



Convention on the Rights of Persons with Disabilities

Distr.: General
24 October 2014

Original: English

Committee on the Rights of Persons with Disabilities

Twelfth session

Summary record of the 145th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 September 2014, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Mexico (CRPD/C/MEX/1; CRPD/C/MEX/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mexico took places at the Committee table.*
2. **Mr. Lomónaco** (Mexico) said that Mexico remained a strong proponent of the Convention and had shown its willingness to fully implement the instrument's provisions. He welcomed the constructive dialogue with the Committee as an invaluable opportunity to evaluate national policy in respect of persons with disabilities.
3. **Ms. Limón García** (Mexico), introducing her country's initial report (CRPD/C/MEX/1), said that Mexico had taken a series of measures to promote the protection of the rights of persons with disabilities, such as the implementation of the National Programme for the Development and Inclusion of Persons with Disabilities for 2014–2018 and the introduction of the General Act on the Inclusion of Persons with Disabilities.
4. Efforts had been made to incorporate concepts such as reasonable accommodation in regulatory texts at the state and federal levels, to use appropriate terminology in respect of persons with disabilities and to bring the Constitution into line with the provisions of the Convention. Civil society organizations and persons with disabilities had been actively involved in the design and evaluation of national policy.
5. The Government would continue to improve accessibility for persons with disabilities, including to information and communications, and had introduced awareness-raising and training programmes for health-care and other service providers. The latest national anti-discrimination, employment and equal opportunities programmes also made specific reference to persons with disabilities, and a protocol setting forth guidelines for the police, public prosecutors, lawyers, court staff and judges in cases involving persons with disabilities had been established.
6. The State party would continue its efforts to promote and protect the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, and would take steps to consolidate the paradigm shift from a medical to a rights-based approach to disability.
7. **Mr. Toledano Landero** (Mexico) said that his country would continue to work closely with the Committee to guarantee full respect for the rights of persons with disabilities. The State party had been a strong advocate of disability rights for over forty years and had designed and implemented a number of cross-cutting programmes, policies and laws in its efforts to improve social inclusion of persons with disabilities.
8. The Government had involved civil society organizations in both the design and the evaluation of the National Development Plan for 2013–2018 and the National Programme for the Development and Inclusion of Persons with Disabilities for 2014–2018, and would continue to seek their input in future. It had also established a national system for the development and inclusion of persons with disabilities, which would constitute the coordination, follow-up and evaluation mechanism for the initiatives carried out under the National Programme.
9. **Ms. Peláez Narváez** (Country Rapporteur) acknowledged the State party's role in the elaboration of the Convention, in particular the contribution made by the late Mr. Gilberto Rincón Gallardo, and welcomed its efforts for the full inclusion of persons with

disabilities in Mexican society. She said that the Government was to be congratulated on its attempts to bring the Constitution into line with the Convention and involve civil society organizations in the preparation of national disability programmes. The State party's report, however, failed to describe the outcomes of such efforts and the specific steps taken to address particular areas of concern, including access to justice and redress for persons with disabilities. Action was needed to accelerate the implementation of all provisions of the Convention and to ensure that national policies were applied uniformly at both the state and federal levels.

10. The State party must focus on tackling the persistent challenges facing persons with disabilities, particularly in regard to their exercise of the right to legal capacity and ability to participate fully in society. More resources were required, notably to combat the ill-treatment of children with disabilities in care institutions and persons with disabilities in prisons as well as the forced sterilization and abuse of women and girls with disabilities. The needs of migrants with disabilities should also be taken into account. Lastly, the Government must undertake a review of its legislative texts at its earliest convenience, so as to remove the remaining discriminatory provisions.

Articles 1–10

11. **Ms. Quan-Chang** expressed concern that legislative texts, such as the Civil Code, contained offensive and pejorative terms for persons with disabilities. She stressed the need for greater coordination to improve implementation of policies on disability. With regard to the inclusion of persons with disabilities in society, she asked what steps had been taken to introduce inclusive services and guarantee that a rights-based approach to service provision was adopted at all levels. She also wished to know what specific measures had been taken to combat the multiple discrimination faced by persons with disabilities, particularly indigenous persons, women and girls.

