



PGR

**Attorney General of the
United States of Mexico**



UIDPM

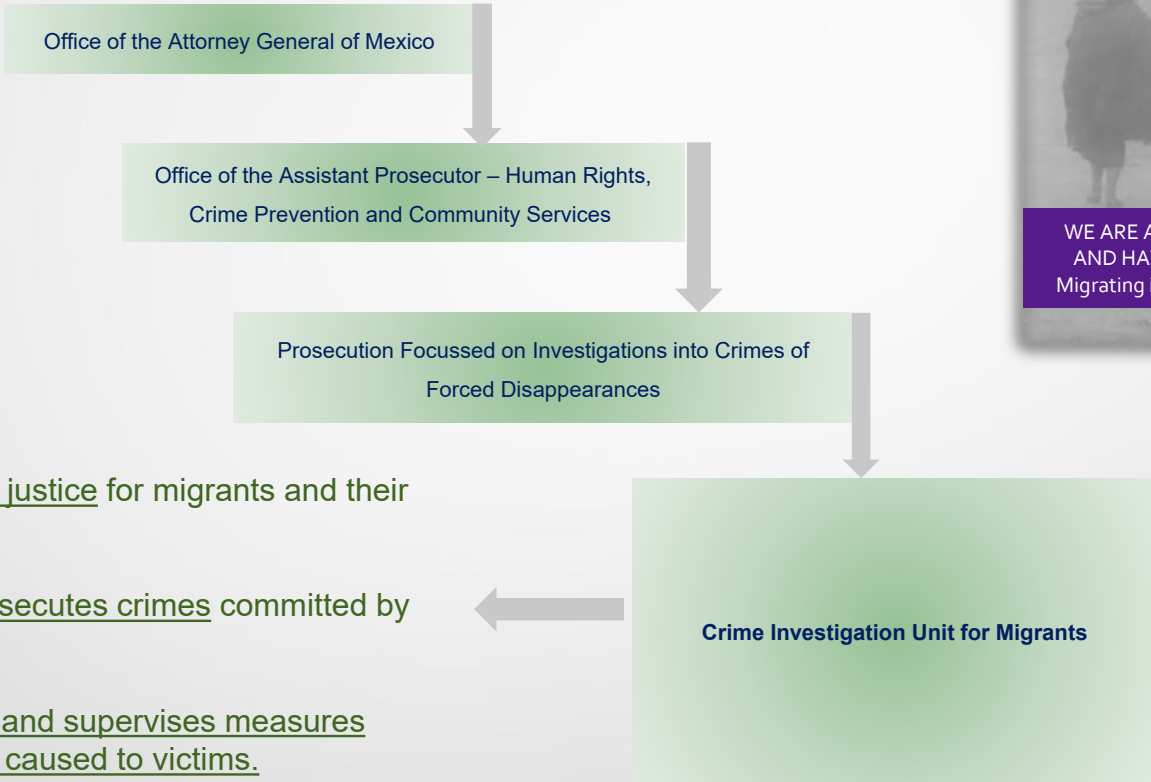
**Crime Investigation Unit for
Migrants**

