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Summary record of the 3654th meeting

Held at the Palais Wilson, Geneva, on Thursday, 17 October 2019, at 10 a.m.

Chair: Mr. Fathalla

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Mexico (continued) (CCPR/C/MEX/6;
CCPR/C/MEX/QPR/6)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **Mr. Ruiz Gayol** (Mexico), resuming his delegation's replies to the questions raised at the previous meeting, said that his country acknowledged that women had historically been victims of inequity due to the prevalence of patriarchal stereotypes within the family, in educational institutions and in all socioeconomic sectors. Legislative, jurisprudential and political action was therefore being taken to guarantee gender equality. The National Programme for Equality 2019–2024 was currently being implemented and consultations were being conducted in each of the 32 federative entities in order to ascertain the specific interests and needs of women and girls throughout the country.
3. All the federative entities had defined femicide in their criminal codes. In February 2018 the National Council for Public Security had published an agreement providing that the Attorney General's Office and the offices of attorneys general and prosecution services in the federative entities should base their investigations of all intentional homicides perpetrated against women on femicide protocols. According to the records for 2017, a total of 766 cases of femicide were being investigated, criminal proceedings had been instituted in 543 cases and sentences had been handed down in 103 cases.
4. Protection orders issued for women who had reported violence should be implemented immediately by the corresponding authorities, and within no more than 8 hours of the complaint. The reconciliation agreements provided for under the Code of Criminal Procedure in cases of domestic violence were optional.
5. Supreme Court rulings had established key criteria for eliminating violence and discrimination on grounds of sexual orientation and gender identity, particularly regarding marriage, adoption, legal recognition of children and gender reassignment on birth certificates. The Court had also ruled that the right to freedom of expression was not applicable to homophobic speech. Local congresses had been mandated to integrate the criteria into their legislation, especially in the civil sphere, in order to guarantee equal rights for lesbian, gay, bisexual, transgender and intersex persons.
6. Health-care institutions were required to abide by international standards when dealing with children with variations in sex characteristics. Surgery was undertaken only where it was justified by medical evidence and health considerations and where the consent of the person, or that of a parent or guardian, had been obtained.
7. There were unfortunately no disaggregated statistical data at the national level concerning complaints of, and investigations into, acts of violence perpetrated against lesbian, gay, bisexual, transgender and intersex persons because such offences were addressed at the local level. During the period from 2011 to 2017, the National Council for the Prevention of Discrimination had analysed 1,075 alleged cases of discrimination on grounds of sexual orientation, gender identity or sex characteristics. Four out of every five cases were based on sexual orientation.
8. On 17 May 2019, the National Day against Homophobia, the Ministry of Foreign Affairs had announced the launch of consular procedures to ensure that Mexican nationals could marry persons of the same sex in Mexican embassies and consulates throughout the world.
9. The federative entities were responsible for legislation on abortion and various procedures were under way in local congresses. In addition, political measures had been taken to guarantee access to abortion for women and girl victims of sexual violence. The Victims Act required all medical facilities to provide unconditional emergency care for victims of criminal acts, especially sexual offences, regardless of their economic status and

nationality. The implementing regulations of the General Health Act had been amended in 2014 and the Mexican Official Standard had been amended in 2016 so that women and girls who were pregnant as a result of sexual aggression could seek an abortion from any public health-care service throughout the country without needing to file a report of rape, obtain authorization from an authority or obtain the consent of a parent or guardian. Conscientious objections were acceptable in exceptional cases, for instance where the patient's life might be at risk. In such circumstances, patients must be referred to another health-care facility.

10. The National Strategy to Prevent Teenage Pregnancies was aimed at reducing the number of pregnancies among teenage girls by 50 per cent by 2030.

11. **Ms. Mendoza Carlos** (Mexico) said that action had been taken to counter the vulnerability of domestic workers. The Federal Labour Act and the Social Security Act had been amended in April 2019 to guarantee comprehensive labour rights for such workers, and the National Commission on Minimum Wages had developed an action plan, including technical studies and surveys, to set a minimum wage for them. General rules had been issued in March 2019 for a pilot project aimed at integrating domestic workers into the mandatory system run by the Mexican Social Security Institute. The Supreme Court had ruled in 2018 that article 13 of the Social Security Act was discriminatory since it excluded domestic workers. The Government was currently engaged in consultations to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

12. The gender pay gap had narrowed in the previous two decades by about 6 per cent, but more vigorous action was required in order for women to attain equality in the labour market. The wage policy for the period from 2018 to 2024 was therefore aimed at achieving a reduction in the gender pay gap through agreements between employers and employees based on a human rights perspective.

