



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
31 October 2011
English
Original: Spanish

Subcommittee on Prevention of Torture

**Replies of Mexico to the recommendations and
requests for information made by the
Subcommittee on Prevention of Torture and
Other Cruel, Inhuman or Degrading Treatment or
Punishment in its report on its first periodic visit
to Mexico (CAT/OP/MEX/1)*, **, *****

-
- * The annexes to the present document may be consulted in the secretariat of the Subcommittee.
 - ** The present document was not edited before being sent to the United Nations translation services.
 - *** On 13 October 2011, the State party announced its decision to make public its replies "Action Plan for implementing the recommendations of the United Nations Subcommittee on Prevention of Torture; programme 2010–2012", and published them on the website of the Ministry of Foreign Affairs of Mexico. The present document is being issued in accordance with article 16, paragraph 2, of the Optional Protocol.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Background	1–16	3
A. Visit of the Subcommittee on Prevention of Torture	1–6	3
B. Report of the Subcommittee on Prevention of Torture on its visit to Mexico	7–8	4
C. Establishment of working group to implement the recommendations of the Subcommittee on Prevention of Torture, arising from its visit to Mexico.....	9–13	4
D. Structure and headings of the action plan	14–16	5
II. Action plan for implementing the recommendations of the United Nations Subcommittee on Prevention of Torture	17–536	6
A. Specific objective 1	17–23	6
B. Specific objective 2	24–140	7
C. Specific objective 3	141–195	28
D. Specific objective 4	196–201	39
E. Specific objective 5	202–424	40
F. Specific objective 6	425–529	73
G. Specific objective 7	530–536	98

I. Background

A. Visit of the Subcommittee on Prevention of Torture

1. From 27 August to 12 September 2008, the Subcommittee on Prevention of Torture visited Mexico pursuant to articles 1 and 11 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹
2. The delegation of the Subcommittee was composed of six members, three members of its secretariat, two interpreters and an official of the Mexico Office of the United Nations High Commissioner for Human Rights.
3. During its mission to Mexico, the Subcommittee visited a total of **17 detention centres and six state prisons**, located in the Federal District and the states of Mexico, Jalisco, Nuevo León and Oaxaca.
4. The facilities visited include:
 - 12 police stations and judicial agencies with detention facilities;
 - One military prison;
 - Two centres for juvenile offenders and
 - Two psychiatric hospitals.
5. These facilities are located in:
 - The "*arraigo*" (preventive custody) unit of the Office of the Attorney-General of the Republic;
 - The offices of the Federal Ministry of Public Security;
 - Agency number 50 of the Office of the Attorney-General for the Federal District;
 - Offices of the Federal Ministry of Public Security in the state of Jalisco;
 - Preventive custody unit of the Office of the Attorney-General of the Republic in the State of Jalisco;
 - Office of the Attorney-General for the State of Jalisco;
 - Jalisco state Municipal Police headquarters;
 - Offices of the State Investigation Agency of the Office of the Attorney-General for the State of Nuevo León;
 - Nuevo León state Municipal Police headquarters, Alamey;
 - Nuevo León juvenile detention and rehabilitation centre;
 - Municipal Preventive Police headquarters, Oaxaca;
 - Office of the Attorney-General for the State of Oaxaca;
 - Preventive custody unit, High-Performance Centre of the Oaxaca Police;
 - Directorate of Adolescent Services, Guardianship Council, Oaxaca;
 - Office annexed to Zimatlán prison, Oaxaca;

¹ Ratified by Mexico on 11 April 2005. Entered into force on 22 June 2006.

- Cruz del Sur psychiatric hospital, Oaxaca;
- Eastern Federal District Pretrial Detention Centre for Men;
- Molino Flores Pretrial Detention and Social Rehabilitation Centre, Mexico state;
- Pretrial Detention and Rehabilitation Centre for Women, Jalisco state;
- Jalisco state Pretrial Detention Social Rehabilitation Centre, Puente Grande;
- Santa María Ixcotel prison, Oaxaca;
- Valles Centrales Regional Pretrial Detention Centre;
- Military Prison No. 1.

6. We note that the Subcommittee thanked the federal and state authorities for their openness and close cooperation, given that the visit entailed a complex mobilization of institutions and organization at the various levels of government.

B. Report of the Subcommittee on Prevention of Torture on its visit to Mexico

7. In June 2009 the Subcommittee sent the Mexican Government its observations on its visit, which included several recommendations for strengthening the measures taken to prevent acts of torture in the country's detention centres.

8. The Subcommittee's report contains **122** recommendations, which can be classified as follows:

<i>No. of recommendations</i>	<i>Classification</i>
13	Training of public servants
10	Implementation of legislative reforms
7	Planning and implementation of public policy
23	Strengthening mechanisms of access to justice
28	Improving conditions in detention facilities
15	Manning and increased resources for the management of detention facilities
6	Promotion of cooperation between the Mexican state and international human-rights protection mechanisms
20	General issues

C. Establishment of a working group to implement the recommendations of the Subcommittee on Prevention of Torture, arising from its visit to Mexico

9. On 13 April 2009, the state and federal authorities that took part in the visit of the Subcommittee established a *working group to implement the recommendations of the Subcommittee on Prevention of Torture, arising from its visit to Mexico*.

10. The working group so far comprises government representatives of the Federal District, the states of Mexico, Jalisco, Nuevo León and Oaxaca, as well as the Ministry of

the Interior, Ministry of Foreign Affairs, Ministry of Defence, Ministry of the Navy, Ministry of Public Security, Ministry of Health, the Office of the Attorney-General of the Republic, the National Institute of Migration and the National Scheme for the Comprehensive Development of the Family.

11. The group's main objective is to assist with the implementation of the Subcommittee's recommendations, through a plan of action based on classifying the recommendations according to whether they involve efforts at the federal or local levels of the various authorities.

12. Regarding the federal level, it was anticipated that the action plan would be implemented by all authorities involved in the working group, while locally, the authorities of the states visited would be responsible for taking appropriate action to comply with the recommendations.

13. The working group agreed to promote the legislative and public-policy measures needed to comply with the general recommendations.

D. Structure and headings of the action plan

14. The measures under the action plan are linked to the strategies and action lines of the National Human Rights Programme 2008–2012.²

15. The main objective of the action plan is to prevent and reduce the incidence of torture by implementing the Subcommittee's recommendations, involving the three branches and levels of government.

