



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
7 November 2012

Original: English

Committee against Torture
Forty-ninth session

Summary record of the 1101st meeting

Held at the Palais Wilson, Geneva, on Thursday, 1 November 2012, at 3 p.m.

Chairperson: Mr. Grossman

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Combined fifth and sixth periodic reports of Mexico (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Combined fifth and sixth periodic reports of Mexico (continued)

1. *At the invitation of the Chairperson, the delegation of Mexico took places at the Committee table.*
2. **Mr. Luviano** (Mexico) said that the ongoing reform of the criminal justice system was aimed at creating an accusatory and transparent system. The reform included measures to prevent arbitrary detention, ill-treatment and solitary confinement during detention, and the authorities were able to hold persons caught in flagrante for between 48 and 72 hours. Measures had been adopted to prevent rulings being made on the basis of evidence obtained in violation of human rights.
3. The Constitution provided for evidence to be given in pretrial proceedings, subject to legal requirements; a reason must be given why evidence had been given prior to the oral hearings. The intention behind that procedure was to prevent the loss or distortion of evidence. Pretrial evidence was allowed in cases involving offences that could harm the development of minors between 6 and 18 years old. The evidence could be submitted between the lodging of the original complaint and the hearing. It was recorded and the recordings were made available to all the parties concerned.
4. **Mr. García** (Mexico) said that judges performed their duties in an independent manner, in conformity with the Constitution. As part of the recent judicial reform, a number of judicial bodies had worked in cooperation with regional and international organizations to provide training for judges on both domestic and international norms. Evidence gathered from confessions made during prolonged detention or under conditions of ill-treatment was not admissible in court.
5. **Ms. López Padilla** (Mexico) said that the State had an explicit responsibility to provide redress to victims of human rights violations. Any person who had not received adequate redress could, in accordance with their constitutional rights, lodge an appeal. Once in force, the law on redress would be executed by the National Human Rights Commission.
6. A presidential initiative had been launched to provide compensation to victims of crime and human rights violations. In the latter case, the authorities were obliged to provide comprehensive redress commensurate with the injury caused. If the perpetrator of the act was a State official, the redress provided included a public apology and guarantees against any recurrence.
7. An independent office had been established to provide families with psychological, social and legal support in cases where a relative had disappeared. The service was provided for cases under both federal and state jurisdiction and in the first year of its operation had assisted over 11,000 persons.
8. **Ms. Arcos** (Mexico) said that the Supreme Court had recently ruled on victims' rights, which included the right to information on obtaining redress for injury and the right to challenge the validity of sentences handed down.
9. **Mr. Negrín** (Mexico) said that there was a constitutional requirement for state bodies to respond to recommendations made by independent human rights bodies. Any refusal to accept or implement a recommendation must be justified and federal bodies or the Senate could order government officials to explain any refusal. The National Human Rights Commission could take various courses of action in cases of refusal to comply with recommendations, such as notifying the relevant supervisory bodies.

10. **Ms. López Padilla** (Mexico) said that measures to protect human rights defenders, as called for by the international community, had been adopted in 2011 with the publication in the Official Gazette of a decision to establish the necessary machinery. Pending comprehensive legislation, measures had been formulated for implementation by the Ministry of the Interior to protect persons engaged in promoting and protecting human rights and the freedom of the press.

11. A new body on human rights protection was being established with representatives of civil society, the National Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights. That body would be competent to carry out risk assessments and follow-up activities and to determine appropriate measures in specific cases relating to human rights defenders.

12. **Ms. Villanueva** (Mexico) said that although each state in Mexico had its own legislation, no law could contradict the Constitution. The prohibition of torture in the Constitution and in federal law therefore covered torture at the state level as well. A number of steps had been taken to prevent torture, including the publication of standard procedures for the use of force during arrests and the subsequent stages of custody. Since publication was not sufficient to ensure compliance with procedures, systems were gradually being introduced to implement uniform practices by all police forces and to immediately record arrests.