13. **Mr. Ballinas Valdés** (Mexico) said that the Mexican State was deeply committed to non-discrimination against vulnerable or historically neglected groups. It was therefore implementing a strategy aimed at guaranteeing that persons who identified themselves as Afrodescendants or Afro-Mexicans fully enjoyed their rights. The National Institute for Indigenous Peoples was tasked with defending their rights. As part of the International Decade for People of African Descent, forums for dialogue with Afrodescendent communities had been promoted and a statistical strategy had been launched to determine the number of Afrodescendent inhabitants in Mexico. According to the most recent census, in 2015 persons of African descent had totalled 1.4 million, or 1.2 per cent of the Mexican population. Such data could be used to develop targeted policies in order to address existing challenges. Surveys based on self-identification would continue to be organized in order to obtain trustworthy data. Each group of 100 persons of African descent comprised, on average, 51 women and 49 men and the average age was 30 years. The proportion of persons of African descent in the labour market was almost 3 per cent higher than the national average.

14. **Mr. Santana Ángeles** (Mexico), replying to a question concerning the "Dirty War", said that the Government acknowledged that systematic action had been taken by intelligence personnel, the police and the armed forces during the 1960s, 1970s and 1980s to detain, execute and disappear community leaders, farmers, students and intellectuals. The National Human Rights Commission had issued recommendation 26/2001 to prevent the recurrence of such incidents. The current Government had launched a project to establish a series of memorials for victims of enforced disappearance. On 23 September 2019, the Minister of the Interior had publicly apologized to Martha Camacho, a survivor of the "Dirty War" who had been detained and had given birth to a child under atrocious conditions. The National Missing Persons Commission had established a unit tasked with searching for disappeared victims of the "Dirty War" and it had hitherto identified 951 victims. The unit was gathering files from the Office of the Prosecutor General and drawing on the services of a wide range of experts to establish a database of cases involving human rights violations. In addition, a mechanism for ensuring comprehensive compensation for victims of the "Dirty War" and promoting reconciliation was being designed with the assistance of experts and surviving relatives.

15. Information concerning recent violent acts could be found on the website of the Executive Secretariat of the National Public Security System. The President of the Republic received a report every morning on criminal acts, including homicides, perpetrated the previous day, thereby enabling the Government to decide on an appropriate response.

16. **Mr. Heyns** said that, in view of reports that torture and ill-treatment were perpetrated systematically and at very high levels in the State party, including against women and children, it would be helpful to receive statistics concerning investigations and convictions for the crime of torture, including on cases in which superiors had been convicted of torturing people under their command. He wished to know what action was being taken to prevent such acts and to ensure the accountability of the perpetrators.

17. In the light of reports that detention conditions created an environment that was conducive to torture, he would welcome information concerning visits to places of detention by the national preventive mechanism. He also wished to know whether any action was being taken to address the reported shortcomings in the State party's forensic capacities. He would appreciate an update on the situation of Enrique Guerrero and six people in Tlaxcala who had allegedly been subjected to torture and ill-treatment.

18. He welcomed the prohibition of corporal punishment of children contained in the General Act on the Rights of Children and Adolescents. He wished to know whether light corporal punishment by parents or persons performing parental functions was still permitted under the Act and whether any training courses and awareness-raising programmes had been launched to support implementation of the Act.

19. **Ms. Tigroudja**, noting that the President of the Republic had announced his recognition of the competence of the Committee on Enforced Disappearances to conduct visits to the State party, said that she wished to know whether any action had been taken in that regard. She wondered whether steps had been taken by the State party to implement the Views adopted by the Committee in July 2019 concerning the enforced disappearance of Christian Téllez Padilla.

20. As undocumented migrants, especially women, unaccompanied minors, and lesbian, gay, bisexual, transgender and intersex persons, were extremely vulnerable to crimes such as trafficking, sexual abuse and physical violence, she wished to know what measures had been taken to prevent the risk of serious human rights violations, and whether particular attention had been given to the needs of children. In addition, she would like to know what steps had been taken to secure transit zones, conduct investigations and prosecute the perpetrators of such abuses.

21. She requested confirmation that preventive custody (*arraigo*) would be abolished from the legal system. She would also appreciate additional information on how the State party would reconcile the abolition of *arraigo* with the continued use of automatic pretrial detention.