16. The specific objectives of the action plan fall under the following headings:

- Dissemination
- Training and promotion
- Control measures
- Investigation
- Conditions of detention
- Reform of the justice system, and
- Follow-up of the recommendations of independent public human-rights protection agencies.

² Annex 1. Action plan.

II. Action plan for implementing the recommendations of the United Nations Subcommittee on Prevention of Torture

A. The Subcommittee's recommendations under specific objective 1 of the action plan (dissemination) are as follows

Make this report public, as other countries visited by the Subcommittee (Sweden and Maldives) have done. Making the report public would undoubtedly serve as an additional mechanism for preventing torture and ill-treatment by enabling widespread dissemination of the report's recommendations, which are aimed both at federal and state institutions, at the national preventive mechanism and, indirectly, at human rights commissions and civil society organizations (para. 19)

Compliance measures

17. The Subcommittee's report was made public by the Government of Mexico on 6 May 2010, through a dialogue with various media. The report is also available for consultation on the website of the Ministry of Foreign Affairs at the following link: <http://www.sre.gob.mx/derechoshumanos/>.

18. We would point out that the *Action Plan of the Government of Mexico to implement the recommendations of the Subcommittee on Prevention of Torture* was released in conjunction with the publication of the report.

Mount a prevention campaign aimed at averting the recurrence of acts of torture (para. 270)

Compliance measures

19. In the Federal District, through the Executive Directorate of Social Rehabilitation and Prevention and in coordination with the Correctional Training Institute, content for posters, leaflets and brochures was designed, developed and reviewed as required for the campaign of information and dissemination on fundamental rights and procedural rights of all detainees.

20. In addition, publication of posters and other forms of dissemination on fundamental rights and all procedural rights was stepped up; they were circulated and placed in conspicuous spots wherever there are persons deprived of their liberty.

21. In order to prevent human rights violations and to safeguard personal integrity and individual guarantees or due-process rights, the Office of the Attorney-General for the Federal District remains committed to promoting the rights of persons detained in its facilities.

22. In this regard, the Office plans to display within security areas or prisons, the rights of detained persons and telephone numbers that they can call to make a complaint or allegation against a public servant committing an infringement. By way of example, the text used by the Miguel Hidalgo-4 agency of the Prosecution Service for these purposes is given below:

**Office of the Attorney-General
for the Federal District**

Prosecution service devolved to Miguel Hidalgo

If you are detained you have the following rights:

1. You may apply for release on bail if appropriate;
2. You have the right to remain silent;
3. You may contact any person you name, by telephone or any other available means of communication;
4. You may know the name of your accuser and the nature of the accusation;
5. You are to be provided with full information for your defence, and
6. You are entitled to a proper defence.

**Articles 20 of the Constitution and 269 of the Code of Criminal Procedure for the
Federal District**

If you believe that public servants of the Office of the Attorney-General for the Federal District are violating your rights, please report this to the following numbers: 53468220 or 53468905

23. Finally and in order to complement these actions, the National Human Rights Commission and the Human Rights Commission of the Federal District have disseminated a variety of materials such as brochures, posters and leaflets on the issues raised by the Subcommittee.

B. The following recommendations fall within specific objective 2 of the Action Plan

Implement a plan for training and awareness-raising on torture prevention aimed at officials with whom persons deprived of their liberty first come into contact (para. 30)

Compliance measures

24. In the case of Jalisco, new recruits to the state security forces are given induction training for state, security and penitentiary police, at the State Police and Highways Academy. One of its guidelines is to give an introduction to the legal framework on public security and human rights. Thus, when the new security and prison staff join the prison system, they know the regulations for such facilities, where degrading or humiliating acts, torture, use of dungeons or similar places that might endanger the physical and mental health of inmates are prohibited.

25. Furthermore, with the support of the Human Rights Commission of Jalisco, training and refresher courses have been given to prison staff on the following topics:

- Individual guarantees;
- Human rights.

26. Note that the Jalisco government authorities requested the President of the Human Rights Commission of Jalisco to assist in giving training and refresher courses for prison staff on issues of torture and the use of force, and to formalize that assistance under a cooperation agreement; they are currently awaiting a reply from that decentralized public body.

27. Moreover, between 2009 and 2010, the Office of the Attorney-General for the State of Oaxaca, in cooperation with the Commission for the Defence of Human Rights in the state, gave 14 courses on "values and human rights", aimed at public prosecutors and municipal secretaries of the regions of Istmo, Mixteca, Cuenca and Costa.

28. In 2010, with the cooperation of the International Cooperation Department of the Office of the Attorney-General of the Republic, a course was given on the process of implementing the Istanbul Protocol in the administration of justice in Mexico for public prosecutors, clerical officers, experts and other staff of the Attorney-General's Office.

29. Moreover, the new criminal justice system entered force in Baja California on 11 August 2010. It is to be introduced throughout the state on a gradual basis; the system already applies in the judicial district of Mexicali and will enter force in the districts of Ensenada and Tijuana on 3 May 2012 and 3 May 2013 respectively.

30. In this connection we would emphasize that for the entry into force of the system, public defenders assigned to the new criminal justice system in Mexicali were given intensive training in a variety of technical subjects and skills by means of 23 courses, involving more than 375 hours of technical training in the oral adversarial system which, in accordance with the constitutional rules that underpin it, is governed by a system of guarantees and full respect for human rights.

31. Furthermore, in the area of improving training in human rights in 2010, a training programme for 111 state public defenders was conducted jointly with the state Office of Human Rights and Civil Protection, comprising eight sessions covering the following topics:

- Code of conduct for law-enforcement officials;
- Body of principles for the protection of all persons under any form of detention or imprisonment, and
- A high quality, caring service.

32. Moreover, during 2010 the Office of the Attorney-General for Baja California gave the following courses for staff coaching and training in human rights and prevention of torture:

- Basics of human rights;
- The Istanbul Protocol;
- Seminar on human rights and the administration of justice;
- Workshop on human rights under the new justice model;
- Human rights forum;
- Women's rights and gender equity;
- Seminar on legal certainty: Victimology and human rights;
- Basics of trafficking in persons and gender mainstreaming;
- The justice system and children's rights in relation to criminal organizations;
- Training workshop on trafficking in persons;
- The human rights approach in public policy;
- Gender-based violence and trafficking in persons: standard procedures of the special prosecution service regarding crimes of violence against women;
- Human rights of crime victims and injured parties;
- Use of force and firearms;

- Legal framework to prevent and punish torture, and
- Rights and duties of police officers.