13. A bill establishing torture as a specific offence in criminal law was being circulated for comment and was intended for enactment as a special law in each state. A particular challenge was posed by organized crime, and specific criminal legislation providing for exceptional cases should not lead to any violations of human rights.

14. Regarding the situation in the State of Guerrero, since 1992 various state laws and procedures had been introduced to address the offence of torture and deal with involuntary disappearances.

15. **Mr. Ruiz** (Mexico), referring to the situation in the State of Campeche, said that legislative reform was being carried out gradually and that a law had entered into force in 2010 to establish the offence of torture in conformity with international standards. Guidelines had also been published on the application of the Istanbul Protocol by doctors and public prosecutors. All forms of suffering were covered by the legislation on torture and efforts had been made to prevent torture and promote respect for human rights among law enforcement officials.

16. **Mr. Sierra** (Mexico), referring to the situation in the State of Mexico, said that in 2012 an amendment to the Criminal Code had been published in the Official Gazette bringing it into line with international standards. It had also become easier to prove that torture had occurred, sexual violence and intimidation had been established as forms of torture, and the statute of limitations no longer applied to acts of torture.

17. **Ms. Villanueva** (Mexico), responding to comments on the low number of complaints of torture that led to conviction, said that the public prosecutor was obliged to provide sufficient evidence of torture to enable a court to issue a sentence commensurate with the injury suffered.

18. Despite the standing obligation to investigate complaints of torture as a matter of priority, there was a large backlog of cases. Nonetheless, in the last three years over 100 investigations of torture had been launched, the majority of which were ongoing.

19. **Mr. Ocampo** (Mexico) said that since 2006 the Secretariat of the Navy had received, accepted and implemented five recommendations on torture made by the National Human Rights Commission. The Secretariat had paid compensation to victims of torture and issued standard procedures on the use of force. In cooperation with international

bodies, practically all naval personnel had received training on the legitimate use of force. The Secretariat had also cooperated with the military prosecution service to clear the backlog of pending administrative proceedings. In 2011, the high command of the armed forces had issued a directive on the rule of law and respect for human rights, and had ordered that persons should not be detained at naval installations.

20. **Ms. Tolentino** (Mexico) said that the federal government bodies responsible for safeguarding public security and combating organized crime relied on the Ministry of Public Security to ensure respect for human rights in their activities. Any abuse of human rights was and would continue to be punished by law; torture and other cruel, inhuman or degrading treatment was not tolerated in any form. The Ministry had so far received five recommendations relating to torture from the National Human Rights Commission: two had been fully implemented and three were currently being put in place. Victims of torture had received redress in keeping with the recommendations issued; in one case that had included medical treatment and staff training. Federal police officers responsible for disappearances had been convicted, dismissed and imprisoned.

21. **Ms. Villaneuva** (Mexico) said that a number of decisions relating to various forms of torture had been issued by the public prosecutor's office in 2011 and 2012. The Istanbul Protocol was being implemented, and efforts were being made to increase the number of doctors and independent technical experts, and also to upgrade forensic activities.

22. **Ms. Arcos** (Mexico), recalling the events of 2006 and 2007 in the states of Mexico and Oaxaca, said that the courts had found serious violations of human rights by state officials; the findings had been based on international instruments. Over the next two years the judiciary would be required to ensure follow-up of the convictions handed down by the courts.

23. **Ms. Villanueva** (Mexico) said that *arraigo* (preventive custody) was viewed as an interim judicial measure applicable only in cases of serious offences and organized crime; it had its basis in the constitutional reform of 2008 and was intended to protect the rights of victims. There were three federal *arraigo* facilities and military installations were used only in exceptional circumstances. In addition to all other constitutional guarantees, *arraigo* detainees had the right to receive visits by relatives and a defence lawyer and received information on their human rights.

