

Universal Periodic Review – Mexico
Information Regarding Refugees, Migrants and IDPs

On the occasion of the 45th Session of Working Group of the United Nations Human Rights Council on the Universal Periodic Review (UPR) and specifically with respect to the consideration of Mexico during the fourth cycle of the UPR scheduled for January 24, 2024, the Danish Refugee Council (DRC) Mexico respectfully presents the following information for consideration by UN member states who have demonstrated an interest in the situation of refugees, migrants and internally displaced persons (IDPs) in the country.¹ It is hoped that this information will be useful in the review process and in the formulation of the associated outcome report.

The information offered by DRC² is based on humanitarian assistance activities, including specifically protection monitoring³, conducted in Mexico since 2020. From October 2020 through December 2023, DRC conducted household interviews covering over 11,000 individuals, including refugees, migrants and IDPs along Mexico's southern border (in and around Tapachula) and northern border (Ciudad Juarez, Reynosa and Matamoros) as well as the interior of the country (Chihuahua and multiple localities in Sinaloa).⁴ Additionally, qualitative data was collected through focus group discussions, direct observations, key informant interviews and a continuous review of primary and secondary sources.

Threats to Safety⁵

Migrants and refugees continue to face multiple threats to their safety during their time in Mexico. 37% of households covered by protection monitoring confirmed that at least one family member had suffered violence in Mexico, with extortion being the most common form, followed by physical aggression and abduction/kidnapping. Most of these incidents took place during transit within Mexico, although certain types of incidents were more

¹ This includes some members of the UN Human Rights Council, UN member states who have previously issued recommendations on these issues as well as those who actively engage on these thematic areas in Mexico.

² The information presented reflects the most pertinent DRC data for understanding some of the priority issues facing refugees, migrants and IDPs. The absence of data on other issues is due only to the scope and coverage of DRC's activities and should not be interpreted to suggest the absence of other human rights concerns.

³ Protection monitoring involves systematically and regularly collecting, verifying, and analyzing information over an extended period of time in order to identify violations of rights and protection risks for populations of concern for the purpose of informing effective responses.

⁴ An interactive Dashboard of quantitative protection monitoring data is available [here](#).

⁵ In Recommendation 132.135 during the Third Cycle UPR, Sweden called on Mexico to effectively protect, promote and guarantee the safety and human rights of migrants and refugees, especially those who are in transit within the national territory and around the southern border. Similarly, in Recommendation 132.260, the Holy See called on Mexico to protection effectively and guarantee the safety and fundamental human rights of migrants, including those who are in transit on the national territory. Additionally, in Recommendation 132.258, Greece called on Mexico to take adequate steps to prevent crimes against migrants.

concentrated upon entry or in the current locations of those interviewed. Abductions⁶ were more frequently documented during 2023 along the northern border, with criminal groups named as perpetrators in 50% of incidents, and authorities in 15%. 21% of families cited abduction as the main risk that they faced in their current location. Increasingly, respondents report a perception that their current location is unsafe or very unsafe, as well as a distrust of authorities who are seen to be in collusion with organized criminal groups.

Impunity for these violations is prevalent.⁷ Only 12% of respondents affirming experiences of violence had reported these incidents before the authorities, of which 68% did not receive any response. The most cited barriers to access to justice were fear of authorities (18%) and fear of reprisals (17%). Only 29% of all respondents believe that the authorities would be able to protect them from violence.

These statistics confirm the highly dangerous conditions for refugees, migrants and IDPs in Mexico, particularly as a result of their heightened vulnerability in precarious informal settlements and minimally equipped shelter facilities. The absence of specific measures to guarantee the safety of those on the move – including by issuing transit permits as is done in other countries of the route – leads many to engage the services of human traffickers in order to move irregularly through the territory, thus exposing them to additional safety threats. Traffickers were referenced as being responsible for 7% of reported abductions, among other forms of violence, and are often perceived to be in collusion with organized criminal groups.

Access to Asylum⁸

Although most households covered by protection monitoring confirm that there were multiple reasons for leaving their countries of origin, the factors most cited – by more than 74% - are violence and fear of persecution. Given the associated needs for protection from refoulement, the persistent lack of mechanisms to identify these individuals upon entry to Mexico is an important limitation on access to asylum. 96% of respondents who reported having entered from Guatemala had done so irregularly.

Although a majority of respondents – 51% - intend to transit through Mexico toward the United States, more than 40% are interested in either remaining where they are (16%) or

⁶ In Recommendation 132.50 during the Third Cycle UPR, Greece called on Mexico to create a database of disappeared and missing migrants within its territory. Similarly, in recommendation 132.261, Iraq called on Mexico to enforce efforts toward the protection of migrant women and asylum seekers from risk of abduction.

⁷ In Recommendation 132.80 during the Third Cycle UPR, Pakistan called on Mexico to investigate allegations of violations of the rights of migrants and refugees, including refoulement.

