

Transnational Mechanism for Migrants Access to Justice



In December 2014, the PGR (Office of the Attorney General) publicly expressed its commitment to create the Transnational Mechanism in front of representatives of the Committee on Enforced Disappearances of the United Nations, the Working Group on Enforced or Involuntary Disappearances of the UN and to the Rapporteur on the Rights of Migrants of the Inter-American Commission on Human Rights.

The mechanism has yet to be implemented.

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Every year, between 140,000 and 400,000 Central Americans enter Mexico on their way to the USA. Throughout their journey, they are victims of serious crimes such as physical abuse, kidnappings, extortion, and trafficking.

Migrants also suffer from gross human rights violations, including arbitrary detention, sexual violence, torture, disappearance, and other violations.

Yet, when these migrants or their families who remain in Central America try to access to the Mexican justice system to report and prosecute these crimes, they face multiple obstacles. Some victims do not know how, where, or to whom to report the violation. Some succeed in reporting the violation, only to have the authorities lose their case file. Others successfully file a case, but never receive any follow-up on the progress of the case.

To address these serious impediments, the Foundation for Justice and the Democratic Rule of Law, along with its partners in the Regional Network for Truth and Justice for Migrants have proposed the establishment of a transnational mechanism for access to justice for migrants and their families.

This Transnational Mechanism will connect the victims, wherever they are located, with the Mexican justice system, initially via the Mexican embassies in Guatemala, El Salvador, and Honduras.

The victims will participate in the delineation of the Transnational Mechanism's procedures and in its periodic evaluations, together with civil society and through this Mechanism, they will be able to exercise their rights, recognized by the Mexican Law.

"Mexico is a dream thief
and a killer of hopes"

- Guatemalan spouse, whose
husband disappeared in Mexico".

9 in 10 migrants
receive death
threats against them or
their
family while kidnapped.

(Source: Amnesty International, 2010)

21,091 migrant
kidnappings
were recorded in two
6-month
periods between 2008
and 2010.

(Sources: CNDH, Special Report on Migrant
Kidnapping in Mexico, 2011)



Photo: COFAMIPRO

Rights recognized through the Transnational
Mechanism for Access to Justice:

- File complaints;
- Submit new evidence;
- Report crimes of which they are victims;
- Request for immediate search actions;
- Provide information deemed relevant;
- Present and controvert evidence and witnesses;
- Participate actively in legal hearings;
- Present and support unconformities;
- Notification of the investigations' proceedings;
- Access to translation if required.