24. Any forms of torture, intimidation or other human rights violation were prohibited throughout *arraigo*. Constitutional reform had provided for independent judges to immediately address *arraigo* cases and ensure that the rights of the accused were respected. Since 2009, an electronic system had been in place to record cases and recent statistics indicated that the majority of requests for the procedure were granted. There were no reports of any person detained under *arraigo* having disappeared.

25. **Mr. García** (Mexico) said that the remedy of *amparo* had been severely criticized, both within Mexico and abroad. The procedure was considered to be too technical and a new *amparo* law that would provide greater access to justice was due to be discussed by Congress. Relatively few *amparo* procedures were admitted for the following reasons: many appeals were withdrawn when the act appealed was terminated; authorities often claimed that there were no legal grounds for a constitutional appeal; the *arraigo* detainee was released before the trial took place; and in some cases family members of the *arraigo* detainee filed too many *amparo* appeals, which constituted grounds for the dismissal of proceedings.

26. **Ms. López Padilla** (Mexico) said that the jurisdiction of military courts had been affected by the significant reforms to the Code of Military Justice. In April 2012, Congress had established the jurisdiction of civil courts over crimes and human rights violations committed by members of the armed forces against civilians. In a parallel development, the

President of Mexico had given specific instructions to the Ministry of Defence to ensure that cases involving human rights violations were brought before the ordinary courts.

27. **Ms. Arcos** (Mexico) said the decision that military courts lacked authority to review cases relating to the actions of members of the armed forces against civilians, that the jurisdiction of military courts should be limited and exceptional, and that courts martial should be restricted to cases involving offences against military discipline had certainly been significant. In that context, any offences that did not affect military discipline, including crimes against humanity, were tried in civil courts.

28. **Mr. Negrín** (Mexico) said that his Government was firmly committed to the investigation and punishment of all offences provided for in the Convention and to full cooperation with the Committee in the investigation of individual cases. The Committee had presented the delegation with a list of questions on seven separate cases; the delegation would explain four of those cases in the first instance and would subsequently provide full information on those matters over which the Committee had expressed concern, starting with a comment on the situation in the case involving Mr. Israel Azarte.

29. **Ms. López Padilla** (Mexico) said that Mr. Azarte had been involved in the massacre of a number of students in the State of Chihuahua in 2010 and, allegedly, arrested by members of the armed forces while driving a vehicle with proceeds from a robbery. He had reportedly confessed, under torture by members of the armed forces to taking part in the massacre. Two investigations had been launched, one into the theft of the vehicle and the other into homicide and attempted homicide. Proceedings had been brought against Mr. Azarte, who had lodged an *amparo* appeal. That had been denied in the court of first instance, and he had subsequently applied for a further judicial review.

30. Since April 2012, the ordinary courts had had jurisdiction over cases involving allegations of the torture of civilians by members of the armed forces; the Attorney General of the Republic was responsible for investigations into such allegations. The recommendation of the National Human Rights Commission addressed to the Ministry of Defence and Chihuahua State in connection with the case had been accepted by both parties, which had introduced a number of relevant measures, including the enactment by the State of Chihuahua of legislation for the prevention and elimination of torture.

31. An investigation was currently under way into the allegations of torture, and disciplinary measures had been taken against Ministry of Defence and a number of officials. Mr. Azarte had been given medical and psychological support through the entity which provided assistance to victims of human rights abuses. The Ministry of Defence had stipulated that perpetrators of torture arrested in flagrante were to be brought immediately before the civil authorities and not taken to military facilities; it had also prohibited the use of military facilities as holding centres. In October 2012, the Inter-American Commission on Human Rights (IACHR) had requested information from Mexico in connection with alleged threats against Mr. Azarte's relatives in order to study the possibility of adopting interim measures.

32. **Ms. Arcos** (Mexico) said that, with the assistance of a number of organizations, Mr. Azarte had submitted a request to the court to review the *amparo* appeal in the two proceedings. The court had recently decided to consider the appeals in view of their importance. Not only did there appear to be substantial grounds for believing that Mr. Azarte's confession to taking part in the massacre was the result of physical and psychological coercion, but the court would also consider Mr. Azarte's right to a defence and would decide whether the appointment of defence counsel would in fact ensure due process. The court had given assurances that the case would be subjected to detailed and careful analysis.