22. Lastly, the State party should provide official birth registration statistics and information concerning measures to guarantee 100 per cent birth registration throughout the country.

23. **Ms. Abdo Rocholl** said that the Committee would appreciate additional information from the State party on the current situation regarding the disappearance of 43 students in Ayotzinapa in 2014.

24. Noting the criticisms reportedly levelled against the National Human Rights Commission with regard to its mandate, and some of its positions and recommendations, she would like to know what action the State party planned to take in order to guarantee the independence and autonomy of the Commission so that it could fulfil its mandate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

25. She wished to know whether the State party had a comprehensive database containing information on all prisoners in the country, as the current system required prison directors to submit the required information within the first five days of each month. Was there a software tool to facilitate that process? It was unclear whether the State party had a

separate register containing information on pretrial detainees. She wondered whether the registers included, or would include, information on persons who were members of the special weapons and tactics team.

26. She would be grateful if the delegation could explain whether minors could be deprived of their liberty in the State party, as the information provided in the State party report was unclear on that point. In addition, she would appreciate updated information on the proportion of precautionary measures ordered by judges that took the form of pretrial detention. Updated information on detention conditions would be welcome, and it would be interesting to learn what measures were being taken to avoid overcrowding and improve conditions, bearing in mind that minimum standards for health care and nutrition were reportedly not always met. She wondered how the new legislation on automatic pretrial detention had affected the level of overcrowding. She wished to know what measures were being taken to reduce the number of prison transfers, which were not an ideal solution to the problem of overcrowding, and on what grounds a prisoner could be transferred. It would also be useful to know whether women were held in separate facilities from men, how many children lived with their mothers in places of deprivation of liberty, how old those children were and whether any limits were imposed on the duration of their stay in such places. She would appreciate information on the entitlement of detainees, including women and lesbian, gay, bisexual, transgender and intersex persons, to conjugal visits.

27. She would appreciate information on the impact of the various measures taken under the National Programme for the Prevention, Punishment and Eradication of Trafficking in Persons and for Victims Protection and Assistance 2014–2018. It would be useful to receive updated information on complaints of trafficking in persons, the outcomes of any investigations and the penalties imposed on perpetrators who had been convicted. She wished to know whether the judicial review of an order for the expulsion of a foreign national had a suspensive effect and whether such orders were immediately enforceable. Were other mechanisms available to challenge such orders, for example *amparo* appeals? She wondered how many foreign nationals had challenged an expulsion order and the proportion of those challenges that had been successful.

28. **Mr. Bulkan** said that, with regard to the protection of the rights of lesbian, gay, bisexual, transgender and intersex persons and the question of abortion, it would be useful to know whether the State party planned to harmonize the standards at the state level with those in place at the federal level. The delegation had yet to reply to some of his earlier questions, including those on bullying. The Committee had seen statistics indicating that, despite the recent reforms, women who underwent abortions continued to be prosecuted.

29. He would be grateful if the delegation could comment on reports that intersex genital mutilation was widespread and went unchallenged in Mexico. In that connection, he wondered whether the applicable criteria had been incorporated into law and thus had binding force. On a related point, he wished to know whether any plans or strategies had been adopted to guarantee the access of intersex persons, including those living in remote areas, to health care in general.

30. He would appreciate further information on the implementation of the 2014 amendments to the Code of Military Justice. It was unclear whether there were any remaining cases involving civilians that had not been transferred to the civilian authorities. It would be useful if the delegation could comment on the provisions of the Code of Military Justice and the new Military Code of Criminal Procedure that granted military prosecutors and judges broad powers to order searches of homes and public buildings and to listen to private telecommunications without a judicial order issued by a civilian judge, as they seemed to undermine the spirit of the 2014 amendments. Given that the National Human Rights Commission had found that military personnel had committed serious human rights violations in over 100 cases since 2006, but did not have the authority to enforce its recommendations, he wondered whether accountability would be ensured for those and other violations. Information on the status of any cases disposed of by the military courts prior to the entry into force of the 2014 amendments would be welcome. In particular, in the light of concerns that the command structure of the military justice system facilitated impunity, he wished to know whether the State party planned to reopen cases that had previously been disposed of in order to ensure that civilian victims or their next of

kin obtained justice for abuses suffered at the hands of the military. If not, did the State party plan to establish a truth and justice commission for that purpose?

