditions for vulnerable groups of women, children, indigenous people, migrants and refugees.	Viet Nam	Supported
148.58. Create a database of disappeared and missing migrants, and that all authorities cooperate to prevent and punish crimes against this group.	Norway	Supported
148.173. Continue to work towards the protection and defence of the rights of migrants.	Argentina and Bolivia	Supported
148.174. Continue to work with the countries of the region in special programs that address the situation of criminality against migrants.	Nicaragua	Supported
148.175. Effectively protect and guarantee the safety and human rights of migrants, especially women and children, including those that are in transit in the national territory, ensuring their access to justice, education, health and civil registry, incorporating the principle of the best interest of the child and the family unit.	Holy See	Supported
148.176. Maintain the humane policy that ensures the protection of the rights of migrants, and guarantee them access to justice, education and healthcare, regardless of their status.	Nigeria	Supported
Gender Discrimination and SGBV		
148.66. Enact and enforce laws to reduce incidences of violence against women and girls.	Sierra Leone	Supported

[8] All recommendations made to Mexico during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Mexico" (11 December 2013), A/HRC/25/7, available at: http://www.ohchr.org/EN/HRBodies/UPR/Pages/MXindex.aspx.

[9] Mexico's views and replies, in Spanish, can be found in: *Addendum* (14 March 2014), A/HRC/25/7/Add.1, available at: http://www.ohchr.org/EN/HRBodies/UPR/Pages/MXindex.aspx.

[10] ***Addendum***: "Las disposiciones de la Convención no son compatibles con el artículo 37 apartado B, fracción II de la Constitución Política de los Estados Unidos Mexicanos (CPEUM), que indica que la nacionalidad mexicana por naturalización se perderá por residir durante cinco años continuos en el extranjero. Tampoco es compatible con la Ley de Nacionalidad, ya que ésta establece en su artículo 20 que el extranjero que pretenda naturalizarse mexicano deberá acreditar que ha residido en territorio nacional cuando menos durante los últimos cinco años inmediatos anteriores a la fecha de solicitud."

148.67. Implement the designed public policy and launch a comprehensive awareness-raising campaign to end gender-based violence that includes sexual violence and feminicide.	Slovenia	Supported
148.70. Continue to prevent and combat violence against women, guaranteeing women's access to justice and continue to improve support services.	State of Palestine	Supported
148.71. Ensure investigations of violence against women, and establish victim support programmes for affected women.	Maldives	Supported
148.76. Make a priority the prevention and punishment of all forms of violence against women.	France	Supported
148.79. Continue to take the necessary measures to prevent violence against women, particularly migrant women and penalise those who commit these acts of violence.	Nicaragua	Supported
148.102. Reinforce training of police and justice officials on the issue of violence against women in order to improve the response by the Mexican authorities	Portugal	Supported
Children		
148.81. Set up a comprehensive system to protect children's rights and develop a national strategy to prevent and address all forms of violence.	Iran (Islamic Republic of)	Supported
148.82. Ensure a better protection for children and adolescents against violence related to organized crime.	Algeria	Supported
148.83. Enhance the dissemination of information and figures regarding children and young persons who fall victims to the struggle against drug trafficking.	Italy	Supported
148.110. Continue its efforts to ensure the protection of children's rights, including by fully implementing the 2012 federal justice for adolescents act and considering implementing of restorative justice system.	Indonesia	Supported
Access to rights		
148.144. Focus on marginalised groups or disadvantaged sections of society. Of particular relevance would be measures to improve health and education.	India	Supported
148.145. Continue strengthening its social policies with a view of increasing the standard of living of its people, especially the most vulnerable.	Venezuela and Trinidad and Tobago	Supported
148.151. Continue efforts to design housing financing schemes for the care of the population working within the informal market economy.	Ecuador	Supported
148.154. Intensify efforts to guarantee universal access to health services, information and education on health and sexual and reproductive rights, particularly for adolescents.	Uruguay	Supported
148.163. Allocate more resources to education for vulnerable students and the disabled.	South Sudan	Supported
Torture, arbitrary detention and enforced disappearances		
148.52. Pursue efforts to ensure that complaints in cases of torture, arbitrary detention and disappearances are duly investigated.	Turkey	Supported
148.58. Create a database of disappeared and missing migrants, and that all authorities cooperate to prevent and punish crimes against this group.	Norway	Supported
148.103. Further pursue the full investigation of alleged incidents of human rights violations by the police force, especially within detention centres.	Cyprus	Supported
Trafficking		
148.84. Consider establishing mechanisms aimed at early identification, referral, assistance and support for victims of trafficking.	Egypt	Supported
148.85. Increase funding for federal human trafficking prosecutors and take steps to end the impunity for public officials complicit in trafficking.	Norway	Supported
148.86. Continue its policies and efforts to combat human trafficking especially those of women and children.	Bolivia, Singapore and Costa Rica	Supported

148.89. Strengthen measures to combat human trafficking, including violence against migrants.	Algeria and Sri Lanka	Supported

II. Treaty Bodies

Committee on Enforced Disappearances

Concluding Observations, (5 March 2015), CED/C/MEX/CO/1

Disappearances of migrants

23. The Committee is concerned by reports that there have been numerous cases of disappearances of migrants, including migrant children, and that these cases include cases of enforced disappearance. It also notes with concern the challenges that this dramatic situation poses for full observance of the rights to justice and truth embodied in the Convention, particularly since the relatives of the disappeared persons are not normally resident in the State party. In this regard, the Committee notes the information provided by the State party in relation to the investigation of disappearances of migrants and its efforts to locate them and provide support and protection. It also notes that the State party is working on the design of a transnational search and access to justice mechanism for such persons (arts. 1, 3, 12, 15 and 24).