33. **Mr. Negrín** (Mexico) said that the reply to a matter raised in connection with killings of women in Ciudad Juárez was contained in the report. He referred to the information provided by the State of Chihuahua in connection with investigations conducted between January and December 1998 in some 450 cases involving recorded cases of murders of women; 292 of them had been solved. Convictions had been handed down in 25 of those killings in early 2010, while other cases remained before the courts

34. **Mr. Balderrama Domínguez** (Mexico) said in response to a question raised by Ms. Gaer that since March 2012 there had been some 70 reports of missing women and children; while a large number had been found alive, five had been found dead and those cases were being investigated. There had been 42 reported killings of women and children, of which 31 had been resolved while the other cases remained under investigation.

35. A special prosecutor for gender-based crimes against women had been established in Chihuahua; his remit included family violence, failure to pay alimony, links between women and organized crime, and gender-based discrimination. There was a specialized unit in the public prosecutor's office, and, four regional coordinators and a specialized police investigation unit had been appointed. Other units provided various forms of support to women victims of gender-based crimes who required specialized assistance. A number of agreements had been concluded, including an agreement between the State of Chihuahua and the Ministry of Interior to recruit international experts to advise the government of Chihuahua on investigations and compliance with the relevant standards.

36. **Ms. Birruete** (Mexico) said, with reference to the question raised concerning events in Ayotzinapa in the State of Guerrero, that the recommendation of the National Ombudsman addressed to public security officials in the federal Government that an investigating authority should be established under article 102 of the national Constitution was the first of its kind. The recommendation had requested compensation for the victims of the events and the Government had compensated the relatives of two students who had been shot and killed by the security forces. Financial compensation had also been paid to the family of another victim who had lost his life in an arson attack near a petrol station, and 16 or so other individuals had been compensated in connection with other matters. A number of cases raised by the National Human Rights Commission remained unresolved. The Ministry of the Interior had brought proceedings against three members of Guerrero State police identified as having used excessive force in the context of those deaths. In the case of the federal officials concerned, appropriate penalties had been handed down in four cases and other officials were being investigated. The Ministry and the judicial authorities were determining areas of responsibility in connection with the demonstrators whose actions, including blocking roads, seizing vehicles and committing robberies, had led to the death at the petrol station.

37. The government of the State of Guerrero had provided medical, psychological and social assistance to two victims between 2010 and 2012, as well as other assistance to 60 persons affected. Training was being provided to thousands of public officials and relevant legislation was being brought to the attention of local authorities. A public discussion would be held, pursuant to the recommendations made.

38. **Mr. Sierra** (Mexico) said that the Government had done everything possible to enable the women assaulted during the events in San Salvador Atenco in May 2006 to identify their attackers. No positive identification had been made: some of the women concerned said that they had been lying face down during the assault, while the faces of others had been covered with their clothes. Nevertheless, investigations had continued.

39. In connection with the question concerning the women detained in San Salvador Atenco, it should be noted that the recommendation of the National Human Rights Commission had been accepted by the State of Mexico. Compensation had been provided

and inquiries had been carried out by internal review bodies, which had imposed the penalties prescribed by law, including dismissal of the police officers concerned.

40. The State of Mexico had implemented the recommendations of the National Human Rights Commission in full. None of the women concerned was currently detained. Investigations of their complaints of sexual abuse had been resumed pursuant to the recommendation of the Supreme Court of Justice and had found that the police officers who had detained the women had perpetrated acts of torture. The Ministry of the Interior had therefore, in 2012, detained and brought proceedings for torture against two of the senior officers concerned; the third officer had died in 2011. The officers had been charged with failure to fulfil their responsibilities and with abuse of authority, since they had been responsible for other police officers who had carried out the arrests and abuses of the women concerned.