33. Also, the staff assigned to the Care Centres for Victims and Witnesses visit detention centres of the Office of the State Attorney-General with a view to preparing diligence reports, interviewing detainees about whether they have been victims of torture, cruel, inhuman or degrading treatment by any public servant, and handing out leaflets that set out the rights enshrined in article 20, section C, of the Constitution of the United Mexican States.

34. A handbook has been prepared for all police and prison officers on how *to inform detainees of their rights*; upon the entry into force of the new criminal justice system in Mexicali which is based on the implementation of the new Code of Criminal Procedure, arresting officers are bound to read suspects their rights, specifically the provisions of article 122 of the Code of Criminal Procedure for Baja California.

35. The Implementation Unit for the new criminal justice system of Baja California has been given the task of drafting operating manuals for the various operators of the new system, including the Manual of Procedures and Organization of the state judicial police, emphasizing that this manual set out the procedure for detention in flagrante delicto, in which the judicial police are required to read suspects their rights. Accordingly a supplement to the protocol was drafted, entitled Reading Suspects their Rights, setting out all the rights contained in article 122 of the relevant Code.

36. In this regard, the Public Security Academy of the Ministry of Public Security in Baja California has continuous assessment programmes, aimed at guaranteeing the quality of service levels within the Ministry's police forces, including security and prison officers, who are subjected to reliability checks, as well as ongoing certification processes to verify compliance with personality, ethical, socioeconomic and medical profiles as well as the capabilities and skills of those officers, thereby guaranteeing the quality of service they perform.

37. Starting from the basic training of these security and prison officers, the academic programmes are constantly reviewed and updated, thereby satisfying the quality requirements of the National Academy of Public Security. Every year it also validates the content of these programmes, which include subjects related to the technical and operational role that police officers should have, along with subjects related to ethical values, the rule of law and respect for human rights, thereby guaranteeing quality and a caring attitude in the training of such personnel.

38. A fundamental part of mental health and personal development provided by the state prison system is mental health care through structured programmes and techniques, including psychological diagnosis and assistance for staff designed to minimize the adverse impact of living with antisocial people and stressful incidents as a result of operating the prisons.

39. Accordingly, under the *Baja California Strategic Prison Plan 2008–2013* it is planned to set up a Personal Research and Development Institute to work with the Security Academy on training and refreshing the technical, legal, administrative and security staff of the state Prison System.

40. The objectives of the Institute are:

- To promote physical health and emotional wellbeing;
- To control emotions and improve emotional intelligence;
- To develop responsibility and pro-activity;
- To discover emotional weaknesses and develop emotional strengths;

- To transform problems and conflicts into learning opportunities;
- To improving relationships and communication with others;
- To promote self-mastery based on values;
- To promote the discovery of a professional vocation, and
- To develop skills to grow in the working environment.

41. Professional development in the state Prison System is being pursued through ongoing and progressive training to enhance the quality and effectiveness of service performance, increase staff promotion and development opportunities, and strengthen their institutional identity. This training aims to develop, supplement, enhance, update and specialize the knowledge and skills that the staff of the state prison system need to work effectively.

42. To that end, the Ministry of Public Security of Baja California has conducted the following training courses for staff:

<i>Course name</i>	<i>People trained</i>	<i>Course name</i>	<i>People trained</i>
Conflict management	379	Human rights	110
Stress management	276	Chemical weapons	970
Intelligence in the prison system	50	Legal framework	130
Update on oral trials	125	Prison security	550
Interpretation of tattoos	6	Self defence and reasonable use of force	555
Handling the PR-24 police baton	555	Prison unrest	575
Close order	648	Weaponry, arming and disarming	971
Review techniques	971	Target practice	962
Radio communication	750	Rule of law	348
Report writing	230	Reviewing operational orders	985
Physical fitness	962		

43. The Ministry of Public Security of Baja California also gave the following courses to the staff of the technical units to keep them trained, up to date and prepared for the requirements of the service:

<i>Course name</i>	<i>People trained</i>
Quality of service	9
Eighth staff update forum	150
ASILEGAL, AC	120 officers and legal staff of the Social Rehabilitation Centres in the state, consisting of a workshop on human rights, non-violent conflict resolution and values in work with a gender perspective.
Certification of the strategic model of social rehabilitation in the processes of family visits and technical studies with a view to release on parole, for ISO 9001:2008	Training for certification of social workers at the Mexicali Social Rehabilitation Centre and technical and legal staff at the El Hongo II Social Rehabilitation Centre, for technical studies on release on parole.

Develop and implement a training and awareness component, with content relating to the right to defence and due process as a means of preventing and protecting against torture and ill-treatment of accused and convicted persons deprived of their liberty (para. 58)

Compliance measures

44. The Federal Ministry of Public Security conducted the National Programme for the Promotion of Human Rights, under which specific measures were undertaken in coordination and cooperation with the Office of the United Nations High Commissioner in Mexico, the International Committee of the Red Cross, the National Human Rights Commission, the National Council to Prevent Discrimination and civil organizations such as Sin Fronteras I.A.P. and the Universidad Iberoamericana, among others.

45. This work was designed to promote both knowledge of and respect for national and international human rights standards applicable in public security functions, protection of people and their rights, with special attention for sectors of the population in a vulnerable situation.

46. In this vein, we designed and conducted specialized courses, workshops, lectures and video conferences on human rights, which were aimed at Ministry officials, focusing on Federal Police commanders and officers involved in special and routine operations throughout the country.

47. The courses covered the following topics:

- Evolution and consolidation of human rights;
- National and international mechanisms for protecting human rights;
- Human rights in government activities:
 - (a) State responsibility for human rights;
 - (b) Human rights in the administration of justice;
 - (c) Protecting human rights in law enforcement;
 - (d) Ethics and legality in police work;
 - (e) The right to personal integrity;
 - (f) The right to liberty and personal security;
 - (g) Protection of human rights in the detention procedure;

- (h) The rights of access to justice, due process and judicial protection;
- (i) Vulnerable sectors of the population: rights of migrants, immigration regulations, international instruments for the protection of migrants, migration trends, detection methods, interviewing and identifying persons illegally detained in the country, special protection for women, children and adolescents;
- (j) Prevention and identification of likely victims of trafficking;
- (k) Basic principles of justice for victims of crime and abuse of power, and
- (l) Implementation of international treaties.

