



**Centro de Derechos Humanos
Fray Matías de Córdova**
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MEXICO: SUBMISSION TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ISSUES RELATED TO RIGHTS OF NON-CITIZEN CHILDREN DE FACTO DETAINED IN SOCIAL ASSISTANCE CENTRES

SUBMITTED: OCTOBER 2026

ABOUT THE SUBMITTING ORGANISATIONS

GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

CENTRO DE DERECHOS HUMANOS FRAY MATÍAS DE CÓRDOVA

The Fray Matías de Córdoba Human Rights Center (CDH Fray Matías) is a nonprofit civil organization established as a civil association 27 years ago (November 28, 1997). Its origins lie in the social ministry of the Catholic Church in Tapachula, Chiapas, on Mexico's southern border with Guatemala. Even before its formal constitution, the Center began providing support to women domestic workers, particularly those from Indigenous communities along Guatemala's border (San Marcos), who migrated to Tapachula in search of work. It also assisted local residents needing labor-related guidance and responded to the arrival of people from other countries seeking international protection and political asylum.

These beginnings laid the foundation for the work that continues today, always centered on people and the pursuit of dignity. Currently, the Fray Matías de Córdoba Human Rights Center A.C. promotes comprehensive accompaniment processes at both individual and collective levels for people in diverse contexts of human mobility, as well as for the local community. Through our community integration strategy, we recognize Tapachula and the border region of Soconusco as primary spaces of reception and as sites for intercultural, economic, and intersectional integration processes for the thousands of people who enter Mexico through this gateway.

MEXICO

Joint Submission to the UN Committee on Economic, Social, and Cultural Rights

80th Session, 2-13 November 2026

Issues Related to the De Facto Detention of Non-citizen Children in Social Assistance Centres

1. INTRODUCTION

- 1.1 The [Global Detention Project \(GDP\)](#) and the [Centro de Derechos Humanos Fray Matías de Córdoba A.C. \(CDH Fray Matías\)](#) welcome the opportunity to provide this report on Mexico to the Committee in the context of its review of the state party's seventh periodic report during the Committee's upcoming 80th session.
- 1.2 This submission focuses on Mexico's immigration enforcement policies and practices—with a particular focus on the situation of children and adolescents de facto detained within Social Assistance Centres (CAS). It examines how prolonged detention within these facilities affects the rights enshrined in Articles 2, 3, 11, 12, and 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- 1.3 The submission highlights the important recommendations that this Committee has made concerning human rights violations in immigration detention centres during review of numerous countries in recent years, including notably:
 - 1.3.i **Lithuania 2023 (E/C.12/LTU/CO/3)**, when the Committee urged the state party to ensure that immigration detention only be applied as a measure of last resort and to ensure that detained migrants and asylum-seekers have access to adequate food, clothes, other essential non-food items, health care, including psychosocial services, and information on asylum procedures and legal aid in a language that they understand.
 - 1.3.ii **Bahrain 2022 (E/C.12/BHR/CO/1)**, when the Committee expressed concern that non-citizen children deprived on their liberty were being denied access to education in detention facilities.

1.3.iii Czechia 2022 (E/C.12/CZE/CO/3), when the Committee noted with concern legal provisions that allow for the detention of children as well as the failure of the state party to systematically assess alternatives to detention before imposing detention measures on asylum seekers.

1.4 This submission, based on documentation produced by civil society monitors at the CDH Fray Matias, reveals similar concerns across Mexico's immigration detention landscape, with a particular focus on the cases of children confined in Social Assistance Centres whom the Fray Matias centre has assisted.

2. CONTEXT

2.1 In 2020, Mexico passed amendments to its **General Law on the Rights of Children and Adolescents** and **Migration Law** which expressly prohibited the immigration detention of children and adolescents—in line with the growing international consensus that immigration detention is never in their best interests.

2.2 However, in spite of these amendments, Mexico has replaced formal immigration detention with mechanisms that, under the guise of “protection” and “accommodation,” constitute de facto deprivation of liberty. Under this format, a sustained increase in the detention of migrant and asylum-seeking children and adolescents has been documented. Further, numerous cases point to continued placement of children in immigration detention facilities, in violation of the country's legal code.