12. **Ms. Mulligan** said that the delegation should provide further information on the participation of persons with disabilities and civil society organizations in the development and implementation of plans and programmes for persons with disabilities and on the resources allocated to such initiatives. She also wondered what efforts had been made to design policies that took into account the gender, age and ethnicity of persons with disabilities.

13. **Mr. Tatić** asked whether the State party intended to incorporate denial of reasonable accommodation as a form of discrimination on grounds of disability in its anti-discrimination legislation. He enquired what specific measures were taken in cases of denial of reasonable accommodation and what legal remedies were available. He also wished to know whether the Government intended to design training programmes on reasonable accommodation for judicial and other officials. Lastly, he asked whether the State party had implemented monitoring, compliance and sanction mechanisms to ensure that persons with disabilities had uniform access to the physical environment, transportation, and other facilities and services open, or provided to, the public, at both the state and federal levels.

14. **Ms. Degener** asked whether the State party intended to address the problem of multiple discrimination in its anti-discrimination legislation. Noting the large number of children with disabilities in care institutions, she enquired what protocols had been put in place for the recording, inspecting and monitoring of conditions in accommodation for children with disabilities and whether steps had been taken to prohibit the use of corporal punishment. Lastly, she requested further information on provisions to ensure that persons with disabilities had equal access to information and communications, including relevant technologies and systems.

15. **Mr. Langvad** enquired what initiatives had been undertaken to incorporate the Convention in both federal and state legislation, and to guarantee that the concepts of reasonable accommodation and disproportionate and undue burden were understood at all levels of society. He invited the delegation to comment on how the Government and local councils supported disabled persons' organizations with a view to promoting the participation of persons with disabilities in the development of their communities.

16. He asked whether Mexico had ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and, if so, what had been done to ensure its effective implementation. Lastly, the delegation should indicate why only buildings open to the public were covered by national building regulations.

17. **Mr. Al-Tarawneh** asked what steps were taken to overcome architectural barriers at heritage sites and whether an action plan was in place to enforce accessibility standards.

18. **Ms. Peláez Narváez** said that she would welcome information on how children with disabilities, through their representative organizations, had been able to participate in the elaboration of the proposed amendments to the Act on the Protection of the Rights of Children and Young Persons. She asked whether the relevant bill could be published online in its entirety, noting that, in the preamble, no reference was made to the Convention. She invited the delegation to comment on the fact that the bill only provided for access to inclusive basic education for all and asked whether there were plans to assist foster families and extended families in meeting the specific needs of children with disabilities. The delegation should also supply statistics on the number of cases of femicide and enforced disappearance involving women with disabilities.

19. **Ms. Maina** sought clarification as to whether the State party's disability laws recognized psychosocial disabilities and asked whether frameworks were in place to cater for persons with such disabilities.

20. **Mr. Buntan** asked whether the constitutional reform of 2011 had strengthened the implementation of international human rights instruments and whether instruments ratified by the State party were automatically applicable, without the promulgation of any specific domestic laws. He also wished to know the extent to which the recently enacted Federal Telecommunications and Broadcasting Act complied with the provisions of article 9 of the Convention.

21. **Mr. Torres Correa** said that he would appreciate information on the nature and consequences of the process of administrative decentralization in Mexico and asked what measures had been taken to ensure that a budget was in place in each state to meet the needs of persons with disabilities. He would like to know whether the Secretariat on Disability Affairs had been maintained or whether the National Council for the Development and Inclusion of Persons with Disabilities had assumed sole responsibility for implementing public policy in the area of disability rights.

22. **Mr. Kim Hyung Shik** asked what measures were in place to standardize and coordinate disability policy and services throughout the country. He also wished to know what specific forms of assistance were available to children with disabilities and their families, how many such children had been placed in institutions and what steps were taken to guarantee the quality of institutional care. He would welcome information on any strategies adopted to raise awareness of the Convention among all ethnic and cultural groups in Mexico.

23. **Mr. Babu** enquired to what extent persons with disabilities, particularly women and girls, had access to HIV/AIDS services in the State party. He would also like to hear about

access to political processes for persons with disabilities and their eligibility to stand for election.

24. **The Chairperson**, speaking in her personal capacity, said that she would appreciate information on the impact of the study collection *Legislar sin Discriminación*, particularly with regard to indigenous persons with disabilities. The delegation should indicate whether national legislation on disabilities covered such persons and whether relevant indigenous legislation applied to members of other groups with disabilities.