48. In the Federal District, the Department of the Prison System of the Ministry of the Interior promoted the rights and obligations of the prison community within criminal treatment facilities, supported by visual aids and information leaflets, with the aim of preventing torture and ensuring that any violations of human rights are not repeated.

49. In this connection, the Correctional Training Institute, with the support of the Directorate-General for Education in and Promotion of Human Rights and the Human Rights Commission of the Federal District, designed the *comprehensive human rights training programme*, which provides for defence and guarantees of due process as a means of preventing and protecting against torture and ill-treatment of accused and convicted persons deprived of their liberty, including the issue of the use of force.

50. With the advice of the National Council to Prevent Discrimination (CONAPRED) and the participation of civil-society organizations, the Executive Directorate for Prison Security designed, implemented and evaluated *the programme of awareness, information and training on the right to equality and non-discrimination*, for prison guards and managers, relating specifically to the treatment of and respect for the human rights of persons deprived of their liberty.

Review current practice and training programmes with an eye to ensuring that medical and psychological opinions rendered in accordance with the Istanbul Protocol are used only for the purposes originally intended as clearly established under the Protocol itself, and are not used as grounds for asserting that victims have made false statements by ensuring independent, prompt and thorough investigations (paras 92 and 195).

Compliance measures

51. During 2010, the Office of the Attorney-General of the Republic provided training in contextualization and implementation of the Istanbul Protocol in several federal entities, namely:

- Coahuila, from 27 to 30 April;
- Nayarit, from 18 to 21 May;
- San Luis Potosí, from 13 to 16 July, and
- Nuevo León, from 9 to 12 November.

52. It also held meetings with the heads of the state human rights commissions and offices of the attorneys-general for the purpose of collecting information on complaints, recommendations, preliminary investigations and criminal cases of torture in the following states of the Republic:

- Coahuila, 18 and 19 February;
- Hidalgo, on 1 June;

- Tlaxcala, on 2 June;
- Querétaro, on 29 June;
- Guerrero, 6 and 7 September;
- Morelos, 23 and 24 March;
- Nuevo León, 18 and 19 October, and
- Michoacán 27 and 28 October.

53. The following chart gives more details on the national implementation of the medical and psychological opinion, and the agreements between the Office of the Attorney-General of the Republic and those of the other attorneys-general in the country.

<i>State</i>	<i>Instrument</i>	<i>Publication date</i>
Aguascalientes	No agreement	
Baja California	01/2008, laying down institutional guidelines to be followed by public prosecutors, medical experts, physicians chosen by detainees or inmates and other staff of the prosecution service.	1 August 2008
Campeche	Circular C/002/2010, laying down guidelines for action by public prosecutors, forensic medical experts and/or coroners and psychologists of the prosecution service.	8 February 2010
Chiapas	01/2005, laying down institutional guidelines to be followed by the public prosecutors, medical coroners, forensic experts and other staff of the prosecution service.	10 June 2005
Chihuahua	Agreement PGJE/01/05 laying down institutional guidelines to be followed by public prosecutors, medical coroners and/or forensic and other staff of the Attorney-General's Office, for the implementation of the specialist medical and psychological opinion in cases of possible torture and/or abuse.	13 October 2005
Coahuila	The second stage of the training course was concluded prior to the implementation of the psychological and medical opinion; opinion not issued.	
Federal District	A/008/2005, laying down guidelines for action by public prosecutors and forensic experts and psychologists for the application of the opinion.	13 December 2005
Durango	Manual for investigation and documentation of torture and cruel, inhuman and degrading treatment.	First quarter 2007
State of Mexico	Agreement 21/2007, Attorney-General for the state of Mexico, laying down institutional guidelines to be followed by public prosecutors and clerical officers of the prosecution service, forensic medical experts, psychologists and other staff of the Office of the Attorney-General for the state of Mexico for the implementation of the specialist medical and psychological opinion in cases of possible torture and/or abuse.	14 February 2008
Guanajuato	1/2005, to educate public prosecutors, forensic medical experts and/or coroners and other staff of the State Attorney-General's Office, regarding the implementation of the opinion.	17 June 2005
Guerrero	No agreement	

<i>State</i>	<i>Instrument</i>	<i>Publication date</i>
Jalisco	There is a state law to prevent and punish torture, which applies throughout the federal entity and is intended to prevent and punish torture.	
Michoacán	002/2006 laying down institutional guidelines to be followed by public prosecutors, forensic medical experts and/or coroners and psychologists of the Attorney-General's Office, for the implementation of the opinion.	23 August 2006
Oaxaca	No agreement	
Puebla	No agreement	
Quintana Roo 19	Agreement A/002/2010 laying down institutional guidelines to be followed by medical forensic experts and/or coroners of the Office of the Attorney-General for Quintana Roo, for the implementation of the specialist medical and psychological opinion in cases of possible torture and/or abuse.	21 May 2010
Sinaloa	The agreement and opinion are in preparation.	
Sonora	No agreement	

54. Furthermore, in an overall context of promoting and protecting human rights, the Office of the Attorney-General of the Republic in cooperation with the offices of state attorneys-general carried out the following human rights training:

(a) In 2008

- From 22 to 25 and 28 to 30 April in Baja California;
- From 26 to 27 May in Sinaloa.

(b) In 2009

- From 24 to 27 March in Veracruz;
- From 8 to 9 June in Nayarit;
- From 8 to 11 September in Jalisco.

55. We would point out that, since the offices of the state attorneys-general are constantly renewing their staff, the Office of the Attorney-General of the Republic is training the second generation of staff. To that end, it trained a second generation of staff for offices of state attorneys-general on the following dates:

- From 7 to 9 July 2009 it trained officials in the state of Baja California;
- From 25 to 28 August 2009 it provided the same training in the state of Chiapas;
- From 28 to 30 April 2010, it trained staff of the state prosecution service of Coahuila;
- From 19 to 21 May 2010 it provided training in the state of Nayarit;
- From 14 to 16 July in the state of San Luis Potosí, and
- From 10 to 12 November 2010, the staff of the Office of the Attorney-General for the State of Nuevo León.