24. **In conjunction with countries of origin and countries of destination, and with input from victims and civil society, the State party should redouble its efforts to prevent and investigate disappearances of migrants, to prosecute those responsible and to provide adequate protection for complainants, experts, witnesses and defence counsels. The transnational search and access to justice mechanism should guarantee: (a) that searches are conducted for disappeared migrants and that, if human remains are found, they are identified and returned; (b) that ante-mortem information is compiled and entered into the ante-mortem/post-mortem database; and (c) that the relatives of the disappeared persons, irrespective of where they reside, have the opportunity to obtain information and take part in the investigations and the search for the disappeared persons.**

Register of persons deprived of their liberty

34. The Committee takes note of the information provided by the State party regarding the information that should be entered in the Detention Registry System and the administrative arrest log. However, the Committee regrets that it has not received detailed information about the records kept in all places in which persons might be deprived of their liberty, such as migrant holding facilities or military detention centres (arts. 17 and 22).

35. **The State party should adopt the necessary measures to guarantee that:**

(a) **All deprivations of liberty are entered in uniform registers and/or records which include, as a minimum, the information required under article 17, paragraph 3, of the Convention;**

(b) **All registers and/or records of persons deprived of liberty are filled out and updated promptly and accurately;**

(c) **All registers and/or records of persons deprived of liberty are subject to periodic checks and, in the event of irregularities, the officers responsible are disciplined.**

Committee on Migrants Workers

Concluding Observations, (27 September 2017), CMW/C/MEX/CO/3

Participación de la sociedad civil

21. El Comité mantiene su especial preocupación ante la vulneración de derechos humanos de los defensores de los migrantes. Observa que son objeto de violencia y amenazas por parte del crimen organizado y redes de tráfico de personas, incluso en connivencia con autoridades, así como de actos de hostigamiento y deslegitimación del trabajo de esas organizaciones por parte de agentes migratorios, distintos cuerpos de seguridad gubernamentales y empresas privadas que

gestionan acciones de control migratorio o prestan servicios de vigilancia de transporte en rutas migratorias.

22. El Comité reitera su recomendación anterior (véase CMW/C/MEX/CO/2, párr. 52), e invita al Estado parte a que adopte medidas efectivas, agiles e integrals para:

(a) **Garantizar la vida, libertad e integridad de defensores de derechos humanos de la población migrante, incluyendo medidas para prevenir, investigar y sancionar adecuadamente las agresiones y abusos en su contra;**

(b) **Reconocer públicamente su labor, incluyendo el establecimiento de un registro de casos de denuncias, investigaciones realizadas y casos resueltos para ser presentados en el siguiente informe periódico; c) Facilitar el ejercicio de su labor, incluyendo su acceso amplio a los centros de detención migratoria, los albergues y otros establecimientos afines.**

No discriminación

25. El Comité toma nota del marco jurídico del Estado parte para asegurar la no discriminación. Sin embargo, le preocupan informes sobre el aumento de la xenofobia a nivel social e institucional y el rol de los medios de comunicación en crear y mantener estereotipos contra los migrantes. También le preocupa la información recibida sobre procedimientos de control y verificación migratoria que se realizan con base en el perfil étnico de las personas.

26. **El Comité reitera su recomendación anterior (véase CMW/C/MEX/CO/2, párr. 24), y asimismo alienta al Estado parte a que establezca medidas de prevención y sanción ante la criminalización de las personas migrantes en mensajes de diferentes actores sociales y políticos. Recomienda la realización de campañas de educación, comunicación e información social, así como que se detecten y eliminen las practices discriminatorias en las instituciones públicas y privadas, incluyendo los procedimientos migratorios de control y verificación**.

27. Preocupan al Comité informes según los cuales los migrantes con estancias por razones humanitarias enfrentan obstáculos para recibir la Clave Única de Registro de Población, que es un requerimiento para acceder a derechos y beneficios sociales.

28. **El Comité recomienda que el Estado parte tome medidas inmediatas para facilitar el acceso de los migrantes y solicitantes del estatuto de refugiado con estancias por razones humanitarias a la Clave Única de Registro de Población, en línea con los artículos 25 y 27 de la Convención.**

Protección de violencia, lesión física, amenaza e intimidación

33. El Comité expresa su profunda preocupación por las graves irregularidades en las investigaciones para identificar a los responsables y las víctimas de las masacres en los estados de Tamaulipas y Nuevo León entre 2010 y 2012, por las que no hay personas sancionadas, por el impacto extremamente grave de la desaparición forzada de personas en los migrantes y mexicanos en tránsito y por los altos niveles de violencia de género, especialmente en la frontera sur. Al Comité le preocupan mucho las alegaciones sobre la participación de autoridades públicas, particularmente policías federales, estatales y municipales, la alta impunidad que suele afectar a estos crímenes y los bajos niveles de denuncias. Asimismo, expresa su preocupación por los obstáculos que enfrentan los sobrevivientes de esos crímenes para la regularización por razones humanitarias.