**MIGRANT ACCESS TO JUSTICE
HUMAN TRAFFICKING AND HUMAN SMUGGLING**

Javier Pérez Durón

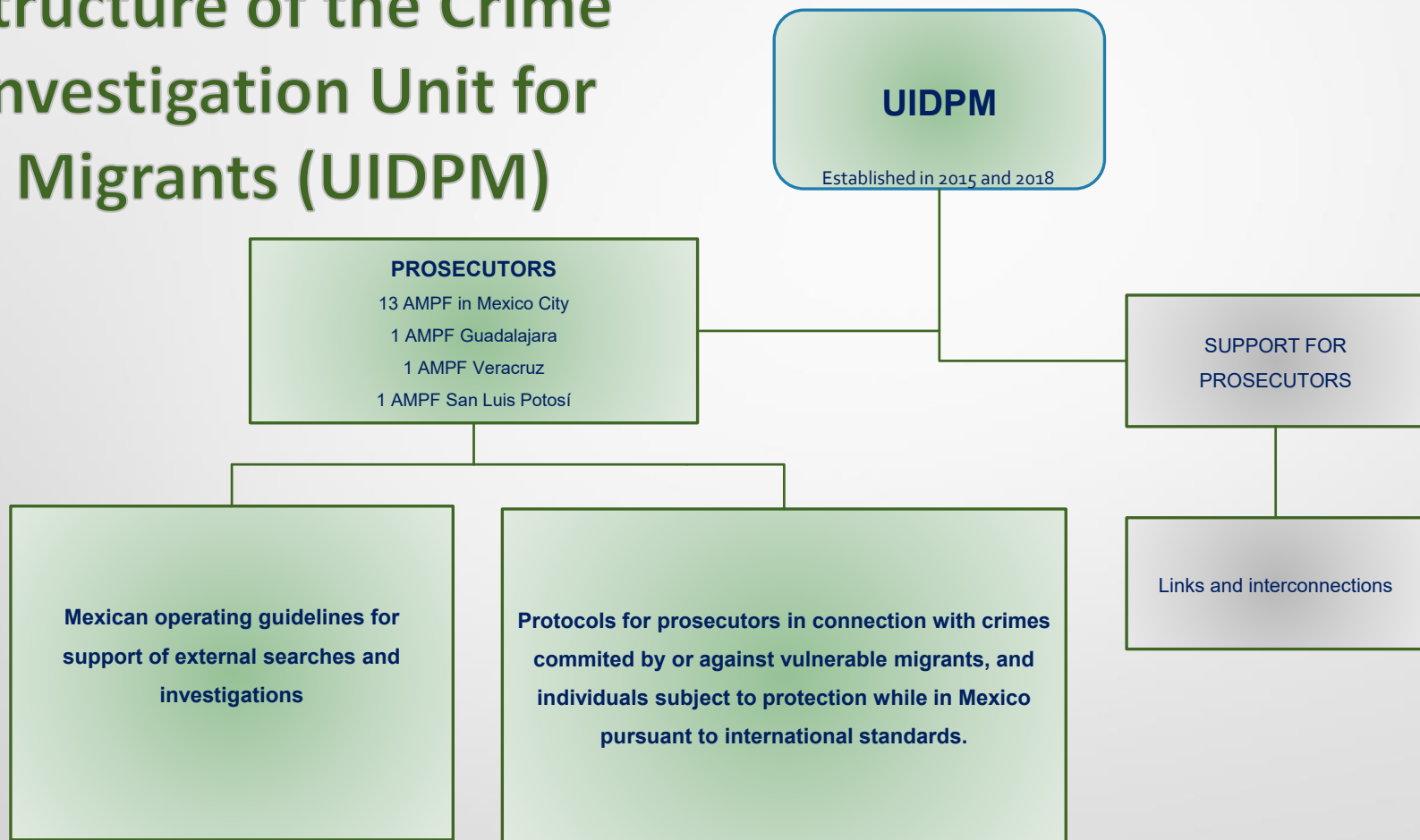
July 2018

INSTITUTIONAL STRUCTURE

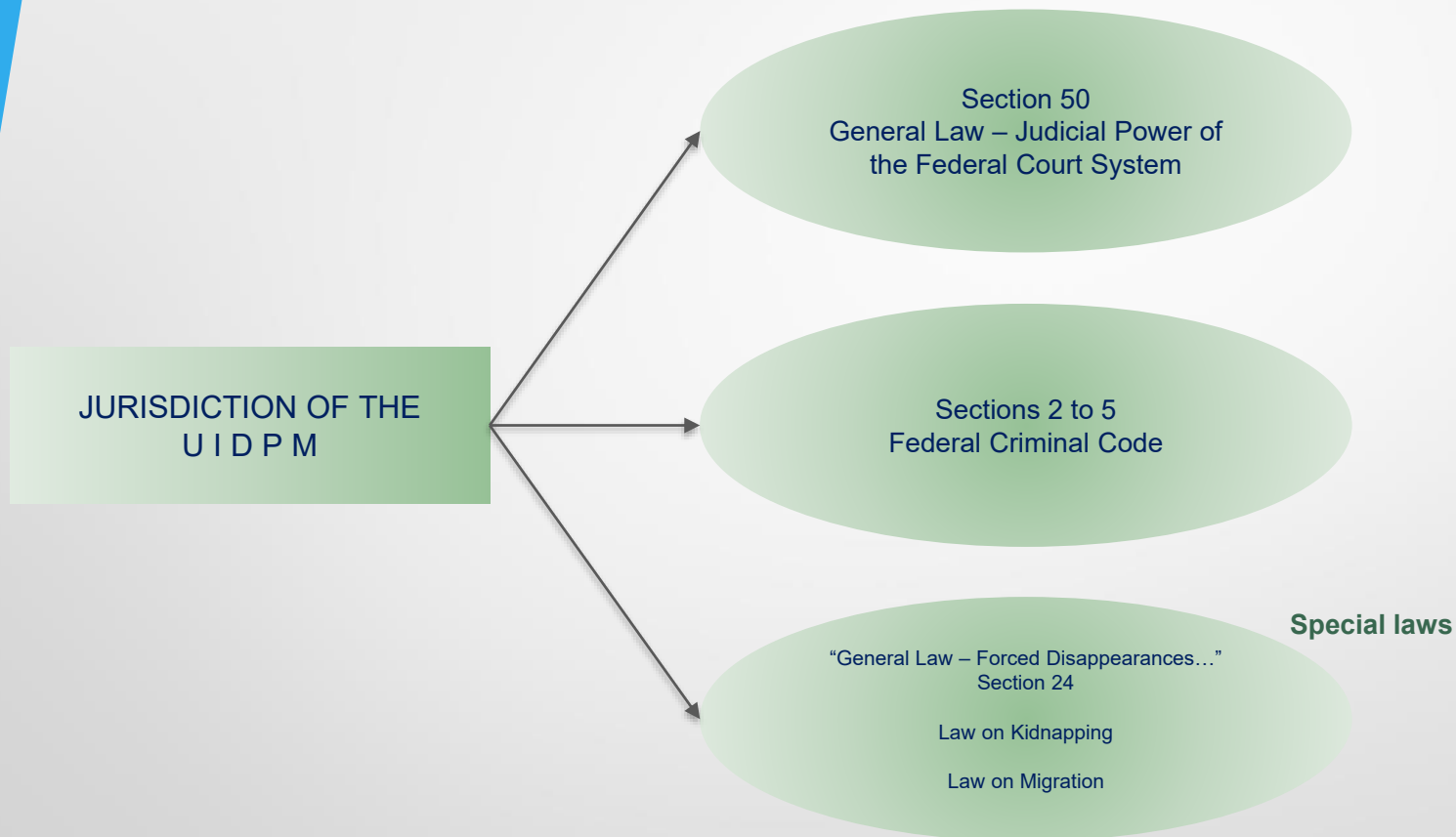


- Facilitates access to justice for migrants and their families.
- Investigates and prosecutes crimes committed by or against migrants.
- Directs, coordinates and supervises measures taken to repair harm caused to victims.

Structure of the Crime Investigation Unit for Migrants (UIDPM)



THE UIDPM AND FEDERAL JURISDICTION



VULNERABLE GROUPS

Every human being is vulnerable. This is inherent to our nature.



Does not have to belong to a vulnerable group



Much depends on our ability to resist mistreatment



Characteristics that make some people more vulnerable than others



EXTERNAL SUPPORT MECHANISM

Overall steps and measures taken

Facilitation of access to justice and steps to remedy harm

Migrants and their families located in another country

Assistance in the search for migrants who have disappeared

Investigation and prosecution of crimes

Guarantee respect for rights

Head of the UIDPM

Coordination of
International
Affairs and
Related Matters

Agents of the
Attorney General's
Office assigned to
the UIDPM

PGR
representatives

National Search
Commission

Office of Foreign
Affairs

PROTOCOLS FOR PROSECUTORS FOR CRIMES COMMITTED BY OR AGAINST VULNERABLE MIGRANTS, AND INDIVIDUALS SUBJECT TO PROTECTION WHILE IN MEXICO PURSUANT TO INTERNATIONAL STANDARDS.