31. The Committee had been informed by various sources that megaprojects in the mining, energy, tourism and other sectors were often designed and implemented without the participation of the communities that might be affected by them, and that, where such consultations did occur, they were rarely free, prior or informed. In that connection, he wished to know whether the 2013 protocol for consultation with indigenous peoples and communities was binding and, if not, whether the State party planned to incorporate it into law. It would be interesting to hear the delegation's comments on the finding of the Special Rapporteur on the rights of indigenous peoples in 2018 that the Supreme Court's orders to suspend projects launched without consultation were sometimes ignored and did not constitute binding case law. He wondered whether the 2013 order of the Supreme Court concerning the Independencia aqueduct project, which had been opposed by the Yaqui people, had been respected. He would be grateful for examples of consultations held with indigenous communities and information on whether the recommendations of the affected communities in such cases had been respected.

32. He wondered whether the State party planned to amend its laws and policies in order to ensure that consultations with indigenous communities were held in accordance with international standards, in good faith, prior to the granting of authorization and in a culturally appropriate manner. He would be grateful if the delegation could respond to reports that restrictive criteria were used to identify indigenous communities, thereby limiting the scope of any consultations held. It would be useful to learn whether the State party planned to reform the agrarian legal framework in order to incorporate international standards on the rights of indigenous peoples. Lastly, he would like to know what action had been taken to implement the comprehensive recommendations made by the Special Rapporteur on the rights of indigenous peoples following her visit to Mexico in 2018.

33. **Mr. Shany** said that he would appreciate information on the efforts being made to strengthen the civilian police at the state level. He wondered what measures, other than training, were being introduced to combat the long-standing culture of impunity for human rights violations among military personnel. In that connection, more detailed information on follow-up to complaints, including information on prosecutions, convictions and sentences, would be welcome. He would appreciate information on the legal framework governing the paramilitary groups operating under the Ministry of Defence and state police.

34. It seemed that there was no general exception to military service for conscientious objectors. The Committee took the position that States parties that imposed a military service obligation should offer an alternative form of service or waiver for conscientious objectors.

35. It was unclear whether the effectiveness of the National Protection Mechanism for Human Rights Defenders and Journalists had been evaluated. He wished to know whether the 84 per cent of protection measures that had been put into practice had been effective and why the remaining protection measures had not yet been implemented. In the wake of the revelation that spyware known as Pegasus had been used to monitor the activities of certain human rights defenders, among others, it would be interesting to learn what measures were planned to rebuild trust and increase accountability. In the light of reports that the budget of the Office of the Special Prosecutor for Offences against Freedom of Expression had been cut in recent years, he wondered to what extent the Government was committed to the success of that Office's work. Were offences against freedom of expression handled at the state or the federal level? Would the recent changes in the structure of the prosecution service affect the Office's work?

36. Lastly, he wished to know whether measures had been taken to decriminalize defamation, which reportedly remained a criminal offence in several states. In that connection, he wondered whether the 2017 decision of the Supreme Court concerning the State of Nayarit was expected to lead to changes in other jurisdictions. Although the State party had sought to shift towards civil alternatives, such as fines, in cases of defamation, it was important to ensure that those alternatives did not result in the creation of different problems.

37. **Mr. Muhumuza** said that he would be grateful if the delegation could comment on the lack of visibility of black people in Mexican society. He would like to know whether any civil society organizations were involved in advocacy work to mainstream the black community and what government programmes were in place to improve the lives of members of that community. As it did not seem appropriate to group together indigenous persons and persons of African descent, the State party might wish to establish an agency that catered to the specific needs of the latter group.

38. **Mr. Santos Pais** said that he would be grateful if the delegation could provide further information on the current situation of the judiciary, particularly in the light of recent developments, namely the unexplained resignation of the Supreme Court judge Eduardo Medida Mora, the dismissal of the First Circuit judge Jorge Arturo Camero Ocampo, who had been accused of corruption, and the decision of the Council of the Federal Judiciary to reassign the president of the Association of Federal Judges, Luis Vega Ramírez, thereby automatically rendering him ineligible for that position. In addition, the Senate participated in the appointment of judges to the Supreme Court, and most of the members of the Council of the Federal Judiciary were appointed by the president of the Senate, which put judges in the minority among its members.