56. The training provided by the Office of the Attorney-General of the Republic falls under the following main headings:

- Course for implementing the specialist medical and psychological opinion for cases of possible torture and/or abuse;
- Course on detention;
- Workshop on human rights in federal the administration of justice;
- Seminar on human rights on public security and the administration of justice;
- Seminar on handling crime victims;
- Seminar on human rights and gender equity;
- Seminar on non-discrimination and rights of persons with disabilities, and
- Seminar on human rights in indigenous issues.

57. Over the period January 2007 to November 2010, the Office of the Attorney-General of the Republic conducted **494 training courses** in human rights, attended by **19,714 officials**, totalling **4,315 hours**.

58. Specifically, the Office of the Attorney-General of the Republic conducted a total of **39 training courses** for the implementation of the specialist medical and psychological opinion for cases of possible torture and/or abuse during the above-mentioned period, involving **1,432 public servants** and totalling **332 hours**.

59. In the Federal District, the Attorney-General issued a decision laying down operating procedures for public prosecutors investigating the crime of torture.

60. Notably, the measures envisaged by the Council for the Implementation of the New Model Investigative Police of the Office of the Attorney-General for the Federal District, to provide greater protection of human rights, include the following:

61. Open a dialogue with the Human Rights Commission of the Federal District with a view to marking and identifying only those investigative police patrols whose work so requires, leaving the rest of the vehicle fleet unmarked, so that officers can carry out their intelligence and investigation work without being identified by the likely perpetrators or accessories to the crime they are investigating. Accordingly, the administrative office is requested as of this date, to acquire a vehicle fleet made up of different types and models, in order to prevent it being easily identified, and to suspend indefinitely the marking of new patrol cars acquired.

62. Appoint, in the medium or long term, a police ombudsman to safeguard the rights, especially human rights, of all investigative police officers. This work can be initiated through a dialogue with the Human Rights Commission of the Federal District, so that through this remarkable institution, we can remedy this anachronism that runs counter to the constitutional rule of law.

63. On the other hand, the Vocational Training Institute, a devolved agency of the Office of the Attorney-General for the Federal District, is responsible for professional development strategies, training and upgrading of substantive staff working in the institution, and for establishing programmes for induction, continuing education, promotion, specialization and appraisal of public servants.

64. Specifically with regard to training of substantive staff of the Attorney-General's Office, in 1998 the Vocational Training Institute was tasked with implementing training and update programmes in order to give public servants the knowledge and basic tools for appropriate action in criminal investigation.

65. As part of the 1998–2006 academic model, the Institute's main activities include:
- Devising and planning academic programmes and content for specific topics aimed at upgrading the practical skills of public servants;
 - Developing specific teaching materials for imparting that content;
 - Incorporating the subjects of ethics and human rights into professional development courses;
 - Structuring a faculty composed of civil servants from the substantive units, with teaching experience and an extensive career, in order to make the most of their experience. To that end, the teaching staff were selected through competitive examinations and were also trained in teaching techniques;
 - Incorporating case studies and workshops, in order to promote classroom and field training;
 - Implementing the advanced vocational university diploma in police investigation for training new police officers, recognized by the Ministry of Education;
 - Implementing the ethics, upgrade and professional development programme for the institution's substantive public servants. This programme saw the delivery of a comprehensive, interdisciplinary course designed to improve criminal investigation procedures and techniques, the ethics of public servants, knowledge of and compliance with the code of conduct and the regulatory framework governing their work. It also included a review of case records and the application of appraisals;
 - This programme had a positive impact at institutional level, since anyone passing the tests received a 90 per cent pay increase;
 - Strengthening interinstitutional coordination links with the embassies of Spain and France in Mexico, with a view to promoting specialist training for personnel of the Judicial Police. To that end, every year, the Spanish Embassy offers the institution scholarships for the Higher Police Training Course, held in Avila, Spain. Moreover, with the support of the French Embassy, specialized courses have been given on protection of officials, police command and management, murder investigations and bank robberies.
 - The main professional development courses were as follows:
 - Course: Legal framework for the work of the Federal District Judicial Police;
 - Workshop on drafting police reports;
 - Course in applied criminology for police investigation;
 - Course on murder investigation techniques;
 - Computing workshop;
 - Workshop for investigating and identifying stolen vehicles;
 - Conducting preliminary investigations;
 - Preparing remand warrants;
 - Theory of crime, and
 - Interviewing and interrogation.
66. As part of the Institute's activities for upgrading its professional development activities, from December 2006 to date it has improved the training of the institution's substantive staff by means of the following measures:

- Faculty increased by hiring specialists with acknowledged academic and professional credentials;
- Appraisal programmes implemented in order to assess training needs. In November 2008 all police personnel were appraised on the law governing the use of force for the public security corps of the Federal District;
- Teaching of the master's in administration of justice and master's in criminology;
- Improving the training of clerical officers and experts, through the teaching of the diploma in criminal justice and human rights and the diploma in forensic science, lasting six months;
- Upgrading the Institute's academic activities through the addition of an academic research unit on selected topics of criminal science;
- Creating the editorial line of the Vocational Training Institute, with topical issues, to support the core activities of the Office of the Attorney-General for the Federal District;
- Preparation of training manual for investigative police officers, to be published shortly. Note that this publication is unprecedented in the country. A prosecution service training manual is also being drafted;
- Inclusion of specialized topics not covered in the academic programme for previous years, such as: use of force, conducting oral proceedings, applied criminology for police investigations, qualitative criminal investigation techniques, prevention and punishment of torture, human rights, interviewing and interrogation techniques.

67. In the light of the above, the Vocational Training Institute implemented a new training scheme, to incorporate in a single programme all priority issues for properly conducting the elements of a police investigation, in the form of the diploma in police investigation, the main goals of which are:

- Broadening knowledge of the law and methodology, including technical and scientific aspects, of the members of the Judicial Police, contributing to their professional development as a police investigator;
- Providing the tools necessary to master the new system of criminal justice in Mexico following the recent constitutional reform;
- Fostering and strengthening public-service careers;
- Implementing an ongoing mandatory training programme;
- Performing a diagnosis to enable Judicial Police officers to use psychological handling techniques.