34. **El Comité reitera su recomendación anterior (véase CMW/C/MEX/CO/2, párr. 30) y asimismo urge al Estado parte a que:**

(a) **Asegure que se investiguen seria y diligentemente esos actos, incluyendo la relación de agentes estatales con estructuras criminales y delitos como la corrupción y la impunidad, y se adopten sanciones proporcionales a la gravedad del delito cometido;**

(b) **Investigue exhaustiva y ágilmente las masacres en los estados de Tamaulipas y Nuevo León bajo la clasificación de graves violaciones a los derechos humanos;**

(c) **Gestione la ampliación del mandato y el financiamiento de la Comisión Forense a efecto de garantizar un cruce gradual de información forense de personas migrantes desaparecidas de otros casos además de las tres masacres;**
(d) **Garantice la implementación del Mecanismo de Apoyo Exterior Mexicano de Búsqueda e Investigación en los diferentes países de América Central, asegurando que las personas migrantes y sus familiares tengan acceso fácil a las instituciones federales estatales e información sobre las investigaciones y participen en el proceso, incluyendo a través de la creación de unidades permanentes en embajadas y consulados del Estado parte;**
(e) **Asegure la cooperación efectiva con comisiones de expertos y grupos multidisciplinarios de los países de origen y destino para asistir a las personas migrantes víctimas de delitos graves, incluyendo desapariciones forzadas, así como en la búsqueda, localización y liberación de las personas desaparecidas y, en caso de fallecimiento, en la exhumación, la identificación y la restitución digna de sus restos;**
(f) **Garantice que las víctimas sean identificadas y remitidas a los servicios apropiados y sensibles a sus circunstancias, incluyendo servicios médicos y psicosociales, y que a petición de las víctimas se solicite la cooperación de las organizaciones sociales;**
(g) **Garantice que los sobrevivientes de esos crímenes tengan acceso a la regularización por razones humanitarias;**
(h) **Sancione a los responsables, con penas adecuadas a la gravedad del delito, incluyendo a los funcionarios del Estado involucrados.**

Gestión de las fronteras y protección de migrantes en tránsito
35. El Comité toma nota del esfuerzo que realiza el Estado parte para enfrentar al crimen organizado y brindar seguridad integral a las personas en su territorio. Observa con preocupación, sin embargo, el aumento significativo de los crímenes contra migrantes y de los riesgos a lo largo del tránsito por el territorio mexicano, en rutas alternativas usadas por los migrantes y sus familiares a fin de evitar los múltiples dispositivos de control migratorio desplegados por el Estado.

36. **El Comité recomienda al Estado parte que evalúe de manera exhaustiva y en diálogo con todos los actores concernidos el impacto de los operativos de verificación migratoria en el aumento de los riesgos del derecho a la vida y la integridad física de la población migrante en tránsito y que se adopten las medidas necesarias para prevenir esos riesgos, proteger a esta población y, en particular, promover que las políticas y prácticas migratorias estén centradas en el enfoque de derechos humanos y de seguridad humana, incluyendo la creación de vías seguras y regulares.**

Privación de la libertad
37. El Comité expresa su profunda preocupación respecto del elevado número de medidas privativas de la libertad de migrantes en las 58 estaciones migratorias desplegadas a lo largo del país. Le preocupan las alegaciones de la delegación de que estas detenciones (llamadas “aseguramiento” o “presentación”) no constituirían una privación de la libertad, o son descritas como una medida de protección o un beneficio. También le preocupa la presencia en esos centros de familias, mujeres embarazadas, víctimas de la trata, solicitantes de asilo y otras personas en situaciones de mayor vulnerabilidad y con necesidades especiales de protección. Asimismo, nota con especial preocupación la detención de niños, niñas y adolescentes —que aumentó en un 900% entre 2011 y 2016—, muchos de ellos no acompañados, así como de muy baja edad. Esa medida constituye, sin excepción, una violación de los derechos del niño y de su interés superior.

38. **El Comité recomienda al Estado parte, con carácter de urgencia, que:**
(a) **Adopte con carácter de urgencia todas las medidas necesarias para poner fin inmediato a la privación de libertad de niños, niñas y adolescentes, así como de familias migrantes, garantizando en la ley y la práctica medidas alternativas adecuadas, centradas exclusivamente en la protección de los derechos bajo la Ley General de los Derechos de Niñas, Niños y Adolescentes;**
(b) **Garantice la aplicación efectiva e inmediata de procesos de identificación y referencia de personas en situaciones de vulnerabilidad y su traslado a alojamientos**

alternativos;

(c) **Elabore un plan de acción dirigido a garantizar que la privación de libertad por razones migratorias de trabajadores migratorios adultos únicamente se aplica como medida de último recurso y por el menor tiempo posible, sobre la base de los principios de excepcionalidad, proporcionalidad, necesidad y razonabilidad;**

(d) **Garantice en la ley y en la práctica la existencia de medidas alternativas a la privación de la libertad para trabajadores migratorios en situación irregular, las cuales deben aplicarse de manera prioritaria y con base en las circunstancias de cada persona, por las autoridades administrativas y/o judiciales correspondientes;**