39. **Ms. Sancin** said that she would be grateful if the delegation could respond to reports that persons who claimed to be victims of sexual abuse could be convicted of an offence and even imprisoned if they were unable to substantiate their claims. She would like to know how many persons were currently serving custodial sentences for such offences.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

40. **Ms. Delgado Peralta** (Mexico) said that, in its replies, the delegation would focus on issues that fell specifically within the Committee's mandate. Reports that Mexico had submitted to other United Nations treaty bodies, including the Committee against Torture, would be forwarded to the Committee. With regard to the process for recognizing the competence and authority of the Committee on Enforced Disappearances, the President had received the results of consultations on that matter with the relevant federal bodies and would be asking the Senate to take the process forward. Given the large number of requests for country visits to Mexico, a draft proposed timetable was being drawn up and would shortly be shared with the United Nations treaty bodies.

41. **Mr. Bárcena Zubieta** (Mexico) said that the Supreme Court's opinion that military courts did not have jurisdiction over civilians, and could not hear cases of human rights violations committed against them, was well established. The Supreme Court was working on a further opinion in the area of military jurisdiction, specifying which crimes constituted a violation of military discipline. Two rulings on crimes committed between military personnel had been handed down in 2018 and 2019, establishing that cases of sexual abuse and homicide could in no circumstances be tried by a military court. The new Code of Military Criminal Procedure, which established the jurisdiction of military judges, had been challenged by the National Human Rights Commission before the Supreme Court and the outcome was pending. Compliance with rulings on prior consultations with indigenous persons was sometimes complex, for example in the case concerning the Yaqui tribe, a tribe that incorporated at least eight indigenous peoples. The judiciary continued to work towards ensuring compliance, however.

42. Judge Camero Ocampo had been suspended as a precautionary measure in relation to an investigation into corruption. The investigation would be carried out in full respect of the principle of presumption of innocence. The Council of the Federal Judiciary had taken an important stance regarding changes to the structure of the judiciary branch, as illustrated by the recent confirmation of some 12 judges in their posts.

43. **Ms. Saucedo López** (Mexico) said that the scope of expulsion of foreign nationals under article 33 of the Constitution had not been extended since 2004. Importantly, foreign nationals subject to an expulsion order could directly enter an appeal for an action of *amparo*, whereby the expulsion process was suspended as a precautionary measure. With regard to the issue of children up to 2 years of age living with their mothers in places of deprivation of liberty, the Supreme Court had handed down an important ruling making it clear that, while lawmakers could establish the age at which such children must leave their

mothers, the withdrawal process must be a gradual one, must be sensitive to the situation of the child, must facilitate close and frequent relations between mother and child and must take into account the best interests of the child.

44. **Ms. Delgado Peralta** (Mexico) said that the situation concerning the resignation of the Supreme Court judge was rapidly unfolding. Once further information became public, it would be forwarded to the Committee.

45. **Ms. Salgado García** (Mexico) said that earlier that day the Senate had adopted a decree amending article 16 of the Constitution to eliminate the practice of preventive custody (*arraigo*), thereby bringing Mexico's criminal justice system more closely into step with international human rights standards. Draft legislation amending the General Act on the Rights of Children and Adolescents had been submitted to the Senate with the aim of expressly prohibiting corporal punishment, whether for disciplinary or corrective purposes. Given that at least 6 out of every 10 children up to the age of 14 in Mexico had experienced some kind of violent discipline, the Senate was committed to prohibiting such cruel and degrading treatment and would give the bill its fullest attention. Importantly, the "open parliament" mechanism of participation had been introduced in Mexico.

46. **Mr. Trujillo Sánchez** (Mexico) said that no cases involving human rights violations in respect of civilians were pending transfer from military jurisdiction to the federal courts. There was no need to reopen new cases against members of the armed forces, since all criminal cases and prior investigations had been transferred or submitted to the federal authorities or civilian courts. The National Human Rights Commission had published some 138 recommendations in the period 2013 to October 2019. All the recommendations had been accepted by the Ministry of Defence; 113 had already been complied with, and the remaining 25 were being implemented, with their implementation monitored.

47. Following the Supreme Court's ruling of 2010 that article 57 of the Code of Military Justice was incompatible with the Constitution, the Constitution had been amended in 2011. Subsequently, in 2014 Congress had amended article 57 of the Code of Military Justice, excluding from military jurisdiction any cases in which the victim was a civilian. The military justice system had then taken all necessary measures to transfer the relevant cases – 1,842 prior investigations and 344 criminal cases that were being tried – to a civil court, through the process of declining jurisdiction. That process had ended in 2014, since which date the military courts had not initiated any criminal trials in which the victim was a civilian.