68. The programme includes 162 hours of full-time lessons for three weeks, Mondays to Fridays from 9 a.m. to 8 p.m. and Saturdays from 9 a.m. to 1 p.m. This schedule is designed so that Judicial Police officers return to the academy full time, giving their full attention, commitment and dedication to training.

69. The curriculum of the diploma in police investigation offers comprehensive training for public servants in the police force, through 12 topics covering theoretical and practical aspects, such as:

- The legal framework of police work;
- Human rights and ethics in police investigations;
- Prevention and punishment of torture;

- Police investigation methods;
- Scientific and technical bases of police investigations;
- Forensic medicine;
- Detecting, handling and analysing biological evidence;
- Police techniques and tactics;
- Police intelligence for investigating crime;
- Physical fitness and police defence;
- Personal development in policing, and
- Basic principles of first aid.

70. As medium- and long-term goals, all staff of the Federal District Judicial Police are expected to take part in this training within three years. In December 2009, 1,400 Judicial Police officers were trained under this scheme.

71. Following the same scheme, the Vocational Training Institute introduced the diploma in prosecution investigation, as a new professional development model for clerical officers and prosecutors of the Federal District prosecution service.

72. The main objectives of this academic activity are:

- To broaden legal and methodological knowledge, including the technical and scientific aspects, of public servants of the prosecution service, contributing to their professional development;
- To provide the tools necessary to implement the new system of criminal justice in Mexico following the recent constitutional reform;
- To foster and strengthen public-service careers;
- To implement an ongoing mandatory training programme, and
- To provide training and updates with a view to their appraisal and certification of conformity with the General Act on the National Public Security System.

73. The programme includes 150 hours of full-time lessons for three weeks, Mondays to Fridays from 9 a.m. to 8 p.m. This schedule is designed so that public servants return to the academy full time, giving their full attention, commitment and dedication to training.

74. The curriculum of the diploma in prosecution investigation offers comprehensive training for public servants in the prosecution service, through topics covering theoretical and practical aspects, such as:

- Human development in the prosecution environment;
- Overview of crime theory;
- The preliminary investigation;
- Criminal proceedings in the Federal District;
- "*Amparo*" proceedings in criminal matters;
- Criminology: analysis of crime;
- Forensic science in prosecution investigations;
- The role of the police in prosecution investigations;
- Human rights and ethics in the prosecution service;

- Juvenile criminal justice;
- Constitutional reform in criminal matters and public security;
- Murder, robbery, kidnapping and rape, and
- Complementary activities: physical fitness and first aid.

75. A week of specialization in juvenile criminal justice was also organized for public servants working in that field; 50 hours of classes covered the following topics:

- The role of the victim in the juvenile criminal justice system;
- Conciliation;
- Litigation techniques in oral proceedings;
- Principles and evidence in criminal justice for adolescents;
- Interviewing and interrogation techniques and kinesics, and
- Oral expression.

76. The Vocational Training Institute will train about 100 public servants every three weeks, without interruption.

77. To date, 533 public servants have taken part in this reference activity.

78. In the state of Jalisco, the coordinators of the General Inspectorate of Prisons in Puerto Vallarta were given the document containing the manual for the investigation and documentation of torture and other cruel, inhuman or degrading treatment, in line with the Istanbul Protocol, in order to publicize the goals of the manual.

Redouble efforts in regard to appropriate training as a mechanism to prevent torture. (para. 95)

Compliance measures

79. As mentioned above, between 2009 and 2010, the Office of the Attorney-General for the State of Oaxaca, in cooperation with the Commission for the Defence of Human Rights in the state, gave 14 courses on "values and human rights", aimed at public prosecutors and municipal secretaries of the regions of Istmo, Mixteca, Cuenca and Costa.

80. In 2010, with the cooperation of the International Cooperation Department of the Office of the Attorney-General of the Republic, a course was given on "The process of implementing the Istanbul Protocol in the administration of justice in Mexico" for public prosecutors, clerical officers, experts and other staff of the Attorney-General's Office.

Review and update all police training programmes and courses at all levels in order to bring them into line with human rights principles and standards, ensuring a cross-cutting human rights approach and, in particular, ensuring that they are oriented towards preventing torture and other cruel, inhuman or degrading treatment

Compliance measures

81. In an overall context of promoting and protecting human rights, the Office of the Attorney-General of the Republic in cooperation with the offices of the attorneys-general for the states carried out the following human rights training:

(a) In 2008

- From 22 to 25 and 28 to 30 April in Baja California;

- From 26 to 27 May in Sinaloa.

(b) In 2009

- From 24 to 27 March in Veracruz;
- From 8 to 9 June in Nayarit;
- From 8 to 11 September in Jalisco.

82. We would point out that, since the office of the attorneys-general for the states are constantly renewing their staff, the Office of the Attorney-General of the Republic is training the second generation of staff. To that end, it trained a second generation of staff of offices of attorneys-general on the following dates:

- From 7 to 9 July 2009 it trained officials in the state of Baja California;
- From 25 to 28 August 2009 it also provided training in the state of Chiapas;
- From 28 to 30 April 2010, it trained staff of the state prosecution service of Coahuila;
- From 19 to 21 May 2010 it provided training in the state of Nayarit;
- From 14 to 16 July in the state of San Luis Potosí, and
- From 10 to 12 November 2010, the staff of the Office of the Attorney-General for the State of Nuevo León.

83. The main areas of training by the Office of the Attorney-General of the Republic are as follows:

- Course for the implementation of the specialist medical and psychological opinion for cases of possible torture and/or abuse;
- Course on detention;
- Training workshop on human rights in the federal administration of justice;
- Seminar on human rights in public security and the administration of justice;
- Seminar on handling crime victims;
- Seminar on human rights and gender equity;
- Seminar on non-discrimination and rights of persons with disabilities;
- Seminar on human rights in indigenous issues;
- Among others.

84. This indicates that over the period January 2007 to November 2010, the Office of the Attorney-General of the Republic conducted 494 training courses in human rights, attended by 19,714 officials, totalling 4,315 hours.

85. Specifically, the Office of the Attorney-General of the Republic conducted a total of 39 training courses for the implementation of the specialist medical and psychological opinion for cases of possible torture and/or abuse during the above-mentioned period, involving 1,432 public servants and totalling 332 hours.