2.3 According to international standards, including [General Comment No. 23 of the Committee on the Rights of the Child](#) and the [United Nations Rules for the Protection of Juveniles Deprived of their Liberty](#) (Havana Rules), any situation in which a child is unable to leave a place of their own free will constitutes a deprivation of liberty, irrespective of the legal or administrative designation attributed to it.

2.4 Under this standard, Social Assistance Centres (*Centros de Asistencia Social*, or CAS), operated under the National System for the Comprehensive Development of the Family (*Sistema Nacional para el Desarrollo Integral de la Familia*, DIF), function as de facto detention facilities in which children remain for prolonged periods—documented in some cases as exceeding one year—without effective access to basic health services, education, adequate food, and recreation.

2.5 These conditions violate rights recognised under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and, due to their duration and cumulative impact on children's development, may amount to cruel, inhuman or degrading treatment, consistent with

observations made by United Nations Special Rapporteurs concerning the harmful effects of prolonged immigration detention on children.

3. SOCIAL ASSISTANCE CENTRES (CAS) AS DE FACTO DETENTION CENTRES

Legal Framework and Operational Reality

- 3.1 In November 2020, Mexico amended both its Migration Law (*Ley de Migración*) and General Law on the Rights of Children and Adolescents (*Ley General de los Derechos de Niñas, Niños y Adolescentes*), establishing that migrant children may not be detained by immigration authorities (INM) in the country's immigration detention facilities (*estaciones migratorias*). Instead, children and adolescents are to be referred to "Social Assistance Centres" (CAS), operated by the country's child protection system (*Sistema Nacional para el Desarrollo Integral de la Familia* – DIF) under a comprehensive protection approach.¹
- 3.2 The CAS were conceived as non-custodial spaces intended to guarantee the comprehensive protection of unaccompanied migrant children while their specific needs are identified and a rights protection plan is put in place—whether that entails remaining in Mexico, returning to their country of origin under safe and dignified conditions, or family reunification in a third country.
- 3.3 In practice, however, these centres operate a "closed-door" model that reproduces the central elements of deprivation of liberty: children have no contact with the outside world, telephone communication is limited to one call per week, and CAS personnel—not a judicial authority—discretionarily determine how long and under what conditions children may leave the facilities. This concern was previously noted by the UN Committee on Migrant Workers in May 2025.²
- 3.4 Further, the facilities function less as tool of protection, and more as a mechanism through which the Mexican state manages children's departure from the country—while formally complying with the legal prohibition on detaining them in immigration detention centres.³ Available official data supports this logic. According to figures published by the Unit for Migration Policy, Registry and Identity of Persons (within the Ministry of Interior), in 2025 there were 970 recorded instances

¹ Government of Mexico, "Derechos de las niñas, niños y adolescentes Migrantes," 8 May 2018, <https://www.gob.mx/sipinna/articulos/derechos-de-las-ninas-ninos-y-adolescentes-migrantes?idiom=es>

² UN Committee on Migrant Workers, "Concluding Observations on the Fourth Periodic Report of Mexico," CMW/C/MEX/CO/4, 20 May 2025, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2FMEX%2FCO%2F4&Lang=en

³ Proceso, "Ingresan a México poco más de 15 mil niños y adolescentes migrantes," 25 April 2026, <https://www.proceso.com.mx/nacional/2026/4/25/ingresan-mexico-poco-mas-de-15-mil-ninos-adolescentes-migrantes-370723.html>

involving the detention of unaccompanied children with a potential need for international protection. Of these, only 12 were referred to the country's Commission for Refugee Assistance (COMAR)—a strikingly low figure that in reality could be lower, since there is no official confirmation whether those 12 cases involved accompanied or unaccompanied children.

- 3.5 In monitoring these facilities, CDH Fray Matias has documented that the material conditions and regimes in CAS are comparable to those of immigration detention centres: staff unilaterally determine the conditions of stay, without systematically providing recreational, educational, or cultural activities outside the centres and there are no clear mechanisms for children to participate in decisions affecting their daily lives. This discretion is not based on standardised protocols, but rather on criteria that varies from one centre to another, demonstrating the absence of a uniform regulatory framework governing the operation of these facilities.
- 3.6 As of 2025, there were 717 shelters operating across Mexico's 32 federal entities, of which 106 reported providing services to migrants.⁴ However, these numbers have not been formally acknowledged by the government, which to date has failed to provide up-to-date information on which shelters are in operation or the specific services they are providing. Thus, there is insufficient public information regarding the exact number of CAS operating in the country, their funding arrangements, or the mechanisms in place for external oversight. This prevents effective monitoring and makes it difficult for bodies such as this Committee, civil society organizations, and families themselves to monitor the conditions in which children are accommodated.

