



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2745th meeting

Held at the Palais des Nations, Geneva, on Thursday, 8 August 2019, at 3 p.m.

Chair: Mr. Amir

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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twenty-first periodic reports of Mexico ([CERD/C/MEX/18-21](#) and [CERD/C/MEX/Q/18-21](#))

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **Ms. Delgado Peralta** (Mexico), paying tribute to the victims of the shooting in El Paso, Texas, on 3 August 2019, which had claimed 22 lives, including that of 8 Mexicans, said that the incident sadly illustrated the resurgence of racial hatred in spite of all international efforts to fight discrimination. It also reconfirmed the States' obligation to prevent and combat incitement to racial hatred and discrimination.
3. Her Government was following a strict austerity policy in order to redirect administrative funds towards disadvantaged population groups, hence the small delegation. Her delegation's predominantly female membership testified to the Government's commitment to gender equality in politics.
4. Since its previous dialogue with the Committee, in 2012, her country had taken great strides in strengthening its human rights agenda. The new Government had made the protection of human rights, social inclusion and closing the inequality gap a policy priority. The Government was of the view that critical voices played an important role in public policymaking and an interinstitutional dialogue had been held with civil society organizations to learn about their concerns and take them into account when designing policies concerning indigenous peoples, persons of African descent and migrants.
5. Progress had been made in regard to the issues within the Committee's mandate in the following areas: the legal and institutional framework for the elimination of racial discrimination; constitutional recognition of the populations of African descent and specific programmes to promote their rights; measures to guarantee access to justice for indigenous peoples and persons of African descent; information about indigenous peoples and persons of African descent deprived of their liberty; right to consultation; political participation; recognition of the collective rights of indigenous peoples and measures to preserve and protect their lands, territories and natural resources; right to health, including sexual and reproductive health; right to education; dissemination and respect for the traditions and culture of indigenous peoples; human rights defenders; and the situation of migrants and refugees.
6. In a context of historical inaction, negligence and a patronizing attitude towards population groups subject to discrimination on grounds of race or ethnicity, the lost ground could only be regained through interinstitutional coordination and allocation of financial and human resources, with the full participation of indigenous peoples and communities of African descent.
7. Mexico was a multi-ethnic, multicultural country, home to 68 indigenous peoples, who accounted for over 20 per cent of the population, with Afro-Mexicans accounting for just over 1 per cent. Both groups had historically been subject to institutional and structural discrimination, which was deeply rooted in society and affected all aspects of daily life. Recent statistics revealed systemic discrimination that undermined the exercise of their fundamental rights. Over 40 per cent of indigenous peoples had reported having been denied information about government services in the past five years, and 26 per cent of Afro-Mexicans reported having been denied at least one fundamental right over same time period. Statistics also confirmed that the majority of citizens felt that indigenous peoples and persons of African descent were held in low esteem.
8. Eradicating discrimination was a complex endeavour in a country as large and diverse as Mexico. Its federal administrative structure required considerable efforts in terms of coordination, alignment of policies and actions across all three levels of Government and active participation of civil society and the private sector. The National Programme for Equality and Non-Discrimination, the Special Programme for Indigenous Peoples and

programmes on gender equality and human rights set forth five-year action plans to strengthen the protection of human rights and fundamental freedoms and make diversity a value, rather than a motive for segregation and social differentiation.

9. Much progress had been made in legislation. Article 1 of the Constitution expressly prohibited discrimination, including on grounds of ethnicity or nationality, and the Criminal Code established discrimination or any other conduct that violated human dignity and was intended to nullify or undermine the rights and freedoms of individuals as a punishable offence. The Senate was currently seized of a proposal to expand the scope of that provision in order to criminalize violence against anyone on grounds of origin, ethnic affiliation, religion, skin colour, language or national or social origin. All 32 federal entities had anti-discrimination laws; 28 states had incorporated anti-discrimination provisions in their constitutions, and 29 states had integrated the provisions of article 1 of the Convention into their criminal codes. In 2014, the definition of discrimination set forth in the Federal Act to Prevent and Eliminate Discrimination had been expanded and, in 2018, the mandate of the National Council for the Prevention of Discrimination had been extended to include the prevention and elimination of hate speech. A recent constitutional reform explicitly recognized Afro-Mexicans as part of the country's multicultural fabric, which paved the way for the development of targeted policies and affirmative action measures.