(e) **Asegure que los trabajadores migrantes sean informados sobre los procedimientos y derechos en un idioma que entienden.**

Garantías procesales en casos de privación de la libertad

39. El Comité nota con preocupación que las detenciones llevadas adelante por el INM se realizan a través de una modalidad automática, sin una adecuada fundamentación individualizada sobre su necesidad y razonabilidad. Observa que la detención sin debidas garantías procesales, como la obligación de remisión inmediata ante un juez independiente e imparcial y el derecho a la asistencia jurídica gratuita, es considerada arbitraria, en línea con la Convención y otros tratados. Le preocupan también los datos sobre la falta de información brindada a migrantes sobre las razones de su detención, los derechos y recursos disponibles, incluyendo el derecho a solicitar asilo, protección complementaria o una estancia por razones humanitarias. Se inquieta asimismo de que el ejercicio de los recursos disponibles puede llevar a una detención sin plazo máximo, y sobre el acceso restringido que tienen los abogados de organizaciones sociales para brindar asistencia y representación legal.

40. **El Comité urge al Estado parte a que:**

(a) **Asegure en los procedimientos de detención migratoria las debidas garantías procesales, incluyendo el derecho a un intérprete;**

(b) **Adopte todas las medidas dirigidas a garantizar el derecho a la asistencia y representación jurídica gratuita en procedimientos de detención migratoria, incluyendo la provisión de recursos y capacitación al Instituto Federal de Defensoría Pública. De forma complementaria, se recomienda la realización de convenios con organizaciones de la sociedad civil especializadas en dicha asistencia;**

(c) **Garantice que la detención migratoria sea una medida excepcional, de último recurso y limitada al menor tiempo posible, que esté fundamentada en el caso concreto, incluyendo las razones por las cuales no pueden ser aplicadas las medidas alternativas, y sea revisada en menos de 24 horas por una autoridad judicial independiente e imparcial; d) Garantice el derecho al acceso a justicia, sin que ello redunde en una extensión de la detención en aplicación del artículo 111.V de la Ley de Migración, para evitar que la persona que accede a una medida alternativa o solicite asilo tenga plazo indefinido de detención mientras se resuelve su petición.**

Condiciones de detención

41. Al Comité le preocupan las condiciones de detención de la población migrante en el Estado parte. Observa con mucha preocupación que, en ocasiones, constituyen un tratamiento cruel, inhumano y degradante.

42. **El Comité reitera su recomendación anterior (véase CMW/C/MEX/CO/2, párr. 34), e insta al Estado parte a garantizar condiciones dignas y adecuadas en los centros de detención migratoria, los cuales no pueden tener similares características y finalidades que un ámbito penitenciario. En particular, el Comité le recomienda que:**

(a) **Brinde servicios adecuados de salud y sensibles al género, incluyendo salud sexual y reproductiva, asistencia psicológica, agua, saneamiento e higiene, alimentación, actividades recreativas y de ocio;**

(b) **Erradique de forma inmediata el uso de celdas de castigo;**

(c) **Ponga fin a cualquier situación de sobrepoblación y hacinamiento;**

(d) **Investigue y sancione adecuadamente a los agentes estatales que violen los derechos**

de migrantes en esos centros;

(e) **Capacite a los agentes estatales en los centros de detención, sobre derechos humanos, igualdad de género, el interés superior de los niños, niñas y adolescentes, y no discriminación;**

(f) **Implemente las recomendaciones de la Comisión Nacional de Derechos Humanos y garantice la plena aplicación del Mecanismo Nacional de Prevención de la Tortura.**

Expulsión

43. El Comité está muy preocupado por el aumento significativo de expulsiones de personas de El Salvador, Guatemala y Honduras. Se inquieta profundamente por que el llamado "retorno voluntario y asistido" se aplica mientras las personas están privadas de libertad, sin asistencia jurídica e información adecuada, y sin alternativas para su regularización. Observa con preocupación el elevado número de personas que desisten de la solicitud del estatuto de refugiado y que las medidas de retorno puedan disponerse sin indagar adecuadamente sobre posibles riesgos para la vida y la integridad física de la persona en el país de origen.

44. **El Comité recomienda al Estado parte que:**

(a) **Vele por que las personas sujetas a una orden administrativa de expulsión o retorno, o que soliciten el estatuto de refugiado, gocen de servicios de asistencia y representación jurídica gratuita, y conozcan y puedan ejercer su derecho a interponer recursos efectivos;**

(b) **Elabore mecanismos para impedir la expulsión de los migrantes hasta tanto se haya evaluado de manera adecuada cada situación individual, a fin, entre otras cosas, de asegurarse de que no se afecte el principio de no devolución ni la prohibición de expulsiones arbitrarias o colectivas;**

(c) **Refuerce la implementación de políticas y mecanismos dirigidos a brindar alternativas a la expulsión o retorno, incluyendo el derecho al asilo, la protección complementaria, la estancia por razones humanitarias y otras formas de regularización.**

Atención médica

49. El Comité toma nota de que el Estado parte permite la afiliación al Seguro Popular de toda persona, sin presentar documentación alguna, pero le preocupa que este seguro sea válido solamente por 90 días. Asimismo, está preocupado porque muchos trabajadores migrantes indocumentados no acceden a los servicios de salud porque temen su detención y deportación.

