



MEXICO FAILS TO COMPLY WITH THE RECOMMENDATIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION RELATED TO THE PROTECTION OF MIGRANTS AND ASYLUM SEEKERS

June 1st 2021

- We call on Mexico to implement the recommendations that various human rights mechanisms have made in the context of the protection of human rights of migrants, asylum seekers and human right defenders that work with them.

In the context of the 103th Session of the United Nations Committee on the Elimination of Racial Discrimination (CERD) – and its follow-up letter to the Mexican government – our organizations join the Committee’s findings on the lack of implementation and the insufficient implementation of some of the recommendations made in 2019. In particular, after almost two years, the implementation of recommendations related to migrants, asylum seekers and those requiring complementary protection is inadequate and the current situation is, in fact, a regression.

The lack of implementation of the CERD recommendations by Mexico is framed in the context of migration policies towards militarization, criminalization, systematic detentions and use of force that incite discrimination against migrants and asylum seekers. This context has been aggravated after the implementation of measures to control the Covid-19 pandemic.

We have witnessed an increased number of security forces, including the military and the National Guard Forces (NGF), in migratory verification and control tasks. From June 2019 to December 2020, the military and the NGF detained 152 thousands migrants in the southern border. The National Defence Ministry (SEDENA) – and not the NGF – conducted 67% of this detentions, including the detention of 27 thousands children.

We have identified an excessive, arbitrary, and indiscriminate use of force during the “caravans” with multiple human rights violations. The same pattern has been identified against protests inside migration detention centers when migrants tried to fight for their rights and better conditions during their detention. Sometimes these protests occur with irreparable consequences, like the death of a Guatemalan migrant in the Migrant Detention Center in Tenosique in April 2020.

We have also documented how the National Institute of Migration (INM) has denied access to the asylum-seeking procedure for those needing international protection. Those who have expressed the those who have expressed the intention to access this proceeding have on many occasions been sent to detention centers without appropriate revision of their requests. Our organizations have even documented that



people with their asylum-seeking requests, or with their recognized refugee status, have been detained and deported to countries where their lives are at risk.

Furthermore, with the arrival of African and Asian migrants, as well as from Haiti, the Mexican government has not adopted an integral migration policy to respond to their needs, such as adequate interpretation and enough human rights information.

The racism against people and families from Haiti – for those who have been victims of violence, trauma and family separation – is institutional. One of these cases is Maxene André who died on the 6th of August 2019 inside the Migration Centre “Siglo XXI” in Tapachula, Chiapas. André was sick and isolated for 15 days out of the 20 days that he was in detention.

The response by the Mexican government and institutions has incited xenophobia and discrimination against migrants entering through the southern border, particularly by deploying the INM at the borders in collaboration with the NGF and members from the SEDENA to stop migrants and asylum seekers to enter, especially through the southern border. These practices have been documented and published in different press-releases and reports, in which the criminalization of people entering to Mexico in “irregular” migration status, and allegedly carriers of a disease, is evident. This situation was more evident with the sanitary measures implemented in the context of the Covid-19 pandemic, which have been not only discriminatory but also with the purpose to deter migration.

On the other hand, there are around 1500 peoples, mainly from Central America, in vulnerable and risk situations in the camp installed since the 18th of February 2021 in Tijuana city, known as “El Chaparral”. In this camp there are inappropriate sanitary, hygienic, and secure conditions, and a lack of health services and adequate food. In addition, the spread of racists, discriminatory and xenophobic messages and actions creates stressful and tense environments in the camp. Until now, the local and federal authorities have not implemented any humanitarian assistance or preventive measures to address these acts of discrimination.

We also raise awareness of the particular situation of non-accompanied children. On the 11th of November 2020, a Decree was officially published, which modified and reform several articles on migrant children of the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum. However, in practice, the detention of non-accompanied children continues, particularly detentions in inadequate places; being separated from their families, the lack of access to the right to request asylum for themselves. Until now, there are no adequate regulations, protocols, or operative manuals that would effectively implement the reforms.



Lastly, in addition to the widespread context of strengthening migratory policies, our organizations have witnessed intense months of hostilities, harassment, surveillance, defamation and aggressions against human right defenders, shelters and spaces attending migrants. On the 19th of January 2021, during a human rights monitoring activity carried out by the “Colectivo de Observación y Monitoreo de Derechos Humanos del Sureste Mexicano”, human right defenders were followed and kept under surveillance by members of the NGF, SEDENA and the Marine. This happened in a context where human right defenders, shelters and civil society organizations are the ones providing humanitarian assistance and protecting migrants.

During Covid-19, and in addition to acts and statements that criminalize human right defenders, there has been a use of the health emergency to falsely argue that accompanying migrant and defend human rights pose a “risk” of contamination to the local communities. This has been the case in various shelters and for human right defenders such as in the “El Chaparral” camp in Tijuana. For this reason, we are concerned that Mexico did not provide information to the CERD on the implementation of the recommendations related to the protection of human right defenders working with people on the move.

The lack of governmental actions to implement the Committee’s recommendations is just a sign of the systemic denial of the fundamental rights of thousands of migrants and asylum seekers who are discriminated against because of their nationality.

We call on Mexico to comply with its international obligations and particularly to implement the recommendations that various human rights mechanisms have made in the context of the protection of human rights of migrants, asylum seekers and human right defenders that work with them.

Signed by,

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