

**Migration in a Context of Securitization: Analysis of the 2023 CNDH México  
Recommendations**  
**Migración en un contexto de securitización: análisis de las  
recomendaciones de la CNDH México 2023**

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## ABSTRACT

This research aimed to analyze the recommendations issued by the National Human Rights Commission (CNDH) of Mexico, related to migration, in 2023. To do so, a documentary review was carried out through frequency counts and categorization. The main results indicate that: a) the most frequently violated human rights were those related to legal security, personal freedom, legality, and protection of minors; b) those affected who appeared most frequently in these recommendations were of Honduran nationality; and c) that the systematic violation of the human rights of migrants responds to the securitization policy. The originality of this work lies in the techniques employed and the period analyzed; likewise, the contribution of the study is relevant to elucidate the existing structural flaws in migration management and guide the design of applicable policies.

*Keywords:* 1. migration, 2. human rights, 3. CNDH, 4. violations, 5. securitization.

## RESUMEN

Esta investigación tuvo por objetivo analizar las recomendaciones emitidas por la Comisión Nacional de los Derechos Humanos (CNDH) de México, relacionadas con la migración, en 2023. Para ello se realizó una revisión documental a través de conteos de frecuencias y categorización. Los principales resultados señalan que: a) los derechos humanos más frecuentemente violentados fueron los relacionados con la seguridad jurídica, la libertad personal, la legalidad y el interés superior de la niñez; b) los afectados que aparecieron con mayor frecuencia en estas recomendaciones fueron de nacionalidad hondureña; y c) que la violación sistemática a los derechos humanos de los migrantes responde a la política de securitización. Se considera que el trabajo es original dadas las técnicas utilizadas y el período analizado. Así también, el aporte del estudio es relevante para elucidar las fallas estructurales existentes en la gestión migratoria y orientar el diseño de las políticas aplicables.

*Palabras clave:* 1. migración, 2. derechos humanos, 3. CNDH, 4. violaciones, 5. securitización.

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## INTRODUCTION

Mexico is undergoing complex and rapidly evolving migration dynamics, driven by the goal of thousands of people to reach the southern border of the United States and by the influence the U.S. government exerts on Mexican migration policy. The year 2023 was characterized by an increase in migration from South America, led by migrants from Venezuela, Ecuador, Colombia, Peru, and Brazil. This complexity also reflects substantial changes such as the decrease in the proportion of events linked to Central American migrants, which plummeted from 97% in 2021 to 28% in 2023. Many of these individuals are in vulnerable situations, such as pregnant women, children, adolescents, and people with disabilities (International Organization for Migration [IOM], 2022).

During 2023, 782 176 events involving people in an irregular migration situation were recorded in Mexico, a figure considerably higher from that of 2019 (182 940 events). In this context, the word “event” means that a person has been presented or channeled by immigration authorities. Presentation is a measure through which accommodation is arranged for a migrant while their stay in the country is regularized or they are assisted in their return; channeling refers to children, adolescents, and their companions who are sent to the shelters of the National System for Integral Family Development. (DIF, acronym in Spanish for *Sistema Nacional para el Desarrollo Integral de la Familia*) (Ministry of the Interior [SEGOB, acronym in Spanish for *Secretaría de Gobernación*], n.d.). Given this scenario, the protection of migrants' human rights represents stands as a difficult and growing challenge for Mexican authorities.

Article 2 of the Migration Law sets forth as an obligation of the Mexican State to guarantee the human rights of all migrants, regardless of their origin, legal status, nationality, gender, ethnicity, or age, particularly so when they belong to vulnerable groups, such as minors, women, indigenous people, and older adults, as well as those who have been victimized (Ley de Migración, 2011).

Furthermore, the National Human Rights Commission (CNDH, n.d.) describes the human rights of people on the move as follows: the right to non-discrimination, nationality, personal integrity and freedom from violence, freedom of transit, protection from arbitrary detention, consular assistance, due process, health, access to a translator or interpreter, education, refuge and asylum, family reunification, the right not to be returned if there is a risk of persecution or torture, to work, and to dignified treatment during their stay or detention.

Taking the above into account, this descriptive study aimed at conducting a documentary analysis of the recommendations issued by the CNDH in terms of migration during 2023. The purpose of the analysis was to identify the most frequently violated human rights of migrants, the most affected nationalities, and the actions that led to these violations. The hypothesis is that such violations occur within a context of securitization of migration.

This article is organized as follows: first, a review of the literature on the topic, outlining the main theories and approaches to migration analysis; then, an explanation of the method employed. The results are then analyzed, and a conclusion is drawn in the last section.

## LITERATURE REVIEW

Migration involves the long-distance movement or change of residence of individuals for a period of time sufficiently long so as to imply carrying out daily life activities in the host country, with the prospect of settling and staying there. This movement involves the crossing of geographical and administrative boundaries and the intent to satisfy a need (Micolta, 2005).

In the available literature, classifications have been defined around the phenomenon of migration based on various criteria. Some examples can be found in Table 1.

*Table 1.* Some Classifications of the Different Types of Migration

<b>By duration</b>	Seasonal
	Temporary and repeated
	Transitory
	Indefinite
<b>By degree of freedom</b>	Voluntary
	Forced
	Deportation or exile
	Through refugee status
<b>By geographical criteria</b>	Internal
	External
<b>By causes</b>	Ecological
	Political
	Economic
	Family-related
	Education-related
	Violent
<b>By legality</b>	Regular
	Irregular

*Source:* Own elaboration based on Micolta (2005), Blanco (2000), and the IOM (2023).

As can be seen, the migration phenomenon is both complex and multifactorial. From the various research studies on the subject, a first trend focuses on the material, sociodemographic, and economic dimensions with the aim of identifying regularities in migration. These studies tend to focus on the economic inequalities (such as those in income and employment volume) between the places of origin and those of destination to explain the phenomenon. These inequalities become pull or push factors, the combination of which leads to the decision to migrate. A second research trend focuses on the human aspects of the migration phenomenon, that is, its social, political, and

cultural effects, as well as on the influence of tradition, psychology, and interpersonal relationships. It can be stated that the different migration theories make use of elements from both trends, although one generally predominates over the other (Micolta, 2005).