41. **Ms. Hernández** (Mexico) said that her delegation would provide the Committee with a full account of the prison strategy for 2008–2012, including results achieved and remaining challenges.

42. The Federal Government had decided to address prison overcrowding directly through an intensive construction programme. Since 2006, the number of federal prisons had been increased from 6 to 13, and a further 8 would be completed in the coming months, substantially increasing prison capacity and making it possible to accommodate persons detained for federal offences in federal, rather than state, prisons. Prison overcrowding had been reduced by some 3 per cent since 2006, despite an overall 14 per cent increase in the prison population during that period. However, individual states needed to make greater efforts to address shortcomings since 50 per cent of that population was in six states.

43. A new model public-private partnership had been introduced to renew the State prison infrastructure and to provide high-quality facilities for prisoners and staff; millions of dollars had been allocated for that purpose. Training was an important aspect of the national prison strategy; a national academy for the administration of prisons had been established in the State of Mexico, which served as a model for other states.

44. **Mr. Negrín** (Mexico) said that the law in Mexico aimed to protect women from violence and to eliminate violence against women. Female homicide (femicide) had been criminalized in the federal Criminal Code in 2012 with the aim of protecting women's rights.

45. General guidelines for standardizing investigations into crimes involving disappearances of women and femicide had been approved. In addition, a standard police procedure was followed in gender-based violence cases and was binding on all federal police. His delegation would provide the Committee with the procedure, in addition to the statistics and data on investigations into sexual violence that it had requested, and other data relating to violence against women that were held on the national database of the Ministry of Public Security.

46. A number of shelters existed for women victims of domestic violence and significant legislative initiatives had been introduced in that connection, such as the recent law on shelters for women. Violence against women already constituted grounds for granting shelter and non-return of foreign women to third countries.

47. **Ms. López Padilla** (Mexico) said that, pursuant to the constitutional reforms, all foreigners under an expulsion order enjoyed the right to a prior hearing. The assisted return of irregular migrants to their countries of origin was decided by the National Migration Institute, whose decisions could be appealed. All migrants had the right to be notified of an administrative procedure against them, to be informed of their status, to receive legal aid in appealing an order against them and to receive consular protection. They and their family

members must be immediately notified of an order against them and be provided with an interpreter if necessary.

48. The purpose of the so-called Beta groups was to defend the human rights of migrants transiting Mexico and to provide them with humanitarian and legal aid, in addition to rescuing them in an emergency. A model for the protection of the rights of migrant and unaccompanied children had been established, and special federal officials had received training in order to ensure that the rights of that vulnerable group were protected. A modernization programme had been introduced to improve the physical conditions of facilities available to migrants.

49. **Ms. Villanueva** (Mexico), referring to the question of minors in conflict with the law, said that pursuant to the reform of three sections of the Constitution in 2006, 22 federal entities had enacted legislation to ensure that children's rights were protected, respected and received specific attention. More juvenile courts and maximum penalties had been established; imprisonment was a last resort. Cases involving minors were heard by state authorities, not federal authorities.

50. In 2010, the Faculty of Law in the National Autonomous University of Mexico had introduced a specialized course on minors and the law, in collaboration with other government institutions and private universities. Degrees and official certification were awarded in that field.

51. **Mr. Negrín** (Mexico) said that a senior office in the State of Oaxaca had been asked to submit a report to the Committee on the question raised by Ms. Sveaass with reference to two cases, including that of a girl in Oaxaca. Everything possible had been done to gather information on those cases. The specific recommendations made in connection with Oaxaca by the group that had visited the State were being implemented and his Government would submit their reports to the Committee in due course. A number of institutional and legislative initiatives had been introduced to enable external authorities to verify the realization of the human rights of persons with disabilities in Mexico, and in the State of Oaxaca in particular.