50. **El Comité recomienda que se reforme el artículo 42 del reglamento de la Ley General de Salud en Materia de Protección Social en Salud, para asegurar la afiliación ilimitada de los trabajadores migrantes y sus familiares al Seguro Popular. Asimismo, recomienda que se adopten medidas para asegurar que los migrantes indocumentados accedan a servicios médicos de atención a la salud y no sean denunciados a las autoridades de inmigración.**

Registro de nacimiento y nacionalidad

51. El Comité toma nota del gran incremento del registro de nacionalidad mexicana de niños nacidos en los Estados Unidos. Sin embargo, le preocupan los problemas que enfrentan los mexicanos indocumentados en ese país para registrar el nacimiento de sus hijos, por los obstáculos que tienen para validar el acta de nacimiento en territorio mexicano debido a la exigencia de traducción y legalización, y por la insuficiente información para que los padres registren en consulados mexicanos el nacimiento de sus hijos. Todo ello deriva en barreras para obtener un documento de identidad y su nacionalidad, así como para acceder a la educación y otros servicios sociales una vez que las familias retornan a México.

52. **El Comité recomienda fomentar la inscripción de nacimiento en los consulados mexicanos y sensibilizar a las madres sobre la importancia del registro oportuno de la doble nacionalidad. Asimismo, recomienda que se brinde información y asistencia a padres indocumentados para que puedan registrar los nacimientos ante autoridades de los Estados Unidos. Sugiere que se establezca en México un procedimiento simplificado de registro de la nacionalidad mexicana de niños con padres mexicanos, evitando requisitos**

inaccesibles como la traducción y notarización del documento en los Estados Unidos cuando la familia ya ha salido de ese país. En cualquier caso, se recomienda garantizar el acceso a la educación y otros servicios sociales a los hijos de mexicanos que retornan, sin perjuicio de su documentación o nacionalidad.

Educación

53. El Comité toma nota de los esfuerzos del Estado parte para eliminar las barreras administrativas para el acceso a la educación de la niñez migrante. También observa que muchos niños, niñas y adolescentes migrantes sin documentos no acceden a los servicios de educación por discriminación o por temor a su detención y deportación.

54. **El Comité urge al Estado parte a que tome medidas legislativas y práctica para asegurar que se adopten e implementen de manera efectiva las nuevas normas al nivel estatal y local, y que se incluyan medidas para asegurar que la niñez migrante sin documentos no sea discriminada ni denunciada a las autoridades de inmigración.**

Niños, niñas y adolescentes en el contexto de migración internacional

55. El Comité observa con mucha preocupación que aún restan numerosos desafíos pendientes para la plena implementación de la Ley General de los Derechos de Niñas, Niños y Adolescentes. Junto a la preocupación por la detención de decenas de miles de niños, niñas y adolescentes en estaciones migratorias, le preocupa especialmente lo siguiente:

(a) La falta de implementación de los procedimientos de determinación del interés superior del niño previstos en la Ley de Migración y la Ley General de los Derechos de Niñas, Niños y Adolescentes;
(b) La insuficiente creación o adecuación a la Ley General de los Derechos de Niñas, Niños y Adolescentes de procuradurías locales de protección de niños, niñas y adolescentes y autoridades competentes;
(c) La ausencia de mecanismos para garantizar la asistencia jurídica a niños, niñas y adolescentes en procedimientos migratorios, así como la falta de un tutor para niños no acompañados;
(d) La ausencia de mecanismos que garanticen la participación efectiva y el derecho a ser oído de los niños, niñas y adolescentes en todos los procedimientos que les afecten, y a ser debidamente tenidos en cuenta;
(e) El impacto grave que tienen la violencia y la persecución a los niños, niñas y adolescentes de El Salvador, Guatemala y Honduras, los abusos que sufren en su tránsito por el territorio mexicano, y las situaciones de explotación laboral de niños, niñas y adolescentes en el sur del país;
(f) El retorno de niños, niñas y adolescentes a sus países de origen sin una previa evaluación y determinación de su interés superior que permita aplicar otras medidas de protección inmediatas y sostenibles;
(g) La escasa proporción de niños, niñas y adolescentes que acceden a los procedimientos de solicitud del estatuto de refugiado, y la alta incidencia del desistimiento de esas solicitudes.

56. **El Comité recomienda al Estado parte que:**

(a) **Implemente a la mayor brevedad posible un procedimiento interinstitucional de determinación del interés superior del niño, coordinado por la Procuraduría Federal de Protección de Niñas, Niños y Adolescentes en el marco del Sistema de Protección Integral de Niños Niñas y Adolescentes y de la Ley General de los Derechos de Niñas, Niños y Adolescentes, asegurando las debidas garantías procesales, incluyendo el derecho a la información y asistencia jurídica gratuita por parte de profesionales especializados en derechos de niños, niñas y adolescentes, y en caso de niños no acompañados, de un tutor, el cual debe velar por el interés superior de los niños, niñas y adolescentes en todo el proceso;**
(b) **Asegure que los sistemas e instituciones de protección de niños, niñas y adolescentes funcionen independientemente del INM y cuenten con las capacidades necesarias para aplicar el principio del interés superior de los niños, niñas y adolescentes, y que esas decisiones tengan prioridad respecto de otras**

consideraciones relativas a la condición migratoria;