10. Institutions had been strengthened in order to facilitate the fulfilment of Mexico's obligations under the Convention. The National Institute for Indigenous Peoples had been established in 2018 to tackle structural discrimination. The National Council for Indigenous Peoples attached to the Institute was responsible for liaising with indigenous peoples and Afro-Mexicans, with equal participation of men and women. The Institute was also entrusted with conducting consultations with indigenous peoples, in line with a recommendation by the Special Rapporteur on the rights of indigenous peoples, on planned constitutional amendments concerning the right to self-determination and autonomy; the right to consultation; and health and traditional medicine.

11. In the 2015 census, citizens had been able to self-identify as "Afro-Mexican" for the first time. A question developed in broad consultation with Afro-Mexican organizations would be included in the 2020 census, which was expected to lead to more accurate measurement.

12. Article 2 of the Constitution stipulated that in all judicial proceedings involving indigenous peoples, their customs and cultural practices must be taken into account. It also provided for the indigenous peoples' right to be assisted by interpreters and counsel who were familiar with their language and culture. The Supreme Court had ruled that taking account of customs and cultural practices was necessary for an optimal defence. Although there were more than 1,700 interpreters accredited in 109 indigenous languages working in 26 states, demand outweighed supply. In the first semester of 2019, the Federal Public Defender Institute had increased the number of staff speaking an indigenous language from 39 to 90, providing services to 1,750 indigenous persons, 324 of whom had been represented by a lawyer at different stages of the proceedings.

13. The adoption of the National Criminal Enforcement Act in 2016 had helped improve conditions of detention for persons deprived of their liberty, including indigenous people and Afro-Mexicans, and ensure respect for human rights. The National Conference of Prison Services had designed a protocol for action in cases involving indigenous persons deprived of their liberty to facilitate the exercise of their customs and cultural practices, within the limits of the prison regime.

14. The indigenous peoples and communities' right to self-determination was guaranteed by law. Mexico was a party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and recognized the right to prior, free and informed consultation. In 2015, the Supreme Court had ruled that indigenous peoples must be consulted with regard to State activities that had a significant impact on their environment. The Hydrocarbons Act and the Electricity Industry Act stipulated that the rights and interests of indigenous peoples must be safeguarded, establishing consultation procedures to that effect. Federal institutions were currently engaged in 122

such consultations regarding development plans, hydroelectric projects and the use of genetically modified crops.

15. Affirmative action measures had been adopted to increase the political participation of indigenous peoples. In the 2018 elections, political parties in the 13 districts where indigenous peoples were in the majority had been required to put forward indigenous candidates, while ensuring equal representation of men and women. Measures were also taken to guarantee voting rights for indigenous persons displaced by violence.

16. Regarding collective rights and land tenure, the Supreme Court had ruled that the right to self-determination included the preservation of the integrity of indigenous lands. Customary uses were taken into account in agrarian settlements. The Higher Agrarian Court had settled more than 19,000 claims involving indigenous peoples, 47 per cent of which had been resolved in favour of indigenous communities.

17. Access to health care had been improved significantly: between 2012 and 2016, the percentage of indigenous peoples without access to health services had been reduced from 24.3 to 15.1 per cent, including through the establishment of new medical units in underserved communities. Currently, 31 medical units and 139 mobile units delivered health services in predominantly indigenous rural communities.

18. Between 2012 and 2016, federal funding for indigenous schools had almost tripled. In the light of the poor educational opportunities available for indigenous children, the Supreme Court had ruled that children's cultural and social context must be taken into account in education, and that indigenous children, moreover, had a right to bilingual education. The Indigenous Education Support Programme had aimed to increase retention and completion rates for indigenous and Afro-Mexican children, including through grants for tertiary education, and completion rates had increased significantly as a result. As part its education reform, the Government was currently developing a national strategy for inclusive education, in line with international standards.