48. **Mr. Ruiz Gayol** (Mexico) said that, faced with an increase in mixed migration flows, mainly from Central America, and acknowledging the joint responsibility of countries of origin, transit and destination, Mexico was implementing an inclusive, human rights-based migration policy. Under the Refugees, Complementary Protection and Political Asylum Act, persons who were not refugees but were victims of torture, trafficking in persons or human rights violations in their country of origin or transit were given leave to stay in the country. Protocols had been drawn up to enable migration officials to identify and assist vulnerable migrant categories, including unaccompanied minors and victims of trafficking, particularly at border crossings. Preventive information campaigns had been conducted and migration authorities had been trained in such matters as equality and non-discrimination. The Government protected migrants and provided them with access to justice by means of five mechanisms. The first consisted of the Beta Migrant Protection Groups, which provided information on risks, search and rescue work, humanitarian aid and legal orientation, including access to complaint mechanisms. In the past three years, the 22 protection groups had intervened in 1.2 million cases and had helped 1,250 migrants lodge a complaint. The second mechanism was the National Human Rights Commission, which was granted access to migrant holding centres in order to identify cases where migrants wished to lodge a complaint, and issued recommendations based on those cases. The third consisted of special prosecution offices to investigate offences against migrants, which since 2016 had investigated 49 such offences, resulting in 51 arrest warrants and five criminal convictions. The number of cases was low, since some of the offences involving migrants were dealt with by other special prosecution offices, although efforts would be made in the future to guide migrants towards the correct channels. The fourth mechanism was the Executive Commission for Victim Support, which provided legal assistance when

migrant victims requested public legal counsel, and the fifth was the Mechanism for Mexican Support Abroad in Search and Investigation Activities, which provided access to justice and reparation for migrants and their family members when abroad, and had helped to process almost 100 complaints since its creation in 2016. Migrant children constituted a vulnerable category requiring special action to guarantee their rights and meet their specific needs. To that end, the 321 child protection officers in Mexico were given ongoing training and had dealt with some 9,656 cases between January and August 2019. Relevant protocols had been drawn up in collaboration with the United Nations Children's Fund (UNICEF), such as the protocol for the care of migrant unaccompanied minors, and human rights programmes were being implemented to protect such minors, for example by housing them away from migrant holding centres.

49. The reform of the criminal justice system, implemented in the period 2008–2016, had seen the system change from a partially inquisitorial system to an oral adversarial system, and had been underpinned by training and assistance measures. In practice, the new criminal justice system enabled the majority of cases to be settled by judges using alternative conflict resolution methods and swift trials. The minority of cases resolved through an oral hearing were processed faster and at lower cost, with a significant reduction in the use of pretrial detention. There were 41 federal criminal justice centres across the country. For the period November 2014 to July 2019, the justice centres had 158 judges, approximately one-fifth of whom were women. With regard to alternatives to custodial sentences, of the 346 persons sentenced, some 182 had been given a conditional sentence and 164 had been given an alternative to imprisonment, such as community service, partial release or a fine. Some 64 persons had been ordered to pay reparations to their victims.

50. **Ms. Delgado Peralta** (Mexico) said that Mexico, which was a country of origin, transit, destination and return of migrants, had been one of the main promoters of the Global Compact for Safe, Orderly and Regular Migration and had just approved an interministerial migration coordination strategy. She would be grateful if the Committee could express its view on the economic and social rights of millions of Mexican citizens being undermined by a country threatening to impose tariffs unless Mexico complied with that country's migration policy.

51. **Mr. Ballinas Valdés** (Mexico) said that Mexico worked with various United Nations agencies to identify and address the needs of vulnerable migrants. The Government had recently concluded an agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance to migrants – not only children, but also women and indigenous persons. Protocols had also been drawn up with UNICEF to protect children awaiting settlement of their migration status from the risk of being trafficked.