Periods of Detention

- 3.7 The applicable regulations, which are set out in an operating manual produced by Mexico's family welfare administration with assistance from UNICEF, establish that stays in first-reception CAS should not exceed 45 days. However, Mexican law does not establish a maximum period applicable to a child's entire stay within the protection system—meaning that they can be confined for considerably longer. In practice, this has allowed detention to extend for up to 180 days and, in some cases, even longer. CDH Fray Matías has documented cases of children remaining in CAS for more than one year while awaiting resolution of their rights-restoration plan—a procedure whose duration depends on administrative and judicial factors beyond the child's control and unrelated to their best interests.
- 3.8 This indefinite prolongation disproportionately affects children from outside the Americas, whose stays in CAS frequently last even longer as a result of language barriers, lack of access to information in a language

⁴ Government of Mexico, "*Registro Nacional de Centros de Asistencia Social*," 2025, <https://portusderechos.dif.gob.mx/rncas/>

they understand, and inadequate legal assistance. This situation constitutes a form of indirect discrimination: children who, because of their national or linguistic origin, face greater obstacles to accessing their rights and exiting the de facto detention system within a reasonable period of time.

4. ACCESS TO EDUCATION, HEALTH, AND RECREATION SERVICES IN CAS

- 4.1 The deprivation of liberty of migrant children in Social Assistance Centres (CAS) not only violates their right to personal liberty, but also entails the systematic and structural denial of fundamental economic, social and cultural rights essential to their holistic development. This denial is neither incidental nor the result of isolated operational failures within the centres. Rather, it is a direct consequence of a model of care conceived around containment and migration control rather than rights protection.⁵
- 4.2 Taken together, these deficiencies constitute a pattern of State non-compliance with its obligations of special protection towards children and contradict the principle of the best interests of the child. It constitutes a direct violation of Articles 2, 3, 11, 12, and 13 of the ICESCR, and is inconsistent with standards developed by the Inter-American Court of Human Rights, particularly those established in [Advisory Opinion OC-21/14](#) on the rights and guarantees of children in the context of migration, as well as with the Committee's own General Comments.

Education

- 4.3 The majority of children accommodated in CAS do not have access to formal education during their stay.⁶ CAS do not provide adequate educational activities or programmes adapted to the circumstances of this population. At best, they provide occasional recreational-educational activities without pedagogical continuity, without integration with official curricula, and without mechanisms for recognition or certification that would allow children to return to school without losing an academic year after their stay ends.
- 4.4 This omission is particularly serious given that stays in CAS may last for weeks or months, causing significant—and in some cases irreversible—interruptions to the educational trajectories of children who already face conditions of vulnerability and, in many cases, previous interruptions to their education in their countries of origin or during transit. The absence

⁵ Kids in Need of Defence, “Niñas, niños y adolescentes no acompañados y separados en México,” 2025, <https://supportkind.org/es/recursos/kind-submission-unaccompanied-and-separated-children-in-mexico-2/>

⁶ CIMAC Noticias, “En México, medio millón de niñas y niños migrantes sin acceso a la educación,” 26 August 2025, <https://cimacnoticias.com.mx/2025/08/26/en-mexico-medio-millon-de-ninas-y-ninos-migrantes-sin-acceso-a-la-educacion/>

of educational continuity during immigration detention should therefore be understood as a factor that deepens, rather than merely accompanies, the structural vulnerability of this population.

- 4.5 Further, Mexico does not provide publicly available disaggregated data allowing effective verification of CAS populations' incorporation into the national education system. This, in itself, constitutes a failure to fulfil the State's duty to generate statistical information and, by extension, creates a barrier to the development of evidence-based public policies. This statistical opacity is not a minor technical gap: without records disaggregated by age, nationality, length of stay, and type of educational support received, it is impossible for the State itself—and for oversight bodies—to identify patterns of exclusion, measure the impact of deprivation of liberty on educational trajectories, or design corrective measures.