According to the neoclassical theory, international migration is based on cost-benefit analysis, motivated by differences in wage rates between the countries of origin and destination, and is therefore understood a fundamentally economic phenomenon.

On the other hand, push-pull theory adds new features to the neoclassical perspective, introducing a series of variables called push and pull factors. Push factors include demographic pressure, lack of access to land, low wages, precariousness, lack of political freedom, and persecution, among others. Pull factors are those associated with the potential of the destination country, represented by factors opposite to those understood as push factors. Assessing these factors—plus the cost of travel, temporary support, emotional pain, and adaptation efforts—migrants choose the alternative they consider most advantageous. According to this theory, migration is rational, free, instrumental, and functional, and is also conceptualized as a form of investment (Micolta, 2005; Schiavon, 2022).

Subsequently, the fragmented labor market theory understood migration as a structural phenomenon determined by unequal exchange between economies. From this perspective, it is estimated that developed countries lack sufficient labor force to fill the unstable, precarious, and low-paying jobs that migrants therefore serve to fill. As such, international labor migration stems from the needs of host societies, either due to the inability of companies to increase wages or the lack of incentives for national workers to perform precarious jobs (Micolta, 2005; Pino et al., 2021).

From the perspective of the Marxist theory of capitalist accumulation, the displacement of the labor force is only understandable if one takes into account the inequality between different social classes, which in turn arises from the unbalanced development that distinguishes the industrialized central economies from the peripheral ones that provide labor and natural resources, as well as from the dynamics of imperialist exploitation existing between them. From this, natural resources and labor flow from dependent to dominant countries. This theory rejects the idea that the decision to migrate is individual and rather argues that it is due to a set of structural divergences (Micolta, 2005; Martín, 2023).

On the other hand, the world-systems theory argues that large-scale migration is a direct consequence of economic globalization. This process has led to the destabilization of the lives of millions of people. Farmers, artisans, and state-owned enterprise workers, who previously enjoyed a more secure living, have been forced to leave their homes and become migrants in search of better opportunities. Consequently, neocolonialism has consolidated the power of large multinational corporations, which, in order to maximize profits, concentrate their top-level operations in a small number of global cities, while relocating production and the extraction of natural resources to countries where wages are lower and labor regulations are laxer (Martín, 2023).

Still, other theories have focused on analyzing migration from its social and collective perspective, that is, as a flexible and dynamic process. For example, according to social network theory, migration is determined by the relationships between individuals, which motivate them to migrate, return, or stay. These ties can reduce the costs and risks of migration, as well as enhance its benefits. Similarly, family ties in the place of origin significantly determine the decision to return, and the new ties formed by migrants in the host country influence the decision to stay. This approach highlights the importance of (public, private, and humanitarian) institutions, which, through their activities, help maintain more stable and secure migration flows (Casas & Cobarrubias, 2020).

Similarly, the cumulative causation approach posits that migration movements tend to perpetuate themselves over time, regardless of the conditions that originally triggered them. According to this view, the social, economic, and cultural changes produced by migration become so powerful that they themselves generate resistance to regulation or control (Micolta, 2005; Casas & Cobarrubias, 2020).

While there is no single, all-encompassing explanation of the nature of migratory flows, these and other theories contribute to a better understanding of them. Likewise, the nature, characteristics, and objectives of human rights have been theorized from different perspectives.

#### THE SECURITIZATION APPROACH

As hereby seen so far, there is no single approach to studying the phenomenon of migration. A number of modern studies have introduced the issue of militarization and migration control into the academic debate, as public policies that respond to the perception that international migrants pose a danger to national security: this is what is known in contemporary literature as securitization (Buzan et al., 1998; Huysmans, 2000; Menjívar, 2014).

For Buzan et al. (1998), the term “securitization” refers to a political movement that promotes security policies at an extreme priority level for nation States, militarizing and imposing radical measures to contain international immigration.

Gabrielli (2014) examines the term “securitization” and how it relates to the human rights of immigrants in the European Union (EU), from a migration perspective. The author points out that the concept of securitization, as understood thus far, appears to be the only lens through which it is possible to focus on migration phenomena linked to the events of September 11, 2001, in the United States. The specialist pays close attention to the link between the concept of securitization, migration, and the significant consequences this causes on the Euro-African border, that is, a progressive militarization of the external border and multiple violations of the human rights of African migrants (Gabrielli, 2014).

According to this approach, once something is identified as a threat to national security, extraordinary means can be used to defend against such socially constructed threat. As long as a

population is labeled as a threat to national security, it immediately becomes a priority for the State (Vermeulen, 2018).

Huysmans (2000) contributes to the analysis of this approach to securitization in the study of migration by studying the case of the EU, where containment policies were justified by the aim of bringing greater security to border countries and developing what is known as Fortress Europe.

This stream of theoretical analysis is important because it is based on understanding the securitization of migration as a process involving multiple political, religious, and academic actors, as well as journalists and experts, who attempt to influence society with the idea that immigrants are a threat and, therefore, a priority for national governments. The objective of these actors is to enable and justify authorities in designing actions to stop this threat, even when these provisions violate the law, the Constitution, and international human rights standards (Treviño, 2016).

In turn, Varela (2015) states that, as a concept applied to migration, securitization seeks to illustrate the notion of national security as a pillar of national sovereignty, even going beyond police powers of public order.

In an analysis of the recommendations made by jurisdictional authorities in this area, such as the CNDH, regarding human rights violations in migration processes, it was deemed necessary to take into account the securitization approach, as it is closely linked to the factors of vulnerability and adversity endured by migrants, such as abuse of authority, acts of violence, discrimination, and serious violations of the rule of law. Most importantly, in a context in which immigration restrictions on the southern border have led to these scenarios of insecurity and violations of universal rights.