- Elements that facilitate investigation and **prosecution** of crimes committed by or against migrants and their families.
- Measures taken to repair harm to victims.
- Access to the federal justice system.

VULNERABILITY SEARCH

Through the National Search Commission

**CHALLENGES FOR THE
UIDPM**



**CHALLENGES FOR THE MECHANISMS
FOR EXTERNAL SUPPORT**

**CHALLENGES FOR REFORMING THE PROTOCOLS FOR
PROSECUTOR ACTIONS...**

MIGRANT TRAFFICKING AND SMUGGLING

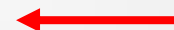


MAP OF DANGER

The National Commission on Human Rights in its Special Report on Migrant Kidnappings in Mexico identified locations where migrants are in danger from organized crime.



Danger points along the route taken by the train known as "The Beast"



PALERMO PROTOCOL

Ratified by Mexico on December 25, 2003

Harmonize basic legislative standards concerning substantive and ancillary matters in the fight against organized crime in its various forms

1. United Nations Protocol for the Prevention, Suppression and Punishment of Human Trafficking, particularly women and children
2. United Nations Protocol against Migrant Smuggling by Land, Sea and Air
3. United Nations Protocol against the manufacture and illegal traffic of firearms

DIFFERENCES BETWEEN SMUGGLING AND TRAFFICKING

CONSENT

- The **illegal smuggling** of migrants, possible conditions that harm human dignity, where migrants consent to being smuggled.
- No consent is provided in **human trafficking**, although perhaps this was provided initially. Consent later becomes void due to compulsion, deceit or abuse by the traffickers.

EXPLOITATION

- Illegal smuggling ends with the arrival of the migrants at their destination.
- Human trafficking involves the continuous exploitation of the victim in some manner, with the objective of obtaining illicit profit for the traffickers. These persons are more seriously affected and need more protection as they face new victimization and additional forms of abuse.

TRANSNATIONAL MOVEMENTS

- Human smuggling is always from one country to another.
- Human trafficking may not be transnational. It can exist whether victims are transported to another country, or moved within the same country.

HUMAN SMUGGLING

United Nations Protocol against **Migrant Smuggling** by Land, Sea and Air

- Scope is extensive and **international** , aimed at **preventing and fighting illegal migrant smuggling** through cooperation, exchange of information and adoption of appropriate measures
- Humane treatment of migrants and full protection of their human rights