Institute training and awareness-raising on preventing torture and the use of violence for police officers (para. 115)*Compliance measures*

86. On 12 June 2008 the Federal Ministry of Public Security and the International Committee of the Red Cross signed a cooperation agreement establishing a basis for training Federal Police officers and staff of the unit, in order to strengthen respect for human rights and technical capabilities in the fight against crime in police work.

87. This agreement has implemented national and international standards on human rights and humanitarian principles applicable to the police. The staff of the Ministry and its devolved administrative bodies were also trained, based on the model of the *Serve and Protect programme*, emphasizing the use of force, use of firearms, arrest, detention and care of vulnerable people, such as migrants, refugees and displaced persons.

88. The purpose of the agreement is to foster ethics and values in the service, and full respect for the individual guarantees.

89. Under the agreement, the International Committee of the Red Cross certified 45 senior and mid-level Federal Police officers as instructors to promote awareness of the standards and principles of human rights among the new generations of the Federal Police, in induction training courses for applicants with an investigator profile. The content of the course topics on the legitimate use of force was also reviewed and then taught to 130 groups totalling 4,628 students from June to December 2009.

90. The International Committee of the Red Cross also taught similar courses to Federal Police personnel assigned to the federal entities on the following topics: concepts of human rights, ethical and legal conduct in law enforcement, principles of the use of force and firearms, maintaining public order, arrest and detention, and assistance to victims.

91. In the state of Jalisco, the Inspectors-General of prisons and rehabilitation officers and police guards were instructed warn their staff to be careful when they have to overpower an inmate who is in an aggressive emotional state, as well make a moderate use of handcuffs and use them only as a precaution against possible escape during the transfer of inmates or on the direction of the physician on medical grounds. This must not preclude the observance of the necessary safety measures, in order to prevent detainees from endangering their safety or that of others.

92. The Federal District Government, through the Correctional Training Institute with the support of the Human Rights Commission of the Federal District, devised a comprehensive *programme of training in human rights*, which included the topics of prevention of torture and the use of force.

93. In the state of Nuevo León, a reform was implemented in the field of preventive police justice, which includes the redesign of the operational functions of the police to prevent the abuse of people from the time of their arrest, during transport and until they are handed over to the prosecution service.

Prison staff should be instructed in the use of such records, and in particular that there must be no blank spaces left between entries (para. 171)*Compliance measures*

94. All detention centres in the Federal District have a record of incoming and outgoing inmates, which must be complete, thereby preventing the leaving of blank spaces that could be used illicitly. Note that these forms are numbered consecutively for improved control.

95. Prisons in the state of Jalisco have a record book of admissions containing at least the full name of inmates, their age, the date and time of admission, their offence, the court and the remanding authority. It also has a record book of releases that contains at least: name of inmate, age, date and time, number of release order, reason for release, case number, court, address of the inmate and signature. Accordingly, both records are completed in full, without leaving any blank spaces.

96. We would clarify that criminological opinions are prepared by the criminologist if available or otherwise by the prison psychology unit.

Promote specialized courses including a human rights policy, covering topics such as infectious diseases, epidemiology, hygiene and forensic medicine including documentation of injuries and medical ethics (para. 173)

Compliance measures

97. In the Federal District, the Correctional Training Institute introduced a health-care programme devised by the Ministry of Health, to ensure that staff working in isolation areas have the necessary training for the proper treatment and also that the necessary security measures are taken to protect their personal integrity.

98. A training programme on human rights with a gender perspective, focusing on sexual and reproductive health, was also devised and implemented for staff providing services in detention centres.

99. A training and awareness programme for public servants was also conducted on discrimination, to avoid prejudices, stereotypes and stigmas being perpetuated in the exercise of public service.

100. The Executive Department of Prison Security devised and implemented a care and first aid procedure on security and human rights for security personnel involved in medical transfers and hospital stays.

101. In the state of Nuevo León, a *first-aid course for young* offenders was given with the support of the Monterrey Green Cross, and the *first Sports and Culture Day* took place with the support of the Commissariat for Social Reintegration of the Prison Administration Agency.

102. Also during 2009 the Ministry of Public Security of the state of Oaxaca conducted three seminars on "Human rights and the prison system" in April, August and December.

Require physicians who provide medical services in prisons to participate in specialized courses (para. 173)

Compliance measures

103. In the Federal District, the Training Institute conducted courses on the following topics: contagious diseases, epidemiology, hygiene, forensic medicine, including a description of injuries and medical ethics.

104. Moreover, the Executive Office for Prevention and Social Rehabilitation raised the levels and quality of planned and emergency medical care at detention facilities to meet demand and comply with human rights obligations. Family diagnosis and treatment programmes were also devised and implemented for inmate-patients after release.

105. In the state of Jalisco, training was given to a number of medical staff in prisons; in 2008 two training courses were given, one an update on diseases, which covered timely detection of breast and cervical cancer, detection of chronic degenerative diseases, obesity

and hypertension, which was attended by 20 doctors and 12 nurses. Training was also given in current onychomycosis diagnosis and cardiovascular risk factors, covering dermatophyte diseases and cardiovascular risk. In 2009 two training sessions took place, the first being a theoretical and practical workshop on hepatitis, covering timely detection and treatment of hepatitis C, with 10 doctors and three nurses; the second training workshop covered current diagnosis and treatment of chronic obstructive respiratory diseases, attended by eight doctors and five nurses. Finally in 2010 there were two medical update training workshops, covering antibiotic treatment, osteoporosis, cardiovascular disease, depression and anxiety, chronic pain, irritable bowel syndrome, attended by 36 doctors, and a medical update workshop covering the management of psychiatric patients and treatment updates, attended by 30 physicians.

106. In 2009, the Oaxaca state authorities promoted various training courses for medical staff, social workers, psychologists and nursing staff assigned to prisons on topics such as: drug dependence, injuries, rape and medical injury and toxicology form, individualized social work, conducting psychological tests, mental examination, classification of mental disorders, criminology; update on HIV/AIDS, and tuberculosis in social rehabilitation centres.