## HUMAN RIGHTS

Human rights are a set of fundamental guarantees and freedoms that belong to all people, regardless of their nationality, place of residence, sex, ethnic origin, religion, language, or any other condition. These rights are inherent to all human beings from birth and seek to ensure the dignity and respect of every individual. These rights are interdependent, indivisible, universal, and inalienable; that is, they apply to all people and cannot be withdrawn except through due process (Human Rights Commission of the Federal District [CDHDF, acronym in Spanish for *Comisión de Derechos Humanos del Distrito Federal*], 2011).

According to Tünnermann (1997), the evolution of what is known today as human rights originates from the biblical provisions of the Old and New Testaments due to their humanistic orientation, but they only took the form of legal rights in the 18th century period known as the Enlightenment, particularly in France.

A first approach for addressing this issue, the naturalist theory, holds that human rights are inherent to the nature of people. This theoretical position is rooted in the philosophy of natural law, which was developed by thinkers such as John Locke, Thomas Hobbes, and Jean-Jacques Rousseau. According to this view, human rights derive from universal moral principles that are accessible

through reason and that predate the formation of political societies, and therefore must be protected by any just government (Díez, 2022).

There are authors who refer to this early notion of human rights, especially Jean-Jacques Rousseau, as mentioned by Montoya (1989), arguing that the entire conception of human rights is centered around the ideals of liberty and equality. It is no coincidence that the first Declaration of the Rights of Man and of the Citizen emerged in France in 1789, which set forth the natural and inalienable rights of a person. This served as an inspiration for all nations of the worldwide (Villalobos, 2012).

From the above, this led to the Universal Declaration of Human Rights of 1948, after the experiences of World War II. This arose from the need to set down those rights that had been defended against fascism and Nazism. All signatory countries pledged not to allow the events that occurred in that conflict to repeat themselves and to work together toward transitional justice (Bernal, 2015).

It should be noted that human rights are rights because they imply an adaptation of conduct that takes into account the demands of others, also accounting for the reciprocity inherent in the relationship. This is what Ollero (2009) argues; therefore, human rights are presented as superior to individualism within the legal framework, because they are based on the true needs or interests of individuals.

For his part, Nikken (1999) pointed out that what is established in the Universal Declaration of Human Rights reinforces the dignity of individuals in the face of State abuse. The author also mentioned the existence of a pair of essential characteristics to human rights: inherent because a person has them by virtue of being a person, and a person has innate human rights from birth because they are inherent. The second characteristic identified by Nikken (1999) is that human rights are affirmed before public authority because the government is responsible for enforcing, guaranteeing, or fulfilling them.

On the other hand, positivist theory posits that human rights are created by laws and social conventions, and therefore do not exist outside the legal framework. From this perspective, human rights are viewed as legal constructs that acquire validity through their acknowledgement and codification in national and international laws; that is to say, they do not have an inherent moral basis and only acquire meaning within the context of a specific legal system. Therefore, positivist theory emphasizes the importance of institutions and political processes in the creation and protection of human rights. This view emphasizes that human rights are contingent and can vary depending on the cultural and political context; therefore, they must be continually negotiated and reinterpreted through law and politics (Cotrina, 2020).

The theory of human rights as a social practice defines them as practices and norms that have evolved over time in response to historical and social contexts; therefore, human rights are dynamic and constantly evolving. Consequently, social practices, struggles for justice, and political mobilization play a crucial role in the formation and recognition of these rights. This approach

emphasizes that human rights are not simply granted from above by governments or international institutions, but are rather collectively achieved and redefined. It therefore criticizes universalist impositions that ignore or marginalize local or community realities (Díez, 2022).

On the other hand, capability-based human rights theory focuses on what individuals are capable of doing and being. Rather than focusing exclusively on formal and legal rights, this theory emphasizes the importance of human capabilities for living a dignified and fulfilling life. Here, human rights are seen as instruments to ensure that people can fully develop their capabilities and reach their potential. These capabilities include life, health, physical integrity, meaning, emotion, practical reason, affiliation, and control over one's environment, among others (Díez, 2022).

In turn, critical theory examines how structures of power and domination influence the creation and application of human rights. This theory argues that human rights reflect the interests of dominant groups and are frequently used to perpetuate inequalities, legitimize the status quo, and sustain preexisting power relations. Therefore, collective action, resistance, and struggle, are all necessary to achieve the inclusive and fair application of these rights (Cotrina, 2020).

Additionally, cosmopolitan theory advocates for the idea that human rights transcend national borders and must be guaranteed globally. This view argues that the defense of human rights should be a shared responsibility among all countries of the world, as opposed to exclusivist and nationalist expressions. This theory postulates that human beings, regardless of their nationality or place of residence, are holders of fundamental rights that must be respected and protected, making it necessary to create global institutions and governance mechanisms that can effectively enforce these rights (De Julios, 2024).

In the case of Mexico, certain fundamental rights were established for the first time in the national Constitution of 1917. Still, these guarantees were focused on the security of social, cultural, and economic assets. It was not until the post-war era in the mid-19th century that Mexico joined the Universal Declaration of Human Rights (Nikken, 2010).

Taking into account these philosophical currents surrounding human rights, it is useful to set down what these guarantees are that an individual enjoys. The original Declaration included 30 fundamental and universal human rights, but a total of 50 universal rights can be found today, which can be read on the institutional pages of the United Nations (UN, 2024). These rights, which will not be cited verbatim here for reasons of space, focus on protecting individual guarantees ranging from the right to life, gender equality and parity, freedom of expression, as well as the rights to education, health, and housing, among many others. One of the rights established in this Universal Declaration is Article 11, which establishes the right to free transit and residence. This article enshrines the freedom of any person to migrate in search of a better life.

### *Human Rights in the Context of Migration*

A United Nations assembly was held in 1966, during which several articles were approved, which entered into force in 1976 after being signed and ratified by the member countries. Article 12 of this



pact contains three points, which outline the legality of migrants' freedom of transit throughout the country, since there is no law against it (UN, 1966). One of these articles establishes that every person has the right to move freely throughout the territory of any State and to choose the best place for permanent residence.

Another article sets forth that every person has the right to leave their country of residence, if the individual or their family so chooses. A transitional article of this pact states that every person is inherently entitled to these rights, in any country or territory, except in cases where the person on the move threatens public order, national security, or public health (UN, 1999).