19. A national programme had been launched to strengthen and revitalize the culture, languages, values, knowledge and other elements comprising the cultural and biocultural heritage of indigenous peoples. The National Institute of Anthropology and History preserved the country's tangible and intangible cultural heritage and investigated its social and cultural processes. The Indigenous Cultures Radio Broadcasting System operated through 21 radio stations in 16 federal states that broadcast in 31 indigenous languages, reaching 5.5 million people.

20. Her Government was fully committed to protecting the important work of human rights defenders and the country's Human Rights Defenders and Journalists Protection Mechanism was exemplary. The Mechanism had handled a total of 663 cases, 50 of which related to the defence of indigenous or migrant rights. The country's efforts to strengthen civil society were recognized in a recent report by the Office of United Nations High Commissioner for Human Rights (OHCHR).

21. Her Government's migration policy was based on a new paradigm, which revolved around the migrating person and socioeconomic development as the driving force for human mobility. In recent months, Mexico had seen unprecedented migration flows, accompanied by violence, upheaval and the danger of resurging discriminatory and xenophobic sentiments. Against that backdrop, measures had been taken to address, discourage and eliminate discriminatory and xenophobic behaviour towards migrants. The National Council for the Prevention of Discrimination had developed guidelines on racial profiling to guide federal migration officials in their daily work and had conducted training courses on the human rights of migrants. Beta Migrant Protection Groups were providing life-saving, humanitarian and administrative assistance to migrants. The Federal Public Defender Service had delivered legal assistance to 2,000 migrants, mostly from Honduras, Guatemala and El Salvador, in 2018. In the first semester of 2019, 1,477 migrants had been served, 1,150 of whom had received legal assistance free of charge. There was an urgent need for United Nations agencies and mechanisms to design a framework for responsibility sharing and international cooperation to assist her country in providing an integrated response to migration.

22. Her Government was keenly aware of the challenges ahead. It was developing new social programmes, with the participation of the affected communities, to meet the most pressing needs of rural and disadvantaged population groups, placing the interests of communities subject to ethnic and racial discrimination at the heart of the political agenda.

23. **Mr. Albuquerque e Silva** (Country Rapporteur) said that despite having adopted legislation for the prevention and elimination of discrimination, the State party's public policies had not been sufficient to meet its obligations under the Convention; structural racial discrimination persisted, with a severe impact on indigenous peoples, people of African descent, migrants, and other vulnerable groups. An extensive report, published recently by Oxfam International, on ethnic and racial inequality in Mexico, emphasized the extreme inequality in access to education and formal employment affecting indigenous people and people of African descent; it had underscored the severe discrimination against indigenous women in particular, and observed that a large proportion of indigenous people and people of African descent lived in extreme poverty. Such entrenched discrimination required special measures under the Convention. He wished to know what specific policies the Government intended to pursue and how their effectiveness would be guaranteed, particularly given the constant political disagreement surrounding the working definitions of indigenous peoples and people of African descent.

24. Official statistics reported a considerably lower number of indigenous people and people of African descent than the number who self-identified as such, resulting in policies for the promotion and protection of their rights being based on misinformation regarding the size of those populations. He wished to know how many people were in fact covered by such policies, which bodies were responsible for their implementation, and whether indigenous people and people of African descent had been involved in their preparation. What public policies had the State party undertaken to overcome structural and unseen social discrimination against those groups and the impact thereof on demographic statistics? He requested data on the number of indigenous people and people of African descent who were in prison, and asked what percentage of the serving judiciary were from those communities.

25. He expressed particular concern that neither the dissemination of ideas and information based on racial superiority or racial hatred, nor racially motivated violence were punishable by law. He wished to know what measures the State party intended to take to allay that concern and asked how many cases of racial discrimination had been brought before the courts and what the outcomes of those cases had been. He also wished to know how the State party ensured that indigenous people, when brought before the courts as defendants, were informed about the charges against them and the legal processes to which they were being subjected. What was being done to eliminate discrimination against indigenous people in the justice system? He asked how the State party guaranteed the rights of indigenous people in detention, in particular their rights to family visits and medical care.