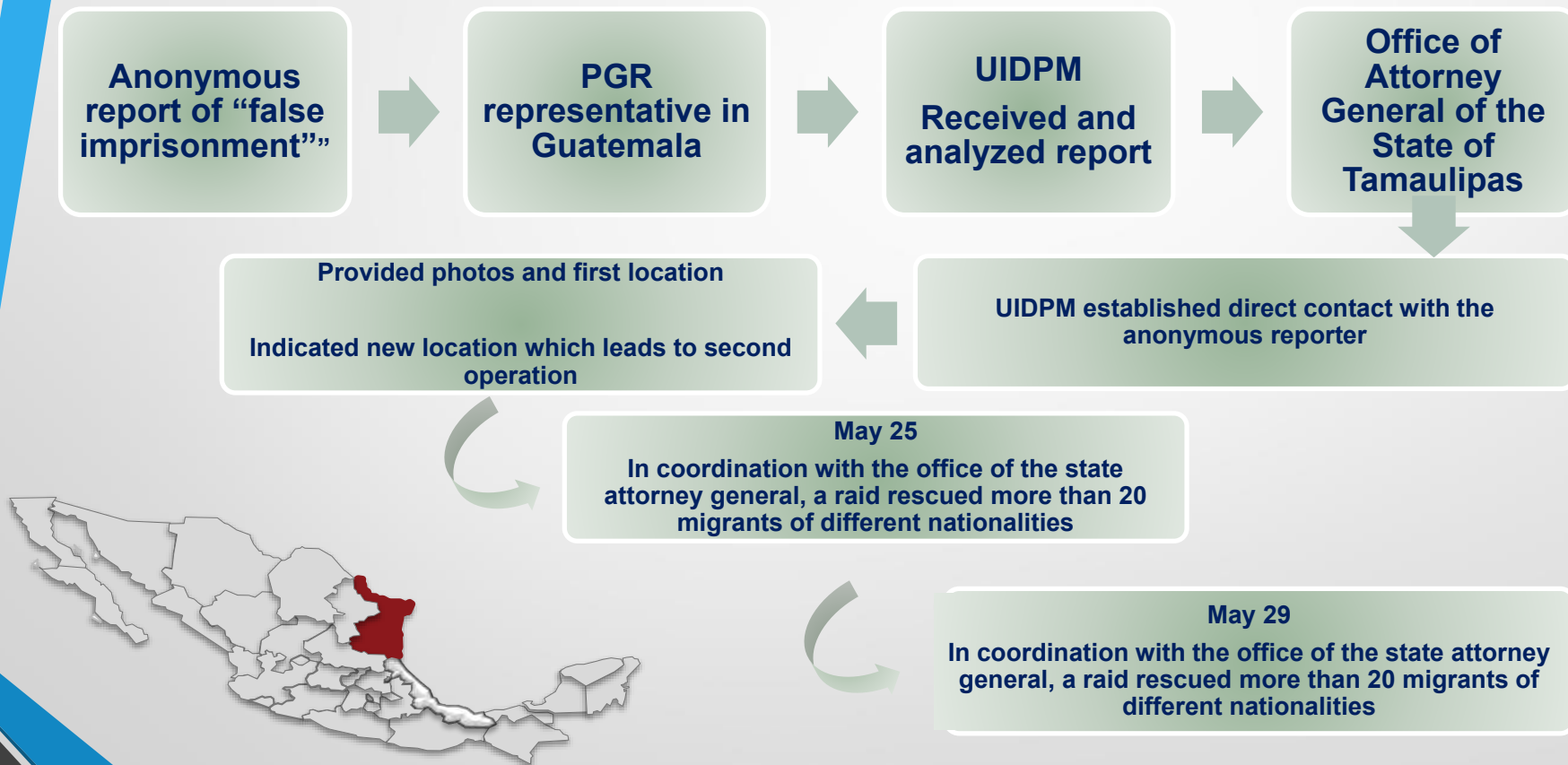
Illegal migrant smuggling means **facilitating the illegal entry** of a person into a **country** where the person is not a citizen or permanent resident, with the purpose of obtaining, either directly or indirectly, a financial benefit or other material benefit.

Illegal smuggling is a **violation of a country's immigration policies**. Entry is organized by a third party (the trafficker) for a price. Therefore the **victim of the crime of illegal smuggling** is technically the **government in question**.

MIGRANT SMUGGLING AND FALSE IMPRISONMENT

- MAE Operations
- Coordination between Attorney General's Office and State Prosecutors

25 May and 29 May, 2018, Tamaulipas, Mexico.



HUMAN TRAFFICKING

- Capture
- Transport
- Transfer
- Arrival
- Reception

→
Through

- Threats
- Coercion
- Abduction
- Fraud
- Trickery
- Abuse of power
- Abuse of vulnerability
- Payment or receipt of money or benefits used to obtain the consent of a person under the authority of another.

↓
For purposes of exploitation

IN 2016 THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM) ISSUED RECOMENDATIONS TO STRENGTHEN REGIONAL STRATEGIES FOR FIGHTING ILLEGAL SMUGGLING AND TRAFFICKING OF MIGRANTS

The IOM has focused on illegal migrant smuggling, supporting countries and generating policies and procedures to allow law enforcement to efficiently identify migrant traffickers, pursuant to the following basic principles:

- Provide protection and assistance to migrants who are victims of illegal trafficking.
- Confront the causes of illegal migrant smuggling.
- Promote the ability of states to eliminate the activities of migrant traffickers.
- Promote investigations and data gathering on migrant trafficking.

} Technical Assistance



The Regional Consulting Group on Migration met from June 20-22, 2017 in the City of San Salvador and received a report by the Regional Network of Agencies in the Fight Against Illegal Smuggling and Trafficking of Migrants. Member countries were asked to follow up on issues indicated in the report.



Canada, Costa Rica, El Salvador, the United States, Guatemala, Honduras, Mexico, Panama and the Dominican Republic



Conferencia Regional sobre Migración
Regional Conference on Migration



Conferencia Regional sobre Migración
Regional Conference on Migration

Work Plan to address illegal trafficking of migrants, prepared by the Regional Network of Agencies in the Fight Against Illegal Smuggling and Trafficking of Migrants – Regional Conference on Migration

San Jose, Costa Rica. March 13 -14, 2018

- **Establish a regional method that focuses in comprehensive and specific terms on the illegal migrant smuggling.**
- **Strengthen regional coordination and follow up of actions and policies related to this subject.**
- **Propose common regional goals to prevent and fight illegal migrant smuggling, including protection of the most vulnerable migrants who may be victims of other crimes, pursuant to Regional Conference on Migration guidelines.**
- **Develop more standardized operational procedures among the different countries in the region.**
- **Promote cooperation and sharing among other regional organizations that deal with this issue (for example: Regional Coalition Against Illegal Human Trafficking and Illegal Migrant Smuggling; the Commission of Heads and Directors of Police Departments in Central America, Mexico, the Caribbean and Colombia; and the Ad-Hoc Work Group on non-Regional Migrants; etc.**



ASPECTS AND COMMITMENTS UNDER REVIEW

Aspect 1: Intelligence and investigations on the Illegal Trafficking of Migrants

Objective

Exchange data with countries in the region, obtained from investigations and intelligence; and respect democratic processes for the effective prevention and prosecution of illegal trafficking of migrants by land, sea and air.

Commitment

To attain our objective and as representatives of our respective institutions and countries we pledge to share and cooperate to succeed in these efforts.

Aspect 2: Cross-border judicial cooperation

Objective

Intensify the prosecution of illegal trafficking of migrants, using cooperation and exchanges of information to dismantle organized crime organizations.

Commitment

Fight against illegal trafficking of migrants and dismantle organized crime networks.

Aspect 3: Administrative detentions and other alternatives

Objective

Guarantee prevention measures, full assistance and protection for trafficked individuals, particularly persons who are vulnerable or victims of other crimes, using mechanisms that guarantee migration solutions and full protections.

Commitment

Pursuant to current migration law, and respecting the sovereignty of each country, recognize the dynamics of detention, housing, shelters, apprehensions or temporary detentions, as applicable. Recognize the work done by agents charged with managing migration policies at various centers, at an administrative and operational level.

Aspect 4: Protection: Prevention, information, assistance and migration solutions

Objective

Guarantee methods to prevent, assist and protect illegally trafficked individuals, especially persons who are vulnerable or victims of other crimes, using mechanisms that ensure migration solutions and full protections.

EACH OBJECTIVE INVOLVES ACTIONS

UIDPM CONFIRMED DATA

Preliminary investigations

Illegal human smuggling



- 4 current investigations
- 12 people (10 men and 2 women)
- Countries of origin: Honduras (8), Mexico (3) and Guatemala (1)
- Average age of individuals: 35.36 years

Case Files

Illegal human smuggling

Illegal human smuggling and human trafficking

False imprisonment and illegal human trafficking



- 33 current investigations
- 42 people (29 men and 13 women)
- Countries of origin: El Salvador (18), Guatemala (13), Honduras (5), Ecuador (4), Brazil (1) and the United States (1)
- Average age of individuals: 32.97 years

UIDPM

Unidad de Investigación de Delitos
para Personas Migrantes

Thank you for your time!