⁸ In Recommendation 132.135 during the Third Cycle UPR, Sweden called on Mexico to effectively protect, promote and guarantee the right to seek asylum. In Recommendation 132.262 during the Third Cycle UPR, Paraguay called on Mexico to continue to apply legislation on immigration procedures in line with human rights obligations and standards, in particular the respect for due process and the principle of non-refoulement.

transiting to another location within Mexico (27%). Those in transit to the United States face multiple barriers in accessing asylum in that country, including restrictions on documentation that would allow a safe and regular transit through Mexico. More than 80% of respondents confirmed that they do not have any documentation conferring legal stay in Mexico. This effectively impedes their safe access to U.S. territory.

For those who opt to request asylum in Mexico – 75% -, either to obtain a document that can provide some level of protection during transit or because of their intention to remain in Mexico, there are recurrent limitations on due process. The majority – 80% - report having to wait more than one month to formalize their asylum application with COMAR, due to the practical requirements of pre-registration in Tapachula. During this period, they are ineligible for many forms of assistance and have had to remain in precarious and dangerous living arrangements, while facing difficulties covering their basic needs. Many also report facing measures to disqualify asylum applications based on informal and cursory assessments. In mid-2023, DRC documented how the COMAR refused to receive asylum applications from children and adolescents who sought to initiate an asylum process separate from the immigration status of their family members. Together, multiple dynamics⁹ impede due process in asylum proceedings and leave many asylum-seekers to abandon their applications and their intentions to remain in Mexico, thus estranging them from the protection of asylum.

Detention

The threat of detention is constantly present, given the practice of automatic administrative detention of all persons without regular migration status. In 22% of households covered by protection monitoring, at least one person had been detained due to a lack of immigration status. While most detentions were implemented directly by the immigration authority – INM – the National Guard and the Federal Police were also responsible for carrying out these arrests and restrictions on personal liberty. More than 58% of those detained reported not having received any information regarding the reasons for the detention or the procedures to be followed during their detention. None of those who had been detained received documentation about the administrative procedure that they were subject to while detained. 50% of those monitored who had experienced detention reported having been made to sign a document that they did not understand.

Response to Internal Displacement¹⁰

Although Mexico has made important advances with respect to recognizing internal displacement in the country, the legislative proposals to establish national-level frameworks for preventing and responding to this phenomenon remain pending. In the

⁹ A more detailed review of these limitations can be found in DRC's 2021 report: [Challenges in refugee protection and non-refoulement in Tapachula, Mexico: A due process analysis](#).

¹⁰ In Recommendation 132.173 during the Third Cycle UPR, New Zealand called on Mexico to ensure the provision of adequate housing and basic services to internally displaced persons and take steps to create the conditions which will allow them to return to their homes.

absence of a federal law, some states have begun to legislate the matter, leading to the creation of a number of programs and measures to attend to IDPs. There is, however, an absence of measures to address the immediate needs of IDPs in the aftermath of displacement. IDPs monitored stated that shelter/housing (31%), food (24%) and livelihoods (18.2%) were among the needs that were most difficult to address following displacement. Progress with respect to durable solutions has been even more limited. In the state of Sinaloa, for example, a state-level housing program has begun to attend to the shelter-related needs of some IDPs by resettling them on plots of land managed by the state. This type of response is relevant given that 81% of respondents confirm the persistence of diverse risks if they were to return to their place of origin. This initiative is limited, however, to the state government's focus on persons displaced from other parts of Sinaloa (and not the totality of Mexico), the insufficient availability of resources, the lack of sustainable strategies for addressing housing and the absence of an effective registration system upon which to base eligibility.

Access to Rights and Services¹¹

While formally, Mexican law establishes access to services in a way that should guarantee the rights of people on the move, the absence of policies and programs to affirmatively adapt existing services results in significant numbers of migrants and refugees, not to mention IDPs, being deprived access in a way that infringes their human rights. 34% of respondents reported being unaware of where to go in case they needed medical attention, and 26% confirm that they have been unable to receive the medical care necessary to address their health needs. The main barriers cited are the costs of medications (37%), the lack of information (36%) and the costs of transportation (17%). Of all of the children between 5 to 17 years of age who were covered by protection monitoring, only 40% were studying. The main factor affecting the lack of access to education was that the family unit is in transit (47%), followed by a lack of information (21%). These figures attest to the gap between the realities of people on the move who need to access diverse services in order to guarantee their rights and the offer being provided by the Mexican state which has not recognized the crisis dimensions of the situation or provided adequate resources to adapt services to this context.

Danish Refugee Council Mexico

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¹¹ In Recommendation 132.215 during the Third Cycle UPR, the Philippines called on Mexico to ensure allocation of sufficient resources to strengthen programs and measures to improve migrants' and asylum seekers' welfare. Similarly, in Recommendation 132.256 during the Third Cycle UPR, Venezuela called on Mexico to take the necessary legal and administrative measures to guarantee the rights of national and foreign migrants. In the same way, in Recommendation 132.257 during the Third Cycle UPR, Ecuador called on Mexico to protect the human rights of persons in a situation of human mobility, in particular in border areas. In Recommendation 132.260, the Holy See specifically drew attention to access to justice, education, health and civil registry.