(c) **Redoble los esfuerzos para prevenir la violencia, abuso y explotación de los niños, niñas y adolescentes migrantes, protegerlos frente a esos crímenes, e investigue, juzgue y sancione a los responsables, incluyendo agentes estatales;**

(d) **Asegure que los niños, niñas y adolescentes tengan acceso inmediato a procedimientos relacionados a la regularización y protección internacional, y que las políticas migratorias respeten los derechos de los niños, niñas y adolescentes en línea con los instrumentos internacionales, incluyendo el principio de no devolución;**

(e) **Continúe desarrollando y finalice el sistema de datos desglosados sobre la protección de niños, niñas y adolescentes migrantes, refugiados y solicitantes de asilo;**

(f) **Asegure su acceso a la educación y salud;**

(g) **Adopte medidas de protección integral para atender la situación de niños, niñas y adolescentes migrantes que viven en la calle, así como en situaciones de explotación laboral en plantaciones de café, explotación por el crimen organizado y explotación sexual, entre otras;**

(h) **Implemente las recomendaciones de la Comisión Nacional de Derechos Humanos.**

Cooperación internacional con países de tránsito y destino

59. El Comité toma nota de los procesos regionales existentes en materia migratoria, en particular la Conferencia Regional sobre Migración. Le preocupan sin embargo los desafíos existentes en la región en materia de las causas de la migración (violencia, pobreza, entre otros), así como para la protección de los derechos de migrantes y sus familias.

60. **El Comité alienta al Estado parte a promover acuerdos y planes de acción regionales, desde un enfoque de derechos, dirigidos a abordar las causas estructurales de la migración (violencia, pobreza, entre otros) y a garantizar los derechos de toda la población migrante y sus familias, sin perjuicio de su condición migratoria.**

Committee on the Rights of the Child

Concluding Observations, (3 July 2015), CRC/C/MEX/CO/4-5

Non-discrimination

15. While taking note of the National Programme for Equality and Non-Discrimination (2014–2018), the Committee is concerned about the prevalence of discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in poverty and in rural areas.

16. **The Committee recommends that the State party:**

(a) **Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to take measures, including affirmative measures, to prevent and eliminate all forms of de facto discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in poverty and in rural areas;**

(b) **Ensure that the authorities, civil servants, the media, teachers, children and the general public are sensitized to the negative impact of stereotypes on children's rights and take all necessary measures to prevent these negative stereotypes, notably by encouraging the media to adopt codes of conduct;**

(c) **Facilitate child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative-care institutions and any other setting and ensure that perpetrators of discrimination are adequately sanctioned.**

17. The Committee expresses deep concern about the persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women, resulting in an extremely high prevalence of violence against women and girls in the State party.

18. **The Committee urges the State party to accord the utmost priority to the elimination of patriarchal attitudes and gender stereotypes that discriminate against girls and women, including through educational and awareness-raising programmes.**

Best interests of the child

19. While noting the constitutional recognition of the right of the child to have his or her best interests taken into account as a primary consideration, the Committee is concerned at reports that this right has not been consistently applied in practice.

20. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.**

Respect for the views of the child

25. While noting the initiatives taken to foster child participation, such as the annual organization of the "parliament of the girls and boys of Mexico", the Committee regrets the lack of permanent forums aimed at promoting child participation. It is also concerned at reports that children's opinions are not consistently heard in judicial and administrative proceedings.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

[…]

(b) **Effectively implement legislation recognizing the right of the child to be heard in relevant judicial and administrative proceedings, including by monitoring the implementation of the protocol for the administration of justice in cases involving children.**

Birth registration

27. While welcoming the constitutional reform of 2014 recognizing the right to birth registration, the Committee is concerned that the number of indigenous, Afro-Mexican and migrant children and children living in remote areas who are registered at birth remains low.

28. **The Committee recommends that the State party strengthen efforts to ensure universal birth registration, including by undertaking the necessary legal reforms and adopting the required procedures at the state and municipal levels. Registry offices or mobile units should be available in all maternity units, in the main points of transit or destination of migrants and in communities where children are born with traditional birth attendants.**

Sexual exploitation and abuse

33. While noting the adoption of a protocol to assist child victims of sexual abuse, the Committee is concerned about the high prevalence of sexual violence against children, in particular girls. The Committee is seriously concerned that perpetrators of rape can escape punishment if they marry the victim. It is also concerned that the current proposal to reform the Federal Penal Code with regard to the statute of limitation for crimes of sexual abuse against children does not adequately protect the rights of children. It is also concerned that insufficient efforts are being made to identify, protect and rehabilitate child victims and about the increasing number of cases of sexual violence in education centres.