26. The Committee wished to know how the State party was rectifying marginalization and socioeconomic disadvantage and ensuring that indigenous people were involved in the development and implementation of government programmes that affected them. In 2017, agricultural megaprojects had resulted in the forcible removal of more than 12,000 indigenous people from their land. The Committee would therefore welcome information on the policies adopted to address the crisis of enforced internal displacement and the steps taken to ensure that the needs of displaced indigenous families had been met. How many public lawyers were qualified to defend indigenous land rights, and what had the State authorities done to ensure the recognition and protection of indigenous lands? The Committee was particularly concerned that indigenous lands were being used without consultations and free, prior and informed consent, and would appreciate information on any measures being taken to rectify that situation and to establish a permanent consultation mechanism.

27. On disappearances, he asked how many indigenous people and individuals of African descent were registered with the State as missing, how many such cases were under investigation, and how many were under judicial review. He asked what would be the practical implications of the proposed constitutional reform to explicitly recognize the

population of African descent. Did Mexico recognize that population as subject to the legal protection afforded by the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169)? He also asked what policies were in place to overcome the numerous and complex challenges faced by people of African descent.

28. Despite the progressive legislation and mechanisms in place for their protection, human rights defenders and journalists faced significant threats to their legitimate activities in Mexico. The situation had deteriorated considerably over recent years with an increasing number of human rights defenders and journalists murdered, abducted or detained arbitrarily and tortured. The Committee was also concerned about the number of migrants detained in and deported from Mexico, which had increased exponentially in the first half of 2019. Under what criteria and on what legal basis did the State party take measures to detain and deport migrants and members of their families? The Committee also wished to know how the State party justified its deployment of its newly established National Guard military police force to halt the flow of migrants to the United States from the north of Mexico, and to prevent migrants from entering Mexico through the border with Guatemala. The Committee also wished to hear the State party's views on derogatory discourse regarding migrants, which had increased concomitantly with migration flows through the country.

29. Finally, he said that indigenous lands tended to be disproportionately affected by impacts of climate change, such as landslides, floods and drought. He wished to know what measures the Government had in mind to make its climate policies compatible with the protection of the human rights of indigenous people and populations of African descent, and whether those groups were consulted on the development and implementation of climate change mitigation policies.

30. **Mr. Kut**, said that in its previous concluding observations ([CERD/C/MEX/CO/16-17](#)), the Committee had requested follow-up information from the State party on the situation of people of African descent and on measures to ensure consultation with indigenous people to obtain their free, prior and informed consent for projects exploiting their resources, in particular mining projects. Following receipt of the interim report ([CERD/C/MEX/CO/16-17/Add.2](#)), the Committee had submitted a letter to the State party, requesting the inclusion of further information in its next periodic report. He welcomed the extensive information provided about Mexicans of African descent. On indigenous peoples, he requested further details regarding legislative proposals on indigenous affairs. He inquired as to the outcome of the 44 free, prior and informed consultation processes undertaken, and the results of the adoption of the protocol on consultation, adopted in 2013. He also asked how prior consent was sought under the Hydrocarbons Act and the Electricity Industry Act. Lastly, he wished to know what the effect of the establishment of 55 land courts had been on land tenure cases.

31. **Mr. Diaby** said that, despite the passage of the Human Rights Defenders and Journalists Protection Act, the space for freedom of expression continued to shrink: three journalists had been killed in Mexico in the previous week alone. He would appreciate information on progress made in the 44 investigations launched by the Special Prosecutor's Office for Crimes against Freedom of Expression (State party's report, para. 18), and in particular whether they had resulted in any convictions. More generally, he would like to hear more about efforts to combat impunity and protect human rights defenders, and on the victims' compensation fund set up by the State party.

32. Turning to indigenous land rights, he said that he wondered what impact the Tren Maya project was expected to have on the indigenous peoples and persons of African descent. How would those who lost their lands be compensated?

33. He would like to know what the relationship between traditional and modern medicine was and what role traditional medicine played in the enjoyment of the right to health of indigenous peoples and persons of African descent. Similarly, he would appreciate some information on the relationship between the indigenous and State justice systems and whether the indigenous peoples and persons of African descent tended to use one in preference to the other.