Include in training programmes for law-enforcement officials strategies for preventing torture and cruel treatment during police operations in which people in public or private places are taken into custody and transported to police stations (para. 251)

Compliance measures

107. The Federal Ministry of Public Security undertook several training activities for the prevention of torture in police work. For instance, it implemented a specialized training workshop on *prevention of torture and application of the Istanbul Protocol*, including knowledge and application of the national and international regulatory framework at national level.

108. In all, 2,483 public servants were trained, as follows:

- 691 public servants trained on three courses in 2007;
- 825 public servants trained on four courses in 2008;
- 910 public servants trained on four courses in 2009 and
- 57 public servants trained so far in 2010.

109. In line with the *Human Rights Programme* of the Federal District and in order to prevent torture or cruel treatment of an inmate during transport, the Federal District devised and implemented a care and first-aid procedure on security and human rights for security personnel involved in medical transfers and hospital stays.

110. In addition, audio-visual security controls were stepped up within prisons, including a closed-circuit system whose recordings are stored in a secure place but accessible whenever required.

111. Furthermore, institutional operating criteria and guidelines were laid down, along with the responsibilities of the various departments during transfers of sick inmates, based on the applicable international standards.

112. Under decision A/017/2009 issued by the Attorney-General for the Federal District, a council was set up for implementing the bases of the new model of the investigative police of the Attorney-General's Office, in order to establish new values for the investigative police and strengthen its operations in accordance with the constitutional criminal justice model.

Ensure that appropriate instruction, awareness-raising and training is provided for personnel responsible for dealing with minors who are under any type of State custody (para. 253)

Compliance measures

113. In the Federal District, the Executive Department for the Treatment of Minors has devised a special training and awareness programme in the context of the responsibilities held by staff responsible for dealing with minors who are under any kind of State custody, in order to ensure lower rates of reoffending among juvenile offenders, by giving job training, scholarships to continue studying, access to various cultural events and specialist professional support.

114. Moreover, in line with Rule 24 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules),³ juvenile offenders have been provided, at all stages of the proceedings, with assistance with lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process

115. In the state of Nuevo León, various training courses were conducted for both technical and security staff on the state Act on the Specialized Justice System for Adolescents. These activities were supported by the state judiciary.

116. In addition, in coordination with the state Human Rights Commission, a training workshop was held for technical, administrative and custodial staff, on the subject of *justice for juvenile offenders and restorative justice and mediation*.

117. Meanwhile, staff of the Criminology unit at the juvenile detention and rehabilitation centre took part in the *Second Contemporary Criminology Congress organized by the Faculty of Law and Criminology* of the Autonomous University of Nuevo León.

118. In the state of Jalisco, the Police and Highways Academy has a training course called "specialized security for adolescents", validated by the National Public Security System up to May 2011. Accordingly, staff of the two juvenile facilities will be sent on the course, which will help public servants to be better prepared and gain specialist training in adolescents.

Implement training and awareness-raising programmes for judicial, police and prison officials on the proper way to classify and investigate allegations of torture so that investigation processes do not lead to the classification of torture as a lesser offence (paras 40 and 57)

Compliance measures

119. With a view to establishing reciprocal ties on public security with governments, agencies and public-security institutions to strengthen cooperation with the European Union, the Federal Ministry of Public Security worked with the governments concerned under the Programme of Cooperation between Mexico and the European Union on Human Rights, 2008–2012.

120. In that connection, during the eighth meeting of the Joint EU-Mexico Committee, held in Mexico City on 13 and 14 October 2008, it was agreed to enhance bilateral cooperation in security matters, such as combating organized crime, drug and human trafficking, and arms control.

³ "Ensure that appropriate instruction, awareness-raising and training is provided for personnel responsible for dealing with minors who are under any type of State custody."

121. On 20 and 21 November 2008 in the city of Monterrey, in the state of Nuevo León, a seminar was conducted on the *implementation of the Istanbul Protocol in Mexican state institutions: an effective strategy for investigating and documenting torture and abuse*. The general aim of the seminar was to exchange practical experience on the implementation of the Istanbul Protocol between the Federal Ministry of Public Security, the Office of the Attorney-General of the Republic, the Office of the Attorney-General for Nuevo León and the Ministry of Foreign Affairs.

Conduct formal controls to prevent torture, carry out awareness training on the eradication of all forms of torture and cruel, inhuman or degrading treatment during investigation or at any other time when people are under the responsibility of officials of the Office of the Public Prosecutor (para. 46)

Compliance measures

122. The Federal Ministry of Public Security implemented a distance-learning programme, with the aim of improving the quality and coverage of needs for training, updating, specialization and coaching of public servants engaged in operational activities, specifically all personnel assigned to the Federal Police.

123. Note that this project used the National Videoconference Network for Education in cooperation with the National Autonomous University of Mexico, with the participation of distinguished scholars throughout the country.

124. By way of example, a videoconference was held on human rights, chaired by Mr. Emilio Álvarez Icaza Longoria, former President of the Human Rights Commission of the Federal District, who gave a full account of preventing torture in the police force.

125. This videoconference was transmitted from the auditorium of the Ministry of Public Security to nine videoconferencing rooms in various universities around the country and 150 regional and sectoral headquarters, stations and operational bases of the Federal Police in the country, with an audience of 2,973 senior and mid-level officers and operational personnel of the Federal Police.

126. In Jalisco, both police and prison staff receive training on the respect of individual guarantees and human rights, and there are regulations requiring the prison population to be treated with humanity and dignity. Staff also take part in courses run by the state Human Rights Commission on preventing torture and other cruel, inhuman or degrading treatment.

127. For the State of Mexico, the Prosecution Service implemented procedures for the registration, control and protection of fundamental rights during the detention process and for the protection of persons. In accordance with these procedures, detention will be used in cases of flagrante delicto and in urgent cases, following the guidelines, and is subject to court control. Also, the allocation of seats to control the custody of the detainees and their registration is governed by immediacy, which requires accurate information on the arrest, people involved, the transfer, reason, circumstances, time and place, in addition to the identification data and physical condition, among others.

128. In the Federal District, to have more specific control over the detention of the likely perpetrators of a crime, the Office of the Attorney-General is carrying out several measures to safeguard the rights of detainees and prevent their being tortured during detention:

- Establish the date and time when the detainee enters the agency of the prosecution service, along with the time, date, place and grounds for detention, and the name and title of any person who ordered and carried it out;
- Keep a record of the date and time of entry and exit of visitors to the