52. **Mr. Mariño Menéndez** (Country Rapporteur) said that the detailed replies of the delegation were honest, forward-looking and the fruit of considerable effort. Although the focus of the Committee was on what had happened during the reporting period rather than on anticipated changes, it took account of the fact that there had been a judicial revolution.

53. Despite the considerable efforts being made at state and federal levels to establish a standard definition of torture, definitions continued to vary from one state to another and remained broader than that contained in the Convention. The concept of torture was enshrined in international practice: torture was a serious international offence, for which severe penalties should be imposed. Further efforts were needed to standardize the definition of torture.

54. While it was not clear whether enforced disappearance qualified as a stand-alone offence, no statistics on that phenomenon were available. Were there convictions for enforced disappearance? Disappearances were closely linked to torture; moreover, in the context of femicide and institutional repression, the issue of whether or not the victims had been tortured was always raised when they disappeared. It would be helpful if the delegation could provide statistics on enforced disappearance.

55. He wished to know whether private lawyers helped individuals to bring actions in cases of torture and whether other institutions were involved in establishing whether such offences had taken place. Was there any interest in bringing in private experts to do so? Was there a lack of investigation because of a dearth of expertise? Although a federal group

of forensic experts existed, they operated under the aegis of the public prosecutor's office. Were their reports fully independent and impartial?

56. He asked how the system of appointing counsel *ex officio* to represent torture victims was structured. It was important to ensure that fully qualified lawyers provided legal aid to vulnerable groups. Did migrants, a particularly vulnerable group, receive appropriate legal assistance free of charge when in a situation where they could be accused or indicted for an offence?

57. On another point, he wished to know what guidelines the State party was following in connection with the federal justice for minors bill and whether it would be implemented soon. Since the overseeing judge would play an important role in connection with *arraigo* decisions and the situation in prisons, he asked how that judge could ensure that the law was fully respected in prisons. Or was there a specialized body to address that issue?

58. Lastly, he asked how the State party implemented the principle of universal jurisdiction over the offence of torture under the Convention, which made it binding on the State to take legal action or to extradite the alleged torturer to a country where he or she could be tried in accordance with the terms of the Convention.

59. **Mr. Gaye** (Country Rapporteur) said it was understandable that the State party should opt to implement the reforms to criminal procedure gradually in view of its federal structure. However, disparities in the law frequently caused problems, *inter alia* in ensuring that all citizens were equal under the law. However, the process was time-specific and that was a cause for optimism.

60. Evidence should be the subject of adversarial proceedings if proceedings were to be equitable. He therefore asked at what point adversarial proceedings involving evidence submitted in advance would take place.

61. According to the figures provided in the State party's report on the number of complaints in which federal authorities responsible for prevention and social rehabilitation were accused of human rights violations, very few of the complaints registered had resulted in a recommendation. He requested further information about cases that were still pending. He had the impression that there were problems with the handling of complaints and with the implementation of recommendations by the National Human Rights Commission. He wished to know if victims of human rights violations could directly petition a judge for an investigation into the matter. He asked for further information about any evaluations of training provided in accordance with article 10 of the Convention.

62. **Mr. Bruni** thanked the delegation for providing information in writing on the Mexican prison system, and asked if it could also provide information on the most recent prison visits conducted by the National Human Rights Commission, including findings, recommendations and follow-up.

63. **Ms. Gaer** expressed her satisfaction that the President of Mexico had announced his intention to establish a national mechanism to protect human rights defenders and journalists, and asked if the law establishing that mechanism had been passed by both chambers of Congress. She requested further information on the protection measures that would be taken under that law. She asked what had been done so far to protect human rights defenders who had complained of harassment from local authorities and to identify the perpetrators. Noting that the Secretariat of the Navy had publicly attacked the work of human rights organizations that documented abuses by the armed forces, she asked if there had been any retraction or change in policy in that regard. She also wished to know if the Government would accept a visit by the Special Rapporteur on the situation of human rights defenders.