25. Referring to paragraph 199 of the replies to the list of issues, she sought clarification of the discrepancy between the national disability rate as calculated by the State party, which stood at 6.6 per cent, and the World Health Organization figure, which was around 15 per cent. Noting that there had been reports of intimidation and persecution of human rights defenders in Mexico, she asked what specific measures had been taken to address the situation.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

26. **Ms. Limón García** (Mexico) said that Mexico had indeed ratified the Marrakesh Treaty. Following the constitutional reform of 2011, the Convention and other international instruments to which Mexico was a party had become constitutional norms applicable at all levels of government and throughout the country. Moreover, an interpretation clause had been added to ensure that legal authorities applied the *pro persona* principle when implementing the provisions of such instruments.

27. Of the 47 laws that had been aligned with international standards in recent years, it was important to mention the General Act on the Inclusion of Persons with Disabilities, which contained a definition of the term “person with a disability” that was in keeping with the Convention, and the Federal Act on the Prevention and Elimination of Discrimination, which provided for a mechanism to combat discrimination against persons with disabilities and allowed for complaints to be filed against both individuals and public bodies. She was not yet in a position to report on cases involving reasonable accommodation, since the relevant provisions had only recently been promulgated. A working group had been set up to facilitate the process of harmonizing laws, decrees, regulations and agreements pertinent to human rights and was working closely with the National Council for the Development and Inclusion of Persons with Disabilities to guarantee that disability rights were upheld.

28. With regard to awareness-raising, the authorities were undertaking concerted efforts to provide human rights training to civil servants, with the Ministry of the Interior having trained over 5,000 persons since September 2013. The training, which consisted of a theoretical and a practical component, focused on constitutional principles and the dissemination of information on the 2011 reform, including amendments concerning *amparo*.

29. There was an unprecedented number of programmes with a disability focus, all of which had measurable outcomes thanks to the establishment of specific goals and indicators. One such programme, launched in 2001, aimed to promote non-discrimination in the tourism sector and free and inclusive access to cultural goods and services for vulnerable groups, who could lodge complaints in the event that accessibility standards in public buildings, including heritage sites, were not met.

30. Lastly, regarding the proposed amendments to the Act on the Protection of the Rights of Children and Young Persons, the bill had been given preferential status, meaning that the Senate of the Republic would have to discuss it within a month of its submission in September 2014. The bill was the result of numerous public consultations and cooperation with United Nations agencies, including the United Nations Children’s Fund (UNICEF).

The suggestion to include a reference to the Convention in the preamble would be communicated to the relevant parties.

31. **Ms. de la Torre Valdez** (Mexico) said that she had been one of four women with disabilities to be elected to the LXI Legislature of the Congress of Mexico, the first persons with disabilities to achieve that distinction. Since 1990, with the help of civil society, a small number of persons with disabilities had been elected to political office, a sign of progress, as was the fact that the country's electoral laws established measures to render polling stations accessible to voters with disabilities. The General Act on the Inclusion of Persons with Disabilities had been adopted unanimously by both the Chamber of Deputies and the Senate of the Republic, and a fund had been established to enhance the accessibility of public transport services for persons with disabilities, with the expectation that the 2015 budget would stand at 600 million Mexican pesos.

32. **Mr. Toledano Landero** (Mexico) said that the National Programme for the Development and Inclusion of Persons with Disabilities had only been launched in April 2014 and would take time to implement fully. The Programme included six lines of action to combat discrimination against indigenous persons with disabilities, in addition to six objectives, one of which was to improve data collection. The statistics presented in the report had come from the 2010 national census, but the Government, in conjunction with the National Institute for Statistics and Geography, was already working to develop a new instrument capable of providing a more accurate picture of the number and diversity of persons with disabilities in Mexico.

33. Turning to the National Development Plan for 2013–2018, he said that the budget for the Plan, which had risen year on year, was expected to increase by 37 per cent in 2015. While significant funds had been allocated to the areas of health and education, guaranteeing a consistent level of funding for all government programmes remained a challenge. One of the goals of the Plan was to encourage the active participation of civil society, including disabled persons' organizations, in the process of bringing domestic legislation into line with the Convention and other international instruments. In that connection, children with disabilities had already contributed to discussions on the bill to amend the Act on the Protection of the Rights of Children and Young Persons.