34. **The Committee urges the State party to:**

(a) **Review legislation at the federal and state levels to ensure that rape is criminalized in line with international standards and remove all legal provisions that can be used to excuse perpetrators of child sexual abuse;**

(b) **Ensure that the reform of the Federal Penal Code provides for no statute of limitation regarding both the sanctions and the criminal action in relation to crimes of sexual abuse against children, and that sanctions cover both the perpetrators and the abettors. Similar provisions should be adopted in all state penal codes;**
(c) **Establish mechanisms, procedures and guidelines to make it mandatory to report cases of child sexual abuse and exploitation and ensure the availability of child-friendly complaints mechanisms, in particular in schools;**
(d) **Prevent, investigate and prosecute all cases of sexual abuse of children and adequately punish those convicted;**
(e) **Provide training for judges, lawyers, prosecutors, the police and other relevant persons on how to deal with child victims of sexual violence and on how gender stereotyping by the judiciary affects girls' right to a fair trial in cases of sexual violence, and closely monitor trials in which children are involved;**
(f) **Effectively implement the protocol to assist child victims of sexual abuse and ensure quality services and resources to protect them, provide them with physical and psychological recovery and social reintegration and compensate them;**
(g) **Raise awareness to prevent child sexual abuse, inform the general public that such abuse is a crime and address victim stigmatization, particularly when the alleged perpetrators are relatives.**

Standard of living

53. The Committee remains deeply concerned about the prevalence of child poverty, which affects more than half of the child population, a higher rate than affects the adult population. It is concerned that indigenous, Afro-Mexican, migrant and displaced children, children in single-parent households and children living in rural areas are particularly affected by poverty and extreme poverty.

54. **The Committee recommends that the State party strengthen its efforts to eliminate child poverty by adopting a public policy developed in consultation with families, children and civil society organizations, including those from indigenous, Afro-Mexican, displaced, migrant and rural communities, and by allocating adequate resources for its implementation. Measures to promote early childhood development and further support families should be part of the policy.**

Education, including vocational training and guidance

55. The Committee notes the educational reform undertaken in 2013 aimed at ensuring quality education from preschool to senior high school. However, it is concerned about:
(a) Millions of children between 3 and 17 years of age who do not attend school;
(b) Persistent challenges for children in vulnerable situations in accessing quality education;
(c) High rates of school dropouts, particularly among students in secondary education, pregnant adolescents and adolescent mothers;
(d) The low coverage of early childhood education and the lack of public policies in this regard.

56. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee reiterates its recommendations (see CRC/C/MEX/CO/3, para. 57 (a–e)) and recommends that the State party:**
(a) **Increase its efforts to improve the quality of education and its availability and accessibility to girls, indigenous, Afro-Mexican and displaced children, children in rural areas, children living in poverty, children in street situations, national and international migrant children and children with disabilities, by substantially increasing the education budget and reviewing relevant policies;**
(b) **Strengthen its efforts to ensure education in Spanish and in indigenous languages for indigenous children and ensure the availability of trained teachers;**
(c) **Strengthen measures to address school dropouts, taking into consideration the particular reasons why boys and girls drop out;**
(d) **Step up its efforts to ensure that pregnant adolescents and adolescent mothers are**

supported and assisted in continuing their education in mainstream schools;

(e) **Develop and expand early childhood education from birth, on the basis of a comprehensive and holistic policy of early childhood care and development.**

Asylum-seeking and refugee children

57. The Committee is concerned about:

(a) The lack of adequate measures to identify, assist and protect asylum-seeking and refugee children, including the lack of legal representation for unaccompanied children;

(b) The prolonged detention of asylum-seeking children;

(c) The lack of data on the number of asylum claims made by children and the information by the State party that only 18 children were granted refugee status in 2014.

58. **The Committee recommends that the State party:**

(a) **Increase its efforts to identify, assist and protect asylum-seeking and refugee children, including by adopting the necessary legislative, administrative and logistical measures. Legal guardians, free legal representation, interpretation and consular assistance should be ensured for them;**

(b) **Take the measures necessary to end the administrative detention of asylum-seeking children and expeditiously place unaccompanied children in community-based shelters, and accompanied children in appropriate facilities that ensure family unity and are compliant with the Convention;**

(c) **Collect disaggregated data on asylum-seeking and refugee children;**

(d) **Complete the withdrawal of the remaining reservations to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Children in situations of migration

59. The Committee welcomes the adoption of a protocol on consular assistance for unaccompanied migrant children as well as the attention given by the State party to the plight of unaccompanied children on its territory, in particular its increasing collaboration with countries in the region to assist those children and protect them from violence. It is nevertheless concerned about:

(a) Migrant children being kept in detention centres for migrants and reports of violence and abuse against children in those centres;

(b) Migrant children being subjected to killings, kidnappings, disappearances, sexual violence, exploitation and abuse, and about the lack of official disaggregated data in this regard;

(c) Reports that many migrant children are deported without a preliminary process to determine their best interests, in spite of the legal recognition of the principle in the law on migration and the General Act on the Rights of Children and Adolescents;

(d) The insufficient measures taken to ensure the rights of national migrants as well as the rights of the many children displaced as a result of armed violence.