Health

- 4.6 Access to health services within CAS is restricted, discretionary and lacks institutional systematisation. There is no public information allowing assessment of the coverage, quality, timeliness or continuity of medical care provided to children in situations of human mobility.
- 4.7 This gap is particularly critical with regard to specialised psychological and psychosocial care for children who have been exposed to violence, exploitation, abuse, or traumatic situations during migration or in their country of origin, as well as for those who experience deprivation of liberty itself as an additional traumatic event.
- 4.8 The absence of protocols for early detection and differentiated mental-health care means that many of these conditions remain invisible and untreated throughout the detention period.
- 4.9 The former Institute of Health for Well-Being (*Instituto de Salud para el Bienestar*, INSABI), now IMSS-Bienestar, did not report specific information concerning care provided to this population. This suggests that migrant children do not constitute an institutional priority within national health policy and also reflects a broader lack of coordination among migration authorities, child-protection authorities and health-sector authorities. In practice, this results in the absence of a clear institutional responsibility pathway for guaranteeing this right. This inter-institutional fragmentation not only impedes accountability, but also shifts onto children themselves—and onto the civil society organizations assisting them—the burden of navigating, often informally, access to services that should be guaranteed by the State as a matter of course.

Recreation

- 4.10 CAS generally lack appropriate spaces and activities for recreation, culture, and play suited to children’s development—contrary to children’s right to rest, leisure, play, and age-appropriate recreational activities.
- 4.11 In addition, centre personnel exercise exclusive and discretionary authority to determine whether children may leave the facilities, including for basic outdoor activities. This reinforces the de facto deprivation-of-liberty character of these facilities—despite their formal designation as “assistance” centres—and contributes to an environment of confinement that exacerbates the psychological and emotional impact of immigration detention on children.⁷
- 4.12 The discretionary authorisation of departures, in the absence of objective criteria or clear protocols, also constitutes an additional form of control that deepens the power imbalance between centre personnel and the children accommodated there, and is incompatible with a protection approach centred on children’s holistic development.

5. CONTINUED USE OF *ESTACIONES MIGRATORIAS*

- 5.1 Despite Mexico’s legal prohibition on the deprivation of liberty of migrant children on migration grounds, public human rights bodies in Mexico have repeatedly documented children being detained in INM *Estaciones Migratorias* under the responsibility of the National Migration Institute.
- 5.2 In Coahuila, for example, Recommendation 89/2024, addressed to the INM, established the unlawful detention of 33 girls, boys, and adolescents in facilities of the National Migration Institute, in unsanitary conditions, without access to health services; no Child Protection Officer (OPI) was assigned to them; age-appropriate interviews were not conducted with them; and some PAMs lacked signatures or a resolution defining their immigration status. In a separate case, in October 2024, the National Human Rights Commission (CNDH) determined that INM personnel had held more than 20 migrant adolescents in areas intended for adults at the Guadalupe Immigration Station, without immediately placing them under the responsibility of the national or state DIF system, in violation of the best interests of the child and due process.

6. CRUEL, INHUMAN OR DEGRADING TREATMENT: DETENTION AS INSTITUTIONAL VIOLENCE

- 6.1 The detention of migrant children and adolescents in Mexico constitutes a form of institutional violence. CDH Fray Matias and the Coalition

⁷ La Jornada, “*Infancias desarrollan problemas físicos y mentales entre más tiempo pasan en centros de acogida*,” 21 September 2026, <https://www.jornada.com.mx/noticia/2026/09/21/sociedad/entre-mas-tiempo-pasan-las-infancias-en-centros-de-acogida-desarrollan-problemas-fisicos-y-mentales>

against Immigration Detention and Torture (*Grupo Impulsor contra la Detención Migratoria y la Tortura*) have characterised these conditions as “torture environments,” highlighting the cumulative harm caused by prolonged deprivation, uncertainty, and control.

6.2 In CDH Fray Matias’ monitoring of 13 CAS facilities, the following aspects were identified as, taken together, creating these “torture environments.”