52. **Mr. Barceló Durazo** (Mexico) said that a number of mechanisms had recently been introduced to raise the profile of persons of African descent in Mexico. The National Institute for Indigenous Peoples was the body responsible for promoting policies relating to persons of African descent since, owing to budgetary constraints, it had not yet been possible to establish a specific body for the latter population category. Information campaigns, including television campaigns, had been conducted to raise the profile of persons of African descent, a population category that the current Government had been the first to acknowledge. Mexico was a party to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and was committed to carrying out prior consultations in accordance with that Convention, with the aim of achieving agreement or consent to measures likely to affect indigenous peoples. The Supreme Court had confirmed in 2013 that indigenous peoples had the right to prior consultation on matters concerning them. Indeed, over 100 different consultations had recently been registered on issues such as development programmes, hydroelectric projects and the use of genetically modified crops. Mexico was committed to following the highest possible standards in the area of indigenous peoples, including through implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). Great efforts were also being made in the area of land tenure, and Mexico was committed to returning land to its rightful owners. The Government took the recommendations made by

international human rights bodies very seriously, and had received approximately 3,400 recommendations to date, approximately 90 per cent of which concerned matters of interest to the Committee. Some 3,000 related to the Federal Government, approximately 1,000 were at state level, and 275 at municipal level. The Ministry of Foreign Affairs was making a major effort to systematize those recommendations by subject area and in recent years, more than 2,300 measures had been taken in response to the recommendations, at all levels of government.

53. Federal prisons had been at 56 per cent capacity on 30 June 2019 and there had been no overcrowding in such prisons since late 2015. However, state-level prisons still posed a challenge. The National Criminal Enforcement Act laid down requirements for prison conditions, including entitlement to healthy meals, visits and information; judges had powers to monitor observance of those conditions, and to investigate and punish the use of torture. Although the National Prison Information Register was managed centrally, all federal and state prisons uploaded up-to-date information on inmates directly to the Register. All women incarcerated in the federal system were housed in Federal Social Rehabilitation Centre 16.

54. The National Detention Registration Act had been enacted in May 2019 to enable monitoring of detention conditions. The register was still being established, but would be used by police, prison and judicial authorities at all levels of government. Judges themselves had, using *amparo* proceedings, established the criteria that were followed when deciding to transfer a prisoner; some related to closeness to family, others were procedural. Certain statutory preconditions in respect of dangerousness and links to organized crime applied to such transfers. Judges could also, on the basis of the National Criminal Enforcement Act, conduct checks on the enforcement of sentences. Persons in pretrial detention were held separately from those serving a sentence following conviction. In order to prevent overcrowding, pretrial detention was avoided where possible and accounted for just 19.52 per cent of all precautionary measures ordered by judges. Transitional Provision Four of the decree amending article 19 of the Mexican Constitution in respect of automatic pretrial detention established that its continued use would be reviewed by the federal and state governments in April 2024.

55. The question on intersex genital mutilation was based on the mistaken application of the term “intersex” to persons with disorders of sexual differentiation. While the latter required effective treatment, Mexican health institutions did not conduct unnecessary surgeries on intersex persons.

56. **Mr. Santana Ángeles** (Mexico) said that 25,470 public employees had been trained in accordance with the report of the Interministerial Commission for the Prevention, Punishment and Eradication of Trafficking in Persons and for Victim Protection and Assistance and 57,000 awareness-raising courses had been held for the general public. In 2018, care had been provided for 731 potential victims and 71 convictions had been handed down. In order to resolve the state-level shortcomings of anti-trafficking measures, the Programme against Trafficking in Persons had been established with a view to improving the anti-trafficking legal framework, creating care and redress mechanisms for victims, and guaranteeing the human rights of vulnerable groups.

57. Since the Government was concerned that torture had become normalized, the Ministry of the Interior and the Prosecutor General’s Office had jointly established the National Programme against Torture, which had six key aspects: prevention, effective investigation and prosecution, punishment, comprehensive redress, coordination mechanisms, and information and accountability in relation to the right not to suffer torture. The Programme involved 18 Federal Government agencies and was run by two committees, which coordinated participating Government bodies and judicial authorities, respectively. The civil society bodies that had produced the shadow report on torture had participated in the establishment of the Programme, which had also been supported by the Office of the United Nations High Commissioner for Human Rights in Mexico.

58. Lastly, a vast national campaign was being conducted to combat corruption, which was considered to be at the root of serious human rights violations.

59. **Ms. Mendoza Carlos** (Mexico) said that, although the births of 2.9 per cent of the population remained unregistered, the Government was committed to achieving the Sustainable Development Goal of providing legal identity for all by 2030. Building on the constitutional right to free registration at birth and the national promotional programme, among other measures, the Government had launched the “I am Mexico” programme, to facilitate the birth registration of persons born in the United States of America to a Mexican mother or father, even in the absence of original identity documents; to date, more than 73,000 birth certificates had been approved. Since 2018, the “Online Birth Certificate” project had enabled almost 6 million individuals to obtain a certified copy of their birth certificate easily. A system was being established to make birth certificates available in Braille. The single identity document project linking legal and biometric records had been started in 2019, for which additional human and material resources had been channelled into the National Population Registry.