34. **Ms. Verdugo Moreno** said that, notwithstanding the State's clear intention to redress historical inequalities in terms of land rights by means of consultation with the indigenous peoples likely to be affected by industrial projects, the Committee was concerned that such consultations were not always prior, free, fully informed or culturally appropriate. In addition, she would appreciate clarification of whether such consultations were binding or purely formal, since there were reports of cases in which thousands of people had been displaced despite the holding of consultations. She wondered how those participating in the consultations were selected, since the legitimacy of interlocutors was key to the legitimacy of the process.

35. According to information before the Committee, the number of indigenous women deprived of their liberty far exceeded the total number of men, indigenous or not, deprived of their liberty. She would like to know what possible explanation there might be for that rather alarming statistic.

36. As part of the Government's austerity policies, the targeting of funds had been improved in order to ensure that they were used more efficiently in combating inequality, but indigenous and refugee women had nevertheless suffered adverse consequences. The Proequidad Fund, for example, had changed its method of distributing funds, and that would have an impact on beneficiaries. She would like to know where those funds went and what they were used for.

37. It was her understanding that, under the Federal Code of Criminal Procedure, indigenous courts had no jurisdiction over cases of domestic violence. Complainants were therefore obliged to take their cases to the State justice system, which, for members of indigenous communities, presented problems of accessibility for linguistic and geographical reasons. She wondered whether the State party considered that situation acceptable and, if not, what steps it might envisage taking to correct it.

38. According to information before the Committee, companies contracted by the State to carry out public works were required to demonstrate that their policies took due account of human rights. She wondered whether a requirement of that kind could be included in the call for tenders so that, as well as considering cost competitiveness, the State could also compare companies' approach to the protection of the indigenous peoples and to the application of the Sustainable Development Goals.

39. The new National Detention Records Act exempted the National Guard from the requirement to record detention of migrants. In view of the scope it offered for arbitrary detention and racial profiling, she would like to know the reasons for such a provision and whether the State party might consider amending it.

40. She would welcome further information on the consultations regarding the formulation of the 2020 census question on self-identification of persons of African descent. Some of the associations involved had complained that the process was not sufficiently transparent and that it was unclear whether a final decision had been reached or it was still possible to review the draft.

41. Civil society organizations reported that transparency was an issue in general, with few of the statistics obtained from surveys made widely available, for example, which hampered decision-making and the proper evaluation of policies' effectiveness. They also claimed that there was a degree of impunity and corruption within the judicial system. If that was the case, then it would have extensive implications for efforts to combat violent crime and hate crime, for example, or to enforce companies' obligation to consult with those affected by their projects. She wondered whether the State party had any plans to address that issue.

42. **Mr. Murillo Martínez** said that it would be very helpful to the Committee to have disaggregated statistics on the victims of violence and on the distribution of poverty, as they could elucidate the impact of such phenomena on the indigenous peoples, persons of African descent and migrants and the way in which they tied in with structural racism.

43. The recent Mexican film "Roma" had highlighted the specific situation of indigenous women who worked on the lowest rung of the employment ladder, in domestic service. He would be interested to know whether the film's success had raised social

awareness of the problems faced by indigenous and Afrodescendent women domestic workers or in any way prompted the relevant authorities to intensify the political discussion around that subject.

44. Referring to the recent shootings in El Paso, Texas, in which several Mexican nationals had perished, he said that he wondered how Mexico viewed the racial dimension of the atrocity.

45. The decision by the State party to amend its Constitution to effectively militarize public security and border control could be seen as an act of desperation. It would certainly affect guarantees of fundamental rights. He would appreciate receiving information on its impact and on how the Government intended to dispel concerns in that regard.

46. Referring to the Guiding Principles on Business and Human Rights, he said he would like to know whether the State party was planning or had considered any measures to mitigate the impact of companies' actions on particular ethnic or racial groups.

47. The effectiveness of prior consultation in respect of major projects depended on three criteria, namely good faith, the use of appropriate procedures and legitimate authority. Given that over 100 such consultations were currently under way, he would be interested to know how the Government guaranteed their proper conduct in practice. With regard to the Tren Maya project, he said that it could be viewed as a homage to the Maya people, but he wondered what was specifically Mayan about it and whether it was an appropriate means of expressing recognition of an indigenous people. He would like to know what indicators would be used to assess its impact.