- 6.2.i **Lack of information:** Those responsible for representing and protecting children and adolescents—such as the Child and Adolescent Protection Attorney (*Procurador de Niñas, Niños y Adolescentes*)—do not maintain adequate communication with them. As a result, children have virtually no knowledge of the duration of their detention, the status of their legal proceedings or the rights to which they are entitled, including rights related to asylum.
- 6.2.ii **Incommunicado detention:** Migrant children in CAS do not have regular access to communication with their families: telephone calls are limited to once a week, without any guarantee of privacy, and in most cases depend on the family member being able to contact the centre. Children are not able to initiate communication of their own accord. This severe restriction on family contact—the primary source of emotional support for a child experiencing deprivation of liberty—constitutes a form of relational isolation that intensifies psychological suffering, creates a sense of abandonment, and prevents families from accompanying and monitoring the well-being of their children during detention. Sustained incommunicado conditions operate as an additional form of control and undeclared punishment.
- 6.2.iii **Denial of medical care:** The absence of early-detection protocols and timely access to health services transforms these centres into spaces where treatable conditions—including mental-health conditions resulting from detention itself—progressively worsen to the point of compromising physical integrity and, in extreme cases, life. Lack of continuity in medical treatment, the absence of health personnel trained in child-specific care, and the failure to address the emotional effects of confinement—including anxiety, insomnia and depressive symptoms—mean that detention itself becomes a factor that causes or exacerbates illness rather than ensuring care.
- 6.2.iv **Prolonged confinement and lack of privacy:** CDH Fray Matias documentation has found that children are locked in their rooms for up to 12 hours each day, without the possibility of interacting with the outside world and on some occasions, without natural light. While there is a formal schedule allowing

access to the outdoors from 09.00 – 19.00, children are not permitted access to their rooms or other indoor spaces during this period to rest, leaving them without any genuine opportunity for privacy or rest during the day.

- 6.2.v **Lack of interpreters:** A systematic lack of interpreters has been noted by CDH Fray Matias, leaving non-Spanish speaking children facing difficulties in communicating with centre staff as well as with authorities responsible for their migration and protection proceedings. This is aggravated by a prohibition on access to electronic devices that could be used as translation tools.
- 6.2.vi **Hostile treatment and lack of specialist care:** CDH Fray Matias has frequently noted custodial environments characterised by tension and hostility, rather than care and protection. (This is further impacted by shortages in trained staff, and gaps in specialised training of personnel working with migrant children. Often, a child's first contact with the State's migration apparatus frequently occurs with personnel who are trained to identify signs of trauma, or need for international protection.) This reinforces children's perception that they are being subjected to a punitive regime rather than a protective one.

7. RECOMMENDATIONS

- 7.1 The Global Detention Project and CDH Fray Matias encourage the committee to issue the following recommendations:
 - 7.2.i Cease the detention of migrant children—both in *estaciones migratorias*, and in Social Assistance Centres (CAS). The state party must ensure that CAS operate as genuinely non-custodial protection and accommodation facilities and do not impose restrictions on children's liberty that amount to de facto detention. The state party should also progressively replace institutional accommodation with community-based care models, in accordance with the best interests of the child.
 - 7.2.ii Ensure effective and continuous access to formal education, health care (including mental health and psychosocial care), and age-appropriate recreation for migrant children accommodated in CAS, without discrimination or interruption due to their migration status or length of stay.
 - 7.2.iii Strengthen the collection and public availability of data on the situation of migrant children, disaggregated by sex, age, nationality, and migration status—including data on access to health care, education, legal assistance, immigration

regularisation, asylum procedures, family reunification, and length of stay in CAS and other facilities.

- 7.2.iv Conduct immediate, independent audits of all CAS, as well as shelters associated with the INM that accommodate migrant children, to assess their safety, sanitation, and compliance with human rights standards. Ensure that these assessments are conducted with the meaningful participation of civil society and international organisations.
- 7.2.v Ensure that all personnel working with migrant children receive mandatory, regular, and specialised training on children's rights, trauma-informed care, psychosocial care, non-discrimination, and safeguarding.
- 7.2.vi Establish an independent oversight mechanism for CAS and *estaciones migratorias*, with a mandate to conduct regular and unannounced visits, receive complaints, monitor conditions, and make recommendations. The participation of international organisations, civil society, and autonomous human rights bodies should be ensured.
- 7.2.vii Cease cooperation with the United States that results in the chain deportation of families with children to the southern border without guarantees of protection, accommodation, assistance, and access to regularisation and asylum procedures.