34. In recent years, the number of disabled persons' organizations had increased to more than 3,900 and their participation in the National Programme for the Development and Inclusion of Persons with Disabilities was organized through working groups. Telecommunications reforms would allow sign language to be used on television and give all persons with disabilities greater access to written and electronic media. The accessibility of the Internet was of particular concern and the updating of websites formed part of the Government's digital strategy. The delegation would provide a list of the institutional programmes concerning persons with disabilities, along with the full text of the National Programme for the Development and Inclusion of Persons with Disabilities.

35. **Mr. Bucio Mújica** (Mexico) said that, since 2006, the Constitution had used the term "*discapacidad*" (disability), in preference to any alternative formulations. The terminology employed in disability legislation had been amended after ratification of the Convention. Eighteen local constitutions and 28 state laws expressly prohibited discrimination on grounds of disability. However, a study of state civil codes had found that 26 used pejorative expressions.

36. Multiple and intersectional discrimination were perhaps the biggest challenges facing Mexico, and legislation, institutions and mechanisms addressing those forms of discrimination had been created. There was a national programme on equality and non-discrimination, which set out the obligations of institutions in tackling intersectional discrimination, and work was being done to devise a similar programme for state and

municipal governments. Public officials received training on intersectional discrimination. Furthermore, efforts were being made to identify how many women with disabilities were living in Mexico and to assess their situation with regard to education and health. Federal budget expenditure was being analysed to detect inequalities affecting groups including persons with disabilities. The different bodies working to combat discrimination shared common areas of concern on which they carried out joint work. A report had been written identifying the sectors where persons with disabilities were most vulnerable to discrimination and analysing the financial system, the labour market, the justice system and education, among other areas.

37. Federal anti-discrimination legislation stated that denial of reasonable accommodation constituted a form of discrimination. While the National Council for the Prevention of Discrimination had always dealt with cases brought by persons with disabilities, finding in favour of complainants in 35 per cent of cases, recent legislative reform had allowed it to grant redress and establish guarantees of non-repetition. It could also introduce measures binding on individuals, corporations and federal authorities.

38. The Senate building had recently been made accessible and all federal websites would be made accessible in the near future; a guide and courses for federal officials had been created to that end. Under amendments to the Federal Telecommunications and Broadcasting Act, private companies were also required to make their websites accessible.

39. Attempts to shift public opinion and raise awareness of disability had been made through textbooks written specifically for that purpose, distributed to schools, public libraries and children's organizations. The same content was used in television programmes broadcast nationally and on public radio and was available in accessible versions for persons with visual and auditory impairments and intellectual disabilities. A culture change was needed and would require more than legislation.

40. **Mr. Camacho Sanciprián** (Mexico) said that the law on children's services, care and development provided for comprehensive preschool care for children with disabilities. The Ministry of Social Development had a programme through which care was available for children of women who were working, seeking employment or studying and children of single parents, with 3,000 of the participating facilities catering for children with disabilities. Those facilities had twice as many staff as mainstream facilities, and families with children with disabilities who qualified for the programme received twice as much financial support. Regulations excluding children with disabilities from certain services had been amended.

41. The Mexican Social Security Institute cared for 1,610 children with disabilities. Capacity evaluation tools were in place to ensure that the non-professional staff of bodies attached to the Ministry of Social Development and the national system for family development were able to identify and care appropriately for children with disabilities. There were 32 rehabilitation and special education centres in the country caring for more than 2,500 children with disabilities, who were able to continue their school studies while receiving comprehensive rehabilitation.

42. Children with multiple disabilities aged under 5 received care in specialized centres and their attendance at mainstream preschools was encouraged. The National Council for the Development and Inclusion of Persons with Disabilities sought to increase the inclusion of children with disabilities in the education system and therefore supported training for teachers working with such children. Approximately 100,000 indigenous children with disabilities received care from rehabilitation centres throughout the country, which had been set up to bring services closer to remote municipalities. Financial support was given to abandoned and institutionalized children at the municipal and state levels and children with HIV were cared for thanks to the joint efforts of the Government and civil society.

43. **Ms. Zavaleta** (Mexico) said that work was being undertaken in the education system to improve access to physical infrastructure, information and communications technologies and the curriculum. As part of a programme launched in 2013 to improve school buildings, more than 25,000 schools requiring urgent attention had been identified; the Government had allocated a significant amount of money for those improvements. Several programmes at the federal level aimed to improve access to information and communications technologies, including through the distribution of computer equipment that was accessible to children with disabilities, along with kits containing peripheral devices such as microphones and keyboards.