48. More generally, he would be interested to know what indicators the Government used to assess progress in respect of racial equality and to evaluate policies designed to help the indigenous, Afrodescendent and migrant populations.

49. Lastly, with regard to the distribution of land and with reference to indigenous jurisdiction, he said he would like to know more about the interface between customary law and positive law and its implications for the indigenous population.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

50. **Mr. Avtonomov** said that he would like to know whether the National Development Plan that had come to an end in 2018 had included sustainable development objectives for the indigenous peoples, and if so, whether those objectives had been met.

51. Although he welcomed the State party's introduction of a definition of discrimination that conformed to that contained in the Convention, he said that the prohibited grounds for discrimination in the Federal Labour Act still did not include race, colour or descent. Could the delegation explain?

52. While he appreciated the initiative of the National Council for the Prevention of Discrimination in publishing a guide entitled "Institución Comprometida con la Inclusión" (Committing to institutional inclusiveness), on measures that institutions could take to boost equality and combat discrimination, he said that he would also like to receive information on specific additional measures taken by the Government to address discrimination on grounds of race or colour and to deal with complaints.

53. With regard to domestic workers, who were often women from indigenous, minority or migrant backgrounds, he wished to know what measures had been put in place to facilitate their access to justice; how many complaints of racial discrimination had been received from domestic workers and how those complaints had been dealt with; and whether the State party intended to become a party to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

54. **Ms. Shepherd** said that she wished to know more about the "Young People, No Label Version" (Jóvenes, versión SinTags) campaign, mentioned in paragraph 8 of the State party's report, which had sought to combat hate speech online and elsewhere by promoting social and community-based action among young people. She wondered how the campaign had worked out in practice, what the results of the campaign had been and whether it had been reinforced through human rights education in schools. With reference

to the State party's common core document ([HRI/CORE/MEX/2017](#), para. 32), she would be interested to know what reasons were underlying the fact that illiteracy was higher among women and girls aged 15 years and over than it was among men and boys and how that fact impacted women's socioeconomic situation. She would be grateful for disaggregated data in order to ascertain the extent to which indigenous and Afrodescendent women were affected.

55. According to an article entitled “‘I’m not sitting next to you’: Education and racism in Afro-Mexican Communities”, published in the academic journal *Diálogos sobre Educación* in 2016, historic processes of racism and discrimination had led to the marginalization and exclusion of Afro-Mexicans, despite the fact that persons of African descent had a long history in Mexico and had contributed significantly to the country's development. In the Costa Chica region of Guerrero and Oaxaca, in particular, schools seemed to be where racial discrimination against Afro-Mexicans was learned – not least through textbooks that denied or minimized the contributions of persons of African descent – leading to bullying and anti-Black sentiment. With that in mind, she wished to know what the State party was doing to combat bullying in schools and to what extent the curriculum was teaching respect for difference and breaking down the negative stereotypes that were responsible for the rise in hate speech.

56. **Mr. Yeung Sik Yuen** said that, in reference to paragraph 11 of the State party's report, he would welcome an account of the circumstances in which racial motivation could be considered as an aggravating factor in criminal offences and of the application of article 410 of the National Code of Criminal Procedure, which apparently enabled the courts to weigh up the context and the existence of a racial motivation as an aggravating factor in the commission of an offence. With regard to paragraph 13 of the report, he wished to learn more about the 143 legal advisors who provided legal advice on cases of discrimination, including whether they were private or public lawyers. He would also welcome clarification on whether that legal advice was for victims of discrimination or for perpetrators, since footnote 4 suggested that it was provided through the Federal Public Defender Institute to ensure the right to a defence in criminal cases. In that connection, he wondered whether legal aid was also available for victims of discrimination in civil cases.

57. He invited the delegation to comment on reports that a lack of information on human rights, including the right to have recourse before the ordinary courts, was a major barrier to indigenous women's access to justice; that, in the rare cases in which indigenous persons sought redress before those courts, no interpretation was provided; that the courts did not generally publish their decisions; and that, when they did, they were not made available in indigenous languages.