64. **Ms. Belmir** asked how the Government justified the continued use of *arraigo*, given that, pursuant to the recent constitutional reform, it was to be used only until the establishment of an adversarial system, which was already in force. She wondered if the procedure could ensure a basic level of respect for the rights of the individuals concerned, given that the charges against them were not clearly specified and communication with them was minimal. *Arraigo* was akin to enforced disappearance or secret detention in that access to the individual concerned was very limited. The definition of *arraigo* was not entirely in line with the United Nations Convention against Transnational Organized Crime. If it could not be eliminated entirely, then basic safeguards must be established to reduce its impact on the rights of individuals.

65. **Mr. Domah** said that, while he was glad to hear that federal judges had received training, he wondered if the knowledge gained had reached judges at lower levels. Even though the courts had declared that *arraigo* was unconstitutional, in practice it was still in use and was detrimental to the rule of law. He asked if the country's medical, legal and administrative personnel were trained to identify non-visible signs of torture.

66. **Mr. Tugushi** said that he wished to hear more about the Government's plans to strengthen the national preventive mechanism. *Arraigo* should be abolished entirely, as even with additional safeguards it would still remain outside full judicial control. Impunity for acts of torture was a systemic problem in Mexico. He requested further information about plans to increase funding for the prison system and to remedy the problem of overcrowding.

67. **Ms. Sveaass** said that, despite promises by the Ministry of Health to reform the mental health system, almost nothing had been done to improve the inhumane conditions in psychiatric facilities. She asked what measures were in place to monitor the very serious problems in those facilities.

68. Rehabilitation must be included in redress for victims of human rights violations. It would be preferable if treatment and follow-up for victims were handled by the health services rather than the prosecution service. She asked how many persons had thus far been held accountable for the recent murders of journalists in the country.

69. **The Chairperson** said that he was concerned about the very low number of convictions for acts of torture in the State party and asked to hear the delegation's views on that matter. He wished to know the time frame for completing the reform of the military justice system. He asked if any punishment was meted out for failure to apply the Istanbul Protocol. He noted that the death penalty had been abolished in Mexico in 2005. The adoption of the Refugees and Complementary Protection Act constituted a significant advance, and he wished to know when its implementing regulations would be adopted.

70. **Mr. Negrín** (Mexico) confirmed that Mexico had indeed abolished the death penalty.

71. **Ms. Villanueva** (Mexico) said that, under the recent constitutional reform, the Government had eight years to complete the transition to an adversarial system. The transition process had been under way for four years, and, while some states had fully implemented the new system, others still had more work to do. The deadline for full implementation was 2016.

72. *Arraigo* in no way constituted a form of enforced disappearance, as the individuals concerned did not lose contact with their families, defence lawyers or human rights institutions. *Arraigo* detainees were automatically registered and were issued a card with a description of their rights and the telephone numbers of the competent persons they could contact. *Arraigo* was implemented only on the basis of a court order, following a request by the public prosecution service. The use of *arraigo* was temporary and would be abolished

under the new adversarial system, but the transition to that system was a long and complicated process.

73. **Mr. Negrín** (Mexico) said that enforced disappearance was classified as an offence in the Federal Code of Criminal Procedure. Following a decision by the IACHR, a bill had been submitted to Congress updating the legal definition of enforced disappearance. A law had been adopted in 2012 establishing a national registry of disappeared or missing persons.

74. **Ms. López Padilla** (Mexico) said that the relevant Senate committees had given their opinions on the military jurisdiction bill and that it would be discussed in plenary at the next session of Congress. The bill stipulated that the federal civilian courts were competent to hear cases involving offences committed against civilians by members of the armed forces and any human-rights-related cases involving military personnel. Military courts could be declared incompetent to hear a case at any point in the proceedings, and anyone brought before a military court could challenge its competence by means of an appeal.

75. **Mr. Negrín** (Mexico) said that his Government recognized the significant contributions of human rights defenders to the establishment of a culture of human rights in Mexico and was fully disposed to cooperate with international human rights organizations.