Based on this, migration can be viewed as a human right of families or individuals, acknowledged in most national legal frameworks, and whose voluntary or involuntary decision is based on the search for better living conditions (Castillo, 2000).

Currently, migrants in Mexico hold 10 specific rights, which are listed in the current Migration Law and recognized by the Political Constitution of the United Mexican States. These 10 migrant rights include: the guarantee of their rights and freedoms as recognized in international conventions, regardless of their immigration status (Article 6); the freedom of transit (Article 7); the right to educational services (Article 8); the right to civil services such as marriage, divorce, or death (Article 9); the right to family preservation (Article 10); the right to due process and the administration of justice (Article 11); the right to legal personality (Article 12); the right to recognition as a refugee and the right to political asylum (Article 13); the right to a translator or interpreter to facilitate their communication (Article 14); and the right to respect for their identity and their ethnic and cultural diversity (Article 15) (Ley de Migración, 2011).

### *Human Rights of Migrant Children and Adolescents*

Migrant children and adolescents are in particularly vulnerable conditions due to their status as minors, especially when they migrate alone without the protection of an adult companion. When they do so undocumented or irregularly, they often face violations of their human rights, particularly of their rights as children, even though the best interests of the child must prevail in any legal process, regardless of their immigration status.

The Inter-American Court of Human Rights (IACHR) establishes that all children and adolescents have human rights that are specifically derived from their status as minors and as migrants. For example, these four guiding principles of the Convention on the Rights of the Child establish the rights: 1) not to be discriminated against based on any condition; 2) to place the principle of the best interests of the child above any law; 3) to respect for their physical integrity and integral development; and 4) the right to participate in any procedure which they are affected by (IACHR, 2011).

In the case of Mexico, the specific rights for this sector are outlined by the Mexican government in Chapter 19 of the General Law on the Rights of Children and Adolescents, which includes protective measures for migrant children. Article 89 states: “[...] Authorities at all levels of

government must provide, in accordance with their powers, the appropriate services to children and adolescents in migration situations, regardless of their nationality or immigration status” (Ley General de los Derechos de Niñas, Niños y Adolescentes, 2014, p. 39).

Article 95 states:

Accommodation facilities for migrant children and adolescents shall respect the principle of separation and the right to family unity. Unaccompanied or separated children and adolescents must be housed in separate accommodations from those reserved for adults. Accompanied children and adolescents may be housed with their families, unless the most appropriate measure is to separate them, based on the principle of the best interests of the child (Ley General de los Derechos de Niñas, Niños y Adolescentes, 2014, p. 40).

Article 96 continues:

It is prohibited to return, expel, deport, return, reject at the border or not admit, or in any way transfer or remove a child or adolescent when their life, safety and/or freedom are in danger due to persecution or threat thereof, widespread violence or massive violations of their human rights, as well as where they may be subjected to torture or other cruel, inhuman or degrading treatment (Ley General de los Derechos de Niñas, Niños y Adolescentes, 2014, p. 40).

Finally, Article 99 states:

The National DIF System must design and manage databases of unaccompanied foreign migrant children and adolescents, including, among other factors, the reasons for their migration, transit conditions, their family ties, risk factors at origin and in transit, information on their legal representatives, data on their accommodation and legal status, among others, and share it with the Federal Attorney for the Protection of Children and Adolescents (*la Procuraduría Federal de Protección de Niñas, Niños y Adolescentes*), in accordance with the provisions of the Federal Law on Transparency and Access to Public Government Information and other applicable provisions on transparency [...] (Ley General de los Derechos de Niñas, Niños y Adolescentes, 2014, p. 41).

The above demonstrates the sensitivity of the treatment that must be given to any child or adolescent in a migration situation. However, the aforementioned Migration Law, Chapter 112, stipulates that in cases where a minor is placed under the custody of the National Migration Institute (INM, acronym in Spanish for *Instituto Nacional de Migración*), they remain under the responsibility of this authority for as long as the Office of the Attorney for the Defense of Minors of the DIF System of the entity in question is notified. It should be noted that during this time, all human rights must be respected and guaranteed (Ley de Migración, 2011).

Article 112 of the Migration Law (2011) establishes that all migrant children must be returned to their country of origin with assistance and with the help and collaboration of the corresponding authority in that country, always prioritizing the physical and psychological well-being of the child and taking into account their level of vulnerability.

It should be noted that, from a legal (or positivist) perspective, the human rights of migrants are not inherent to all human beings, but are rather dependent on the legal frameworks of each nation State (Fuentes & Ortiz, 2012).

## METHODOLOGY

To achieve the stated objective, a documentary review was conducted, including frequency counting and categorization of the texts related to the recommendations issued by the CNDH on migration issues during 2023.

To select the recommendations of interest for our study, the filter provided on the CNDH website was made use of, where different terms were entered to isolate all possible recommendations related to migration matter. The result was that during 2023 the CNDH issued 42 recommendations pertaining to migration.

Frequency counts were conducted to determine the human rights violations included in the 42 recommendations. The nationalities of the affected individuals were then listed, and the actions that led to the reported violations were categorized. A tentative categorization was based on a literature review, which can be found in Table 2.

*Table 2. Preliminary Categorization of Actions by Authorities  
That Lead to Violations of Migrants' Human Rights*

Category	Definition
1. Physical and verbal abuse	Excessive use of force or verbal abuse.
2. Arbitrary detentions	Detention of migrants without legal justification.
3. Extortion	Demanding compensation in exchange for deporting or releasing migrants.
4. Bribery	Requesting illegal payments in exchange for allowing transit or residence.
5. Sexual violence	Sexual abuse or assault against population in mobility.
6. Denial of basic services	Limiting access to water, food, sanitation, or medical care, among others.
7. Human trafficking	Cases in which authorities have participated in the exploitation of migrants for labor or sexual purposes.
8. Discrimination and racism	Unequal treatment based on race, origin, gender, religion, or immigration status.
9. Kidnapping	Cases in which authorities have detained migrants for ransom.
10. Torture	Use of cruel or degrading methods to punish or obtain information.
11. Threats and intimidation	Use of threats to coerce migrants.
12. Homicide	Deprivation of life during detention or transit.
13. Medical negligence	Lack of adequate medical care in detention centers.
14. Forced deportation	Expulsion of migrants without due process.
15. Forced disappearance	Disappearance of migrants in the custody of authorities.