58. He was concerned that, according to information received, pretrial detention was mandatory for persons accused of certain offences; that women, and in particular indigenous women, were disproportionately affected by pretrial detention; and that there were plans to extend the list of offences for which judges were required to order pretrial detention. It was important to ensure a clear separation between the judiciary and the executive and legislative branches. Decisions on whether to order pretrial detention or grant bail should be made by the judiciary alone. Mandatory pretrial detention took that decision away from judges and blurred the line between the different branches of power.

59. **Mr. Calí Tzay** said that he wished to know whether the working group for follow-up to the Committee's recommendations, which had been established after the State party's previous dialogue with the Committee, consulted with civil society organizations on an ongoing basis. He wondered what training police officers had received in respect of investigating racial discrimination and hate crimes against indigenous, migrant and Afrodescendent persons; whether there were plans to amend the Constitution in order to comprehensively address the challenges facing those population groups; what progress had been achieved in terms of harmonizing the provisions of state constitutions and human rights legislation with federal laws and standards; and whether any federative entities had faced specific challenges in aligning their legislation with international standards and, if so, why. With regard to the information provided by the head of delegation in her opening statement, he would be interested to hear more about the federative entities that had yet to

create anti-discrimination laws or establish constitutional provisions prohibiting discrimination on the grounds provided for under the Convention.

60. He noted that a campaign aimed at combating hate speech on social networks had been carried out in 2014 and wondered whether any other such campaigns had been implemented in the intervening period. On the issue of the free and informed prior consent of the indigenous peoples, he would be like to know whether any of the bills mentioned in paragraph 93 of the State party's report, on consultation with indigenous communities, had now been adopted. It would also be useful to hear an account of how consultations with indigenous peoples were conducted.

61. It was his understanding that the jurisdiction of the indigenous justice system was limited to minor disputes between community members. He would welcome more information in that regard. He wished to know whether a mechanism was in place to ensure coordination between the indigenous and ordinary systems of justice and how the State party ensured that indigenous persons, particular women, could gain access to legal information in their indigenous languages. In that connection, the Committee had received information alleging discriminatory sentences against indigenous women. He wondered whether the decisions of local courts were published and, if not, how they were otherwise monitored in order to prevent and combat racial discrimination in the ordinary justice system.

62. Turning to the issue of health, he said that he would like to know how the measures that had been taken by the State party to provide intercultural and indigenous-language training to medical professionals and establish mobile medical units for indigenous communities had improved indigenous peoples' access to primary health care and their quality of life. It would also be useful to know what measures were being taken to improve access by indigenous persons to secondary and tertiary health care. In reference to paragraph 150 of the State party's report, he noted that indigenous-language interpreters had been recruited in hospital maternity wards. He wished to know the extent to which interpretation services were provided to indigenous women in rural areas. The delegation should also comment on reports that indigenous women were subjected to involuntary sterilizations owing to a lack of information available in languages other than Spanish.

63. Lastly, while welcoming the fact that a number of radio stations transmitted programmes in indigenous languages, he noted that their reach was limited to 5.5 million potential listeners – barely 20 per cent of the indigenous population. What measures were being taken or were envisaged by the State party to bridge the social gap and foster cooperation and understanding among the different population groups in Mexico?

64. **Ms. Chung** said that she wished to know what measures had been taken by the State to support single mothers and women-headed households, especially those from indigenous or minority backgrounds, who faced multiple forms of discrimination; what initiatives had been introduced in schools in order to raise awareness and combat discrimination based on race, colour, descent, or national or ethnic origin; and whether any information could be provided on the Korean community, which had first moved to Mexico at the end of the 1800s.

65. **Ms. Delgado Peralta** (Mexico), reaffirming her Government's commitment to the United Nations and other international multilateral systems, said that the Government welcomed international scrutiny and placed a high value on the comments and recommendations of the human rights treaty bodies, which would help it to design public policy to combat and eliminate racial discrimination in Mexico. The dialogue with the Committee was also an opportunity to highlight the progress that had been achieved in Mexico, while acknowledging the magnitude of the human-rights-related and structural challenges that remained. The Government was committed to strengthening its institutions and addressing those enormous challenges, which were compounded not only by the socioeconomic and geographical situation of the country but also by the serious problems of violence, insecurity, impunity and corruption that had a major impact on the enjoyment of human rights.

The meeting rose at 6 p.m.