60. In the context of the National System for the Comprehensive Protection of Children and Adolescents, the Government, in December 2018, had founded the Commission to Bring an End to All Forms of Violence against Children and Adolescents, with the aim of linking together various initiatives to prevent and respond to violence against children, including redress measures. In 2016, Mexico had been one of the first countries to join the Global Partnership to End Violence Against Children, as part of which a National Action Plan to Prevent Violence and Care for its Victims, based on the INSPIRE initiative of the World Health Organization, had been adopted. The Supreme Court had also created a database of jurisprudence on the best interests of children; it held that, while parents were entitled to correct their children, such correction could never be used to justify acts of violence.

61. **Mr. Mastache Mondragón** (Mexico) said that Soledad Jarquín, a journalist from Oaxaca whose daughter had been murdered in 2018, was now under the National Protection Mechanism for Human Rights Defenders and Journalists. Suspects in the murder case had been arrested and legal proceedings were ongoing.

62. **Ms. Quintana Osuna** (Mexico) said that the State party accepted the Committee’s recommendation in respect of Christian Téllez Padilla; the federal and state authorities were taking measures to formulate a response with regard to the search for him and the investigation of his disappearance. The State party would respond to the Committee within the stipulated 180 days.

63. While the issue of disappearances was handled at state level, the President, with the backing of the Senate, had recently ordered Federal Government institutions to accept the competence of the Committee on Enforced Disappearances in the matter and, as demanded by the victims’ families, to invite that Committee to carry out an official visit to Mexico in August 2020.

64. **Mr. Mastache Mondragón** (Mexico) said that a total of 1,039 cases had been registered for inclusion in the National Protection Mechanism for Human Rights Defenders and Journalists since its inception in 2012, of which 691 cases involved human rights defenders and 348 cases involved journalists. Overall, some 1 billion pesos had been allocated to the Mechanism, for which funding was in place until early 2020. In its review of the Mechanism, the Office of the United Nations High Commissioner for Human Rights had made 104 recommendations, which were in the process of being implemented.

65. The issue of the 43 students who had disappeared from Ayotzinapa in 2014 was such a high priority that President López Obrador’s first act in office had been to create the Commission for Truth and Access to Justice in the Ayotzinapa Case. It had been given the necessary powers and resources to ensure the cooperation of all Federal Government agencies in finding the 43 missing students. The families of the missing persons were receiving progress reports every two months.

66. **Ms. Abdo Rocholl** said that it would be helpful to have more information about the arrangements for conjugal prison visits for men, women, and lesbian, gay, bisexual, transgender and intersex persons. She would also welcome figures for the numbers and age range of children held alongside their mother in prison. Despite the delegation’s claims to the contrary, the official websites of the Chamber of Deputies and the National State

Government, Public Security and Penitentiary System showed that there was a high degree of prison overcrowding due to the excessive use of pretrial detention; she hoped for information on how the use of pretrial detention, especially automatic pretrial detention, had affected the numbers of persons deprived of liberty and the conditions in which they were held.

67. **Mr. Shany** said that he would appreciate more information on the evaluation of the effectiveness of protection for journalists and human rights defenders, since the number of killings of journalists was continuing to rise. There had been no answer to the question of whether changes in the structure of the prosecution service could affect the powers of the Office of the Special Prosecutor for Offences against Freedom of Expression. He welcomed the fact that the State party was reporting to many of the treaty bodies, which demonstrated its commitment to human rights.

68. **Ms. Delgado Peralta** (Mexico) said that the fact that the State party was providing information on its achievements did not imply a lack of recognition of the challenges that remained. The new administration welcomed the Committee's comments and was committed to continuing to work with the Inter-American and United Nations human rights systems.

69. **The Chair** said that the Committee welcomed the State party's cooperation with the various agencies of the United Nations and its positive response to the recommendations of the treaty bodies. He wished for more information on harmonization between the federal and state levels; the states of emergency in 33 states and the different types of emergency; the disappearance of the 43 students; the issue of persons of African descent as distinct from indigenous peoples; and the role of the military in policing.

The meeting rose at 1.05 p.m.