44. Education was viewed as a fundamental right and a way of reducing inequality through inclusion. To that end, various materials for children with disabilities had been developed, including two sign language dictionaries, one of which aimed to facilitate the understanding of written Spanish among deaf students. Those materials had been distributed in all states. Interactive materials to promote reading among deaf children were being improved, and all textbooks were published in large print and Braille and provided free of charge to students. There were manuals for the education of indigenous and migrant children with disabilities as well as multilingual educational materials featuring exercises in Spanish, sign language, Braille and indigenous languages.

Articles 11–20

45. **Mr. McCallum**, noting that Mexican civil law seemed to automatically remove the legal capacity of many groups, including persons with intellectual and psychosocial disabilities, asked what reforms would be made to ensure that those persons could exercise full legal capacity through supported decision-making.

46. **Ms. Mulligan** requested an update on measures to ensure that disaster risk reduction information, resources and programmes and humanitarian aid were accessible to persons with disabilities.

47. **Ms. Degener** said she had received information that most girls with intellectual disabilities being cared for in a particular institution in Mexico had been sterilized prior to their arrival and that the institution was seeking authorization to sterilize the remaining girls. Was the Government willing to intervene in that case?

48. **Mr. Buntan** asked whether the State party had, or was considering developing, a comprehensive disaster risk reduction plan, and whether such plans took disability into account.

49. **Ms. Maina** requested clarification of the discrepancies between the information in the shadow reports on mechanisms for consulting persons with disabilities, provision for persons with psychosocial disabilities — who reportedly were not always recognized as having a disability — and training for public officials on human rights principles and the data provided by the Government. An improved consultation mechanism would allow the Government to work more effectively with persons with disabilities.

50. **Mr. Langvad** asked the delegation to explain the discrepancy between its statements regarding the State party's ratification of the Marrakesh Treaty and the information on the website of the World Intellectual Property Organization. He requested information on deinstitutionalization initiatives and on the support systems allowing persons with disabilities to choose their place of residence.

51. **Mr. Al-Tarawneh** asked how the Government took account of disability in its strategies for achieving the Millennium Development Goals.

52. **Ms. Quan-Chang**, noting that the National Human Rights Commission had reported the use of isolation as both treatment and punishment for patients in psychiatric hospitals,

asked whether criminal proceedings had been brought against the perpetrators of such serious human rights violations. Some hospitals failed to report the forced admission of patients to the authorities, as required by law, and patients were often coerced into signing admission consent forms, or the forms were simply not used. She asked how the Government planned to eradicate such practices. Lastly, she wished to know whether the State party maintained registers of persons with disabilities living on the streets and what policies existed on services for immigrants with disabilities.

53. **Ms. Peláez Narváez** asked what reasonable accommodation was made to ensure the direct participation of children with disabilities in the justice system. She wished to know what the exact function of the Casa de los Mil Colores, a centre supporting the indigenous population, was and whether it offered advice and access to justice. She asked what specific provision the State party had made for women and children with disabilities who had been victims of violence, including incest, which particularly affected women and children with intellectual and psychosocial disabilities, led to the birth of children with disabilities and caused mental illness among victims. She asked whether the State party had reached a decision on the request from a Honduran organization for a 30-day humanitarian visa. She would welcome information on the steps being taken to ensure birth registration for all children with disabilities, including abandoned and indigenous children. Lastly, she asked how the Government would ensure that its free Braille textbooks reached all blind children in the country, given that she had seen no evidence of the related programme during her visits to Mexico.

54. **Mr. Torres Correa** asked what the level of compliance with the employment quota for persons with disabilities was and how it was monitored.

55. **The Chairperson**, speaking in her personal capacity, asked how the State party had been guided by the Committee's general comment No. 1 in introducing supported decision-making for persons with disabilities, whether the rights of persons with disabilities were included in training for judges and police officers and how exemption from criminal responsibility was applied in respect of persons with disabilities. Lastly, she requested details on the work of the national torture prevention mechanism on behalf of persons with disabilities, particularly those with intellectual disabilities.

The meeting rose at 6.25 p.m.