76. **Ms. López Padilla** (Mexico) said that the law establishing a national mechanism to protect human rights defenders and journalists had already been adopted by both chambers of Congress and published in the Official Gazette. The Ministry of the Interior was working closely with civil society organizations to implement the law. Thus far, 26 states had agreed to work together with the Ministry to implement the law at state level, and the Ministry was seeking to reach similar agreements with the remaining states. The planned preventive measures included providing self-defence classes, surveillance equipment and armoured vehicles. The law provided for two urgent protection measures, one of which must be implemented within nine hours in emergency cases.

77. **Mr. Negrín** (Mexico) said that unfortunately it seemed his delegation was not able to fully allay the Committee's concerns about the implementation of recommendations by human rights bodies. Ultimately, it was for the human rights bodies themselves to decide whether their recommendations had been satisfactorily implemented.

78. **Ms. Hernández** (Mexico) said that her delegation would provide information in writing on the prison visits conducted by the National Human Rights Commission and similar state-level commissions. Almost US\$ 900 million had been allocated to improve prison infrastructure. The criminal justice reform was expected to have a significant impact on the use of pretrial detention and the length of proceedings, thereby reducing the prison population. Alternatives to prison sentences were also provided for as part of the reform. While much remained to be done, improvements to the prison system were under way.

79. There were special judges responsible for issuing *arraigo* orders. Overseeing judges were not involved in that process; rather, they dealt with the enforcement of sentences and decisions on parole or early release for prisoners. A bill clearly outlining the duties of overseeing judges and their interactions with prison authorities was currently being debated in Congress.

80. **Mr. Negrín** (Mexico) said that his country had ratified the Optional Protocol to the Convention against Torture and had been visited by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government had also established a national preventive mechanism, which had conducted more than 2,400 visits to places of detention; it was fully convinced of the benefits of that mechanism.

81. **Mr. Luviano** (Mexico) said that a coordinating council, comprising representatives of the three branches of government at the federal and state levels as well as representatives of academia and civil society, had been established to monitor the process of transition to an adversarial system. With regard to evidence submitted prior to trial, the judge must offer a hearing to those concerned before deciding whether or not to admit the evidence.

82. **Mr. Negrín** (Mexico) said that the regulations relating to the Refugees and Complementary Protection Act had been published in the Official Gazette in February 2012. With regard to facilities for persons with mental disabilities, he agreed that much needed to be done to improve them, but progress had been made with regard to legal status, institutions and monitoring. His delegation could provide further information at a later time.

83. **Mr. García** (Mexico) said that his country had not expressly recognized the principle of universal jurisdiction in its domestic law. The Federal Criminal Code provided, however, that when an offence was covered not by the Code but by a special law or international treaty to which Mexico was a party, it must be dealt with in accordance with that law or treaty. In 2001, a former military officer had been accused by a Spanish judge of acts of terrorism and genocide and had been extradited to stand trial in Spain. The remedy of *amparo* did not directly provide for redress. However, the individual concerned could initiate a civil action requesting payment from the Government.

84. The judiciary had declared that those states that had already established a new criminal system in accordance with the constitutional reforms should not make use of *arraigo*. His Government recognized the disparities in remuneration and requirements for ex officio defence lawyers at the federal and local levels and was working to remedy the situation. The ex officio defence lawyers' organization was independent of the Council of the Federal Judiciary, and its members were all qualified lawyers selected through a competitive examination and were used primarily in federal criminal cases. The system was not fully developed in all states as a result of discrepancies in budget allocations.

85. **The Chairperson** expressed his satisfaction with the constructive dialogue held with the high-level delegation of Mexico and asked the delegation to provide any further information in writing by 6 p.m. the following day.

86. **Mr. Negrín** (Mexico) thanked the Committee members for the opportunity to share his Government's efforts to combat torture and said that the Committee's recommendations would undoubtedly help to strengthen those efforts.

The meeting rose at 6 p.m.