*Source:* Own elaboration based on Reitano and Bird (2022); the European Center for Constitutional and Human Rights [ECCHR] (2023); the Human Rights Watch [HRW] (2024); the United Nation Office on Drugs and Crime [UNODC] (2021).

This categorization was adapted and expanded to be more consistent with the findings of the reviewed recommendations, thus resulting in a proposal for the case of Mexico, which is detailed in the section below.

RESULTS

The context in which this research was carried out is that of a militarized southern border of Mexico under pressure from the U.S. government. During President Donald Trump's first administration in 2019, he warned that he would impose a series of tariffs on Mexican imports if irregular migration into Mexico was not halted. After a few days of negotiation, the Mexican government accepted cooperation and committed to controlling all entry through the southern border, as well as deploying 6,000 military personnel from the National Guard throughout Mexico, particularly in the south (Mars & Marcial, 2019).

It was deemed important to contextualize this analysis, as most of the CNDH recommendations presented here are closely linked to this securitization of migration.

A frequency count revealed that the right most frequently violated during 2023 was the right to legal security, which appears in 40 of the 42 recommendations. Another frequently violated right was that related to personal liberty, mentioned 26 times. These were followed in importance by violations of the right to legality (18 times), the best interests of children (16 times), and due process (11 times) (see Table 3).

Table 3. Human Rights Violations Included in the Recommendations Studied

Legal security	40
Personal liberty	26
Legality	18
Best interests of children	16
Due process	11
Freedom of transit	10
Principle of no-return	7
Dignified treatment	7
Integrity	5
Personal safety	3
Family unity	2
Right to life	1
Due dilligence	1
Delay in administrative processes	1
Inviolability of the home	1

Source: Own elaboration based on CNDH recommendations (2024).

On the other hand, the most frequently mentioned authority in these recommendations was the INM, present in 37 of the 42 recommendations. Other institutions mentioned were the Attorney General's Office (FGR, acronym in Spanish for *Fiscalía General de la República*) with four mentions; the Mexican Commission for Refugee Assistance (COMAR, acronym in Spanish for *Comisión Mexicana de Ayuda a Refugiados*) with one mention; the Attorney General's Office of the State of Chiapas with one mention; and the governor of the state of Coahuila with one mention.

The nationality most frequently mentioned in these recommendations was Honduran, appearing 10 times. Other notable mentions were Colombian (with seven mentions); Venezuelan (with six); Salvadoran (with five); and Cuban (with five). It is noteworthy that three of the recommendations refer to human rights violations against Mexicans in Mexico, mainly due to them having been confused with people of other nationalities (see Table 4).

*Table 4. Nationalities Mentioned in the Recommendations Studied*

Honduran	10
Colombian	7
Venezuelan	6
Cuban	5
Salvadoran	5
Guatemalan	3
Mexican	3
Brazilian	1
Various	1
Indian	1
Israeli	1
Nicaraguan	1
Turkish	1

*Source:* Own elaboration based on CNDH recommendations (2024).

To continue the documentary analysis, 18 categories were identified that encompass the different actions that led to human rights violations. Table 5 lists each of them and the frequency with which they appeared in the recommendations studied, as well as a brief description of why they constitute violations.

As can be seen, the most frequent violation was irregular detention for excessive periods, followed by the detention of persons with regular residence or refugee status, and the irregular detention of minors. These violations are generally linked to others in the same recommendation.

*Table 5. Violations by Category*

Category	Frequency
1. Irregular Detention for Excessive Periods	26
Excessive detention was one of the most frequent causes of human rights violations against migrants. This implies a delay in the immigration process, but is also often related to other violations such as not providing information about their legal status.	
2. Detention of Persons with Legal Residence in the Country or Refugee Status	18
This violation occurred in cases where people with legal residence or refugee status were detained without proper justification, or when their documentation was deemed counterfeit by immigration officials. It also occurred that documentation proving legal status in the country was not recognized as valid outside the state where it was issued.	
3. Irregular Detention of Minors	9
Irregular detention of minors occurred in cases where the minors were housed in immigration stations instead of being transferred to DIF facilities.	
4. Injuries/Beatings/Torture/Threats	9
These violations occurred when immigration agents resorted to beatings, confinement, isolation, and/or threats against migrants detained in immigration stations and/or during detention activities. One case stands out, in which these actions were carried out against a Mexican journalist who was documenting the detention of a group of migrants.	
5. Lack of Information on Legal Status	8
Migrants housed in immigration facilities frequently lack sufficient and timely information on their legal status, which in turn translates into uncertainty, anxiety, detention periods longer than those set by the regulations, and defenselessness.	
6. Irregular Refusal or Deportation	8
This violation occurred in cases where immigration authorities ignored the authenticity of the migrants' documentation or failed to adequately clarify the reasons for refusal. Likewise, the deportation process was sometimes accelerated without proper justification.	
7. Unworthy Accommodation Conditions	7
In inspections conducted by the CNDH, migrants reported experiencing unworthy accommodation conditions. They reported the presence of harmful wildlife, overwhelming heat, overcrowding, a shortage of food, water, medicine, and ventilation, as well as inadequate or unhygienic furniture; for example, having to sleep on dirty mats on the floor.	
8. Improper Transfers	7
Improper transfers occurred in cases where migrants with legal residence were detained on highways and taken to distant cities to resolve their immigration status, imposing costs, time, and risks to return to their places of residence.	
In this category, the case of a journalist who was detained and improperly transferred between various institutions within the same city stands out. She was not provided information about her legal status, as well deprived of access to water, toilet facilities, and food.	
9. Destroying/Losing/Denying the Authenticity of Documentation	6
This violation occurred in cases where immigration authorities requested documentation from migrants, and it was then lost or destroyed. It also occurred in cases where immigration authorities decided the documentation received to be counterfeit without providing evidence for their decision.	

(continues)

*(continuation)*

10. Detention of Mexicans in Mexico	3
Three of the recommendations studied reported the detention of Mexicans in Mexico for them being unable to prove their nationality, given that they did not have an identification document with them at the time. This is related to the fact that immigration authorities often conduct inspections based on ethnic or racial characteristics irregularly.	
11. Detention for Being Suspected of Crimes	3
Migrants suspected of being responsible for crimes had their immigration proceedings suspended, which caused delays in the resolution of their legal residence.	
12. Failure to Comply with the Duty of Care and Attention to Victims	3
These violations refer to cases in which the authorities failed to fulfill their obligation to provide adequate care to migrant victims of crimes. For example, there was a delay in providing medical attention or requesting the intervention of the Public Prosecutor's Office to file the corresponding complaints.	
13. Inability to Return to Their Country Due to Being Victim of a Crime	2
Being a victim of a crime delays the immigration process, due to investigations being resolved. This causes additional harm to the victims as it delays the resolution of their legal residence.	
14. Escape of Minors	1
The escape of minors was documented in Recommendation 093-2023, in which a group of minors and women (alleged victims of trafficking) in immigration detention escaped from DIF facilities in Huixtla, Chiapas. This situation, although atypical, violated the minimum principles of victim care and of protection of the best interests of children.	
15. Loss of Life	1
Only one of the recommendations studied reported the death of a migrant in detention, which occurred accidentally when a refrigerator fell on him. Although everything suggests that the incident was indeed accidental, the migrants reported having warned the facility authorities about the risk posed by the improperly installed refrigerator.	
16. Soliciting Bribes	1
In one case, the victims reported being asked for a bribe to avoid being denied admission into the country, which they refused to pay.	
17. Violence Against Journalists and Freedom of Expression	1
One of the cases reported in the recommendations refers to the violent arrest of a journalist who was documenting the detention of a group of migrants, thus violating her right to express and disseminate her ideas, as well as the right of society to receive information.	
18. Sexual or Gender-Based Violence	1
In Recommendation 113-2023, related to the detention of a journalist while performing her job, the victim reports being subjected to violent and unjustified groping and body searches.	

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*Source:* Own elaboration based on CNDH recommendations (2024) on migration matters.

Although the objective of this study focuses on the analysis of recommendations, those classified as Recommendations for Serious Violations (RSV) deserve special mention. Unlike the former, RSVs are specific recommendations on cases involving serious human rights violations, such as enforced disappearances, torture, extrajudicial executions, or crimes against humanity. Their purpose is to demand justice and guarantee measures to prevent such violations, as well as to promote significant institutional changes. These recommendations derive from investigations

into events with significant social impact that affect multiple victims and often involve several authorities (Rodríguez, 2005).

In 2023, the CNDH issued three RSVs related to immigration issues, which are described next:

a) RSV 116VG/2023, dated June 30, 2023. On October 31, 2021, in Pijijiapan, Chiapas, a group of 14 people of various nationalities (Cuban, Brazilian, Ghanaian, and Mexican), three of them minors, were traveling in a van when they were attacked with gunfire from an official National Guard vehicle without warning; the shooting continued despite the victims stopping. As a result of the attack, one person died and five were injured. The victims belonged to the migrant caravan For Freedom, Dignity, and Peace (*Por la Libertad, la Dignidad y la Paz*). However, on that day, they had separated from the caravan to stock up on food and water. The authorities referred to in the RSV were the Secretariat of Security and Citizen Protection, and the National Guard (CNDH, 2024).

b) RSV 111VG/2023, dated June 30, 2023. On March 27, 2023, a fire broke out inside the Temporary Immigration Shelter in Ciudad Juárez, Chihuahua. As a result, 40 people died and 27 were injured. According to testimony recovered during the investigation, on the day of the fire, several Venezuelan nationals entered the shelter and protested the limited food, toilet paper, and water they received (at the start of the protest, it is estimated they had gone 12 hours without water), arguing with the guards. The guards attempted to deescalate the situation, but the food and drinking water had indeed run out. Attempts were made to supply the migrants with tap water, but the water came out yellowish, so they were instructed not to give it to them. The situation escalated. The inmates began banging on the cell door, piling mattresses and setting them on fire with a lighter. They then began shouting at the guards (who were employees of a private security company) for help, but neither they nor the immigration staff opened the door. Faced with this situation, the migrants ran to the restroom to take shelter. However, the area quickly filled with smoke, leading to the poisoning and death of the victims. The authorities identified in this RSV were the Ministry of the Interior (SEGOB), the Ministry of Foreign Affairs, and the National Institute of Migration (INM) (CNDH, 2024).

c) RSV 98VG/2023, dated April 18, 2023. This is a summary recommendation on cases of serious violations of the human rights to liberty, legal security, personal integrity, and dignified treatment, due to acts of illegal detention, illegal retention, acts of torture, enforced disappearance, and extrajudicial execution, as well as violations of the right to the truth and the best interests of children, during the period of political violence by the State, from 1965 to 1990. The recommendation refers to 814 victims and the following authorities: the Attorney General's Office, the Ministry of the Interior (SEGOB), the Ministry of Finance and Public Credit, the Ministry of National Defense, the Undersecretariat of Human Rights and Migration, the Commission for Access to the Truth and Historical Clarification and Justice for Serious Human Rights Violations Committed between 1965 and 1990 (COVEDH), the Executive Commission for Victim Assistance, the National Intelligence Center, the General Archive of the Nation, the Constitutional Government of the State of Guerrero, and the Boards of Directors of the Chambers of the Senate



and of Deputies. The objective of this recommendation is to follow up on these cases in coordination with the COVEDH (CNDH, 2024).

## CONCLUSIONS AND DISCUSSION

The results of this study are consistent with other recent research published on the topic. For example, Jiménez and Martínez (2021) found human rights violations against migrants related to violence, abuse, xenophobia, racism, and discrimination, as well as a lack of infrastructure and capacity on the part of the Mexican State.

Coporo and Morales (2020) studied asylum (understood as refuge) as an instrument to guarantee the human rights of migrants, finding that it has become diffuse, ambiguous, and inefficient. It must therefore be redefined so as to provide it with greater scope in the current context, prioritizing its use for human rather than national security.

Castillo (2020) found that human rights violations against Central American migrants in transit through Mexico display measurable characteristics related to the type of migrant population and the institution or authority incurring the violation. These violations, when perpetrated by authorities, were primarily related to the right to physical integrity and the right to seek asylum and refuge.

For Henao and Hincapié (2019), the violations of the human rights of migrants in transit through Mexico are primarily related to the State's lack of willingness to comply with regulations. This is linked to the fact that the Mexican government's efforts have focused on expanding surveillance and increasing the presence of security forces across Mexico's southern border; that is, aligning its immigration strategy with the requests of the United States government.

Similarly, Carreón and Solís (2023) pointed at the intensification of U.S. immigration policy as a risk factor for the human rights of migrants transiting through Mexico. This was reflected in actions by the Mexican government, such as the deployment of the National Guard in immigration containment efforts, which entail the increasing militarization of these activities.

This study successfully met the stated objectives and verified the proposed hypothesis. This type of study contributes to a better understanding of immigration issues, those of Mexico in this case, and helps identify possible courses of action and areas of opportunity for decision-makers.

The results suggest the need for closer communication with the authorities of certain countries, such as Ecuador, Honduras, Colombia, and Venezuela, whose populations have intensified their migration through Mexico in recent years, in order to establish joint measures to serve this population. Particular attention should be paid to the case of Ecuador, which ranks second in cases of people in an irregular situation and lacks an embassy or consulate for the protection of migrants.

It is essential to streamline and modernize the immigration process if the regulatory deadlines are to be complied with. It is also important to implement protocols that allow people with regular residence, of refugee status, or nationals, to verify their immigration status, even if they do not

carry identification documents or are in transit outside their place of residence. It is also important to design documentation with certain characteristics so that its authenticity can be verified remotely.

It is also essential to guarantee the best interests of children and the swift transfer of detained minors to DIF facilities without delay, as well as to establish mechanisms that allow for the reporting of potential acts of corruption and cases of violence against people in migrant accommodation. This will entail allocating the necessary resources to allow for the dignified stay of migrants under detention, guaranteeing their health and safety, as well as their access to justice.

Based on the analysis of the CNDH's recommendations in migration matters, it can be concluded that irregular migration in Mexico requires reassessing the concept of "security" so that, in a broader sense, it may include protecting the integrity of people who, due to their undocumented access or transit, are victims of violence. This position goes against the tendency to classify migrant presence as unwanted and subject to the use of public force.

The ongoing fragmentation was also made evident: on the one hand, a migration policy based on national security and the control of irregular migration has been implemented, and on the other, respect and protection of the human rights of all migrants under the jurisdiction of the Mexican State is presumed.

It is essential to organize migration policies and to keep them coherent, as there is a huge gap between their design and implementation. It is evident that there is little interest in addressing irregular migration and respecting human rights, rather adhering to national security principles.

Despite the change in the partisan alignments of governments and the recurring declarations in favor of the human rights of migrants—including the issuance of national regulations and the overt sympathy for international agreements—the supposed objectives have not been achieved.

Translation: Fernando Llanas.

#### REFERENCES

- Bernal, M. (2015). *Luces y sombras del ombudsman. Un estudio comparado entre México y España*. Comisión de Derechos Humanos del Estado de México y Universidad de Santiago Compostela.
- Blanco, C. (2000). *Las migraciones contemporáneas*. Lianza Editorial.
- Buzan, B., Waever, O., & Wilde, J. (1998). *Security: A New Framework for Analysis*. Lynne Rienner Publishers.
- Carreón, M., & Solís, C. (2023). Migración, derechos humanos, delito y seguridad. Una perspectiva de la actual política migratoria en México. *Revista Penal México*, (22), 23-37.

- Casas, M., & Cobarrubias, S. (2020). La autonomía de la migración: una perspectiva alternativa sobre la movilidad humana y los controles migratorios. *Empiria Revista de Metodología en Ciencias Sociales*, (46), 65-92.
- Castillo, G. (2020). Migración forzada y procesos de violencia: los migrantes centroamericanos en su paso por México. *Revista Española de Educación Comparada*, (35), 14-33.
- Castillo, M. (2000). Migración y Derechos Humanos. In R. Tuirán (Ed.), *Migración México-Estados Unidos: Continuidad y Cambios* (pp. 189-195). Consejo Nacional de Población.
- Comisión de Derechos Humanos del Distrito Federal. (2011). *Fundamentos teóricos de los derechos humanos*.
- Comisión Nacional de los Derechos Humanos. (n.d.). *Derechos de las personas migrantes*. <https://www.cndh.org.mx/derechos-humanos/derechos-de-las-personas-migrantes>
- Comisión Nacional de los Derechos Humanos. (2024). *Recomendaciones por violaciones a los derechos humanos*. <https://www.cndh.org.mx/tipo/1/recomendacion>
- Coporo, G., & Morales, S. (2020). El derecho humano al asilo ante la securitización de la migración en México. *Liminar*, 18(2), 186-197.
- Corte Interamericana de Derechos Humanos. (2011). *Derechos y garantías de las niñas y niños en el contexto de la migración y/o en necesidad de protección internacional*. [https://www.corteidh.or.cr/docs/opiniones/resumen\\_seriea\\_21\\_esp.pdf](https://www.corteidh.or.cr/docs/opiniones/resumen_seriea_21_esp.pdf)
- Cotrina, Y. (2020). Necesidades como criterio fundamentador de los derechos humanos. *Universitas Revista de Filosofía, Derecho y Política*, (33), 85-100.
- De Julios, A. (2024). La tradición cosmopolita y su vigencia en tiempos de globalización. *Araucaria: Revista Latinoamericana de Filosofía, Política, Humanidades y Relaciones Internacionales*, 26(55), 541-570.
- Díez, J. (2022). ¿Robots con derechos?: la frontera entre lo humano y lo no-humano. Reflexiones desde la teoría de los derechos humanos. *Revista IUS*, 15(48), 259-287.
- European Center for Constitutional and Human Rights. (2023). *ECCHR 2023 Annual Report*
- Fuentes, G., & Ortiz, L. (2012). El migrante centroamericano de paso por México, una revisión a su condición social desde la perspectiva de los derechos humanos. *CONVERGENCIA, Revista de Ciencias Sociales*, (58), 157-182.
- Gabrielli, L. (2014). Securitization of Migration and Human Rights: Frictions at The Southern Eu Borders and Beyond. *Urban people*, (2), 311-322.
- Henao, K., & Hincapié, A. (2019). Migrantes centroamericanos en tránsito por México ¿Primacía de los derechos humanos o de los capitales? *El Ágora USB*, 19(1), 231-243.
- Human Rights Watch. (2024). *Informe mundial 2024*.

- Huysmans, J. (2000). The European Union and the securitization of migration. *Journal of Common Market Studies*, 38(5), 751-777.
- International Organization for Migration. (2022). *Perfil migratorio de México. Boletín anual 2022*.
- International Organization for Migration. (2023). *Reporte Anual 2023 de la OIM*.
- Jiménez, L., & Martínez, J. (2021). Los derechos humanos de los migrantes africanos en México: ¿realidad o retórica? *Revista IUS*, 15(47), 293-324.
- Ley de Migración, reformada, *Diario Oficial de la Federación*, May 25, 2011 (Mexico). <https://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra.pdf>
- Ley General de los Derechos de Niñas, Niños y Adolescentes, reformada, *Diario Oficial de la Federación*, December 4, 2014 (Mexico). <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA.pdf>
- Mars, A., & Marcial, D. (2019, June 7). Trump llega a acuerdo migratorio con México y retira la amenaza de aranceles. *El País*, [https://elpais.com/internacional/2019/06/08/estados-unidos/1559954214\\_505851.html](https://elpais.com/internacional/2019/06/08/estados-unidos/1559954214_505851.html)
- Martín, E. (2023). Alcances y limitaciones de la teoría marxista para el estudio de los procesos migratorios: hacia una teoría antropológica de las migraciones. *Revista de Estudios Socioeducativos*, 1(11), 33-58.
- Menjívar, C. (2014). Immigration Law Beyond Borders: Externalizing and Internalizing Border Controls in an Era of Securitization. *Annual Review of Law and Social Science*, (10), 353-369. <https://doi.org/10.1146/annurev-lawsocsci-110413-030842>
- Micolta, A. (2005). Teorías y conceptos asociados al estudio de las migraciones internacionales. *Trabajo Social*, (7), 59-76.
- Montoya, J. (1989). Rousseau y los Derechos del Hombre. *Anuario de filosofía del derecho*, (6), 33-43.
- Nikken, P. (1999). Sobre el concepto de derechos humanos. *Seminario sobre derechos humanos*, 140(1), 17-36.
- Nikken, P. (2010). La protección de los derechos humanos: haciendo efectiva la progresividad de los derechos económicos, sociales y culturales. *Revista IIDH*, (52), 56-86.
- Ollero, A. (2009). ¿Son jurídicos los Derechos Humanos? *SCIO*, (4), 191-200.
- Pino, E., Jaramillo, A., & Cruz, J. (2021). Análisis del impacto en la migración en la región de América Latina por las restricciones sanitarias en el marco de la pandemia. *Polo del Conocimiento*, 6(5), 284-301.
- Reitano, T., & Bird, I. (2022). Migration and crime. In A. Masys (Ed.), *Handbook of Security Science* (pp. 887-907). Springer.
- Rodríguez, V. (2005). *Manual de derechos humanos para las fuerzas armadas*. Instituto Interamericano de Derechos Humanos.

- Schiavon, J. (2022). ¿Cómo estudiar la migración en el sistema mesonorteamericano? *Norteamérica*, 17(2), 171-190.
- Secretaría de Gobernación. (n.d.). *Boletín mensual de estadísticas migratorias. III Eventos de personas en situación migratoria irregular*, 2023. [https://portales.segob.gob.mx/es/PoliticaMigratoria/Cuadros\\_MyH?Anual=2023&Secc=3](https://portales.segob.gob.mx/es/PoliticaMigratoria/Cuadros_MyH?Anual=2023&Secc=3)
- Treviño, J. (2016). ¿De qué hablamos cuando hablamos de la “securitización” de la migración internacional en México?: una crítica. *Foro Internacional*, 56(2), 253-291.
- Tünnermann, C. (1997). *Los derechos humanos: Evolución histórica y reto educativo*. Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura.
- United Nations. (1966). *Pacto Internacional de Derechos Civiles y Políticos*. <https://www.ohchr.org/es/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- United Nations. (1999). *Pacto Internacional de Derechos Civiles y Políticos. Comité de Derechos Humanos. Comentarios Generales aprobados por el Comité de Derechos Humanos con arreglo al párrafo 4 del artículo 40 del Pacto Internacional de Derechos civiles y Políticos. Comentario general núm. 27*. <https://docs.un.org/es/CCPR/C/21/Rev.1/Add.9>
- United Nations. (2024). *La Declaración Universal de los Derechos Humanos*. <https://www.un.org/es/about-us/universal-declaration-of-human-rights>
- United Nation Office on Drugs and Crime. (2021). *Abused and neglected: a gender perspective on aggravated migrant smuggling offences and response*.
- Varela, A. (2015). “Luchas migrantes”: un nuevo campo de estudio para la sociología de los disensos. *Andamios*, 12(28), 145-170.
- Vermeulen, G. (2018). The securitisation of migration during the refugee crisis: The role of the EU institutes [Master's thesis, Leiden University] Student repository. <https://studenttheses.universiteitleiden.nl/handle/1887/57775>
- Villalobos, K. (2012). El derecho humano al libre desarrollo de la personalidad [Bachelor's thesis, Universidad de Costa Rica] Biblioteca Corte IDH. <https://biblioteca.corteidh.or.cr/tablas/r31089.pdf>