60. **The Committee recommends that the State party:**

(a) **Take all measures necessary to end the administrative detention of migrant children and continue to establish community-based shelters for them, in accordance with articles 94 and 95 of the General Act on the Rights of Children and Adolescents, ensuring that these shelters comply with the Convention and are regularly monitored. The protocol for assisting unaccompanied migrant children in shelters should be effectively implemented and regularly evaluated;**

(b) **Increase efforts to prevent killings, kidnappings, disappearances, sexual violence, exploitation and abuse of migrant children, and investigate, prosecute and punish perpetrators, including when the perpetrator is an agent of the State;**

(c) **Establish a best interests determination process for decisions relating to migrant children and always carry out due process with procedural safeguards to determine the individual circumstances, needs and best interests of the child prior to making a decision on his or her deportation. Special attention should be given to family reunification;**

(d) **Ensure that migrant children are informed about their legal status, ensuring that they fully understand their situation, and provide public defence services and/or guardians throughout the process. Children should also be informed that they can contact their consular services;**
(e) **Ensure that all relevant professionals working with or for migrant children, in particular border and immigration personnel, social workers, defence lawyers, guardians and police officers, are adequately trained and speak the native language of the children;**
(f) **Adopt comprehensive measures to provide assistance to national migrant and displaced children and ensure their access to education and health services and their protection from violence;**
(g) **Collect disaggregated data related to cases of violence against migrant and displaced children, including disappearances and enforced disappearances.**

Committee on the Rights of Persons with Disabilities

Concluding Observations, (27 October 2014), CRPD/C/MEX/CO/1

Liberty of movement and nationality (art. 18)
39. The Committee is concerned that migrants with intellectual or psychosocial disabilities are detained in migrant holding centres, that the authorities set stricter requirements for entry into the country for persons with disabilities and that persons injured as a result of falling from the train known as "La Bestia" ("The Beast") receive inadequate care.

40. **The Committee urges the State party to:**
(a) **Designate appropriate and accessible areas and appoint trained staff to assist persons with disabilities in migrant holding centres;**
(b) **Review and harmonize the operational guidelines under the Migration Act to ensure that persons with disabilities are treated equally in the issuance of visas and entry permits;**
(c) **Review and harmonize care protocols for migrants who are injured while in transit in Mexico, so that they are provided with not only emergency medical care but also sufficient recovery time and basic rehabilitation.**

41. The Committee notes that the steps taken to promote the registration of children with the civil registry have not led to the universal registration of children with disabilities.

42. **The Committee urges the State party to ensure that all children with disabilities are immediately registered at birth and are provided with an identity document.**

III. Special Procedures Mandate Holders

Report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Mexico

Addendum: Mission to Mexico (29 December 2014) A/HRC/28/68/Add.3

Assessment of the situation

Migrants
72. Because of its location, Mexico is one of the main countries of origin, destination, transit and return of migrants. Migrants are extremely vulnerable to acts of violence by private individuals. The Special Rapporteur is concerned about the impunity that usually surrounds such crimes and the information he received that public employees collude in or tolerate such practices. Moreover, migrant arrests by public employees tend to be violent and accompanied by insults, threats and humiliation.

73. The conditions observed at the Siglo XXI migrant holding centre in Tapachula (Chiapas) are generally adequate for short periods of detention. However, detainees who lodge appeals generally spend long periods in detention. The Government should restrict the use of detention to exceptional cases, improve conditions of detention and avoid prolonged periods of detention. Unaccompanied boys are housed in the holding centre, while unaccompanied girls are taken to public and private hostels where conditions are generally poor and there is no proper supervision to detect trafficking and identify needs. The Special Rapporteur notes that, while he received no complaints or ill-treatment or torture at the Siglo XXI centre, he did receive complaints about incidents at several of the country's migrant holding centres, in which migrants were insulted, threatened, humiliated and beaten. The Special Rapporteur is concerned that lawyers and civil society organizations have limited access to holding centres to monitor and assist migrants.

Recommendations

87. **With regard to migrants:**

(a) **Take steps to reduce the violence to which they are exposed, including due investigation and punishment of those responsible;**

(b) **Facilitate access by civil society organizations and lawyers to migrant holding centres and to confidential interviews with migrants.**

Report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Mexico,

Addendum: Mission to Mexico (28 April 2014) A/HRC/26/36/Add.1

Vulnerable persons

Migrants

74. Undocumented migrants who transit through Mexico put their lives at serious risk, although it is difficult to obtain reliable figures on the numbers killed.6 Reportedly, there is a direct link between disappearances and killings of migrants, organized crime, and complicity of law enforcement, investigative and other authorities. Migrant shelters have been subject to multiple attacks by organized criminal groups and insufficient preventative and accountability measures have been inadequately mobilized.7 Moreover, migrants are afraid to bring cases to the police. Chronic impunity therefore persists. The Special Rapporteur urges prompt investigation of killings of migrants in order to punish those responsible and provide compensation to victims or families of victims. He also calls for strengthening of the protection framework, including ensuring the safe operation of shelters.

Recommendations

B. Vulnerable Persons

111. **Full, prompt, effective, impartial and diligent investigation of homicides perpetrated against women, migrants, journalists and human rights defenders, children, inmates and detainees and LGBT individuals should be ensured.**

113. **A safe corridor should be created for migrants in transit, including better protection while in transit; a package of protection and accountability measures should be adopted to prevent attacks in migrant shelters; cooperation should be strengthened between state departments and community organizations that provide humanitarian assistance to migrants; adequate redress should be provided to victims of violence committed in the country; consideration should be given to following an approach whereby undocumented migrants can exercise rights such as the right to report crimes to the authorities without fearing arrest; and the dignified repatriation of corpses should be ensured in coordination with the State of origin.**

118. **Conditions for all detainees should be improved in compliance with the Standard Minimum Rules for the Treatment of Prisoners and the right to life of all inmates should be ensured.**

119. **Police and other authorities should be trained on gender-identity and sexual orientation awareness; protective and precautionary measures should be ensured; and societal tolerance should be encouraged.**