



**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

**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 initial report of MEXICO (CMW/C/MEX/1)**

**I. GENERAL INFORMATION**

1. Please indicate any progress made in the process of reviewing the State party's reservation to article 22, paragraph 4, of the Convention, and whether an amendment to article 33 of the Constitution is being considered in this context.
2. Please explain what measures have been taken to harmonize federal and state legislation in migration matters and to bring both federal and State legislation into line with the Convention.
3. Please provide the Committee with additional information on the volume and nature of migratory flows on Mexico's southern border.
4. According to paragraph 181 of the State party's report (CMW/C/MEX/1), migration offences or infractions may be subject to criminal proceedings under articles 118 to 125 of the General Population Act, although in practice this does not happen. In this connection, please state what stage has been reached in the review of migration legislation mentioned in paragraphs 182 and 278 of the State party's initial report.
5. Please explain whether national legislation provides for the application of the Convention to refugees and stateless persons (article 3 (d) of the Convention).

## **II. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE CONVENTION**

### **A. General principles**

6. Please inform the Committee about measures taken, if any, to combat discriminatory attitudes towards migrant workers and members of their families, particularly migrant women and indigenous migrants, and to ensure that they are not stigmatized.
7. Please explain the rationale behind article 67 of the General Population Act, which allows only foreigners who are lawfully in the country to bring legal action (see paragraph 172 of the report). Please also clarify in this context how illegal migrant workers and members of their families can exercise their right to an effective remedy in accordance with article 83 of the Convention and specify which judicial, administrative, legislative or other authorities are competent to receive complaints of alleged violations of migrant workers' rights.
8. Please inform the Committee about safeguards taken to ensure that "anti-maras" measures (against gang violence) do not disproportionately affect migrant workers and members of their families, especially children and adolescents.

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

9. Please inform the Committee about progress made in ensuring that migrant workers and members of their families who are detained for violations of provisions relating to migration are not held together with convicted persons or persons detained pending trial. Please also provide information on what practical measures have been taken to ensure that migrants are not secured for indefinite periods, and what results have been obtained.
10. With reference to paragraph 289 of the report, please provide information on measures taken to harmonize domestic legislation with article 21 of the Convention. Please also provide information on measures taken to prevent the retention of identity documents by persons other than authorized public officials, such as employers or recruitment agencies.
11. According to information received by the National Human Rights Commission, the migration authority is not the only body that checks the migration status of individuals and detains undocumented migrants. In this connection, please clarify: (a) what other authorities are involved in this procedure; (b) whether there are regulations that permit such actions by authorities other than the migration authority; and (c) what role is played by the armed forces in controlling migration, particularly on the southern border.
12. Please explain the reasons why, in some cases, the Government of Mexico restricts free transit through its territory to migrant workers and their families, even when they have documentation entitling them to be in the country.
13. Please provide information on measures taken in response to allegations of the involvement of immigration officers and/or public officials in extortion, ill-treatment and physical and verbal abuse against migrants. Please provide information on any investigation or prosecution in this respect and on sanctions imposed, if any.

14. Please clarify the concept of “securing” migrants and explain how it differs from a detention system. Please also provide updated information on measures taken to improve detention conditions, in particular through the provision of adequate food, sanitation and medical care, and measures to alleviate overcrowding. In this connection, please indicate whether there are any obstacles to the effective implementation of the “Programme for upgrading migrant detention centres”, mentioned in paragraph 245 of the report.

15. Please inform the Committee about any specific measures taken to protect domestic migrant workers, particularly women, who are often subjected to such abuses as long workdays, lack of health insurance, physical and verbal ill-treatment, sexual harassment, and threats because of their undocumented status.

16. With reference to article 25 of the Convention, please provide more detailed information on measures taken to ensure that undocumented migrant workers enjoy equal treatment with regard to conditions of work, such as hours of work, rest days, paid holidays, safety and health, and other terms of employment.

17. Please provide information on the measures taken to ensure that undocumented migrant workers enjoy equal treatment with respect to social security benefits, particularly in the light of the requirement that employers verify the migratory status of migrant workers before registering them with the social security system (paragraph 326 of the report).

#### **C. Part IV of the Convention**

18. With reference to paragraph 374 of the State party’s report, please clarify how in practice migrant workers and members of their families can exercise the right to form trade unions, if they cannot form part of the leadership of such unions, and explain the reasons for that restriction. Please also explain whether migrant workers and members of their families can form associations other than trade unions, and whether they can be part of the leadership of such associations.

19. Please specify the measures taken by the State party, if any, to facilitate consultation with and participation by migrant workers and members of their families in decisions that affect the life and administration of local communities.

20. With reference to paragraphs 406 and 407 of the report, please provide information on the conditions under which family reunification is allowed and provide specific data in this respect.

#### **D. Part V of the Convention**

21. Please inform the Committee about the legislative framework and measures taken to ensure that seasonal agricultural workers throughout the country can fully enjoy the right to the same treatment as nationals in respect of health, education, fair pay, conditions of work and social security benefits.

22. According to information received by the National Human Rights Commission, there have been reports of cases in which seasonal agricultural workers under the Visiting Agricultural Worker Migration Form (FMVA) Programme in the State of Chiapas have been subjected to physical ill-treatment by their employers. Please indicate whether the State party is addressing this situation and how it is doing so.

#### **E. Part VI of the Convention**

23. Please provide additional information on the extent of the phenomenon of trafficking in persons in the State party's territory.

24. Please update the Committee on the measures taken to criminalize trafficking in persons and to avoid criminalization of the victim and ensure his or her physical and psychological recovery and social reintegration.

25. Please provide information on measures taken to address allegations of the involvement of public officials in trafficking in and smuggling of migrants. Please also provide information on any investigation or prosecution in this regard and on the sanctions imposed.

26. Please describe the measures taken by the Government of Mexico to implement bilateral or regional agreements on migration, particularly with regard to the return of migrant workers and respect for their human rights at the local level.

27. Please provide additional information on the activities and results achieved within the Programme for the Comprehensive Development of the Cultures of Indigenous Peoples and Communities to support the culture of indigenous migrants, as stated in paragraph 499 of the State party's report.

#### **F. Other matters**

28. Please inform the Committee whether the special measures and programmes to assist the large number of unaccompanied minor migrants on the northern border have been extended to the southern border. In particular, please provide updated information on the implementation of a care strategy for migrant minors on the southern border, as indicated in paragraph 103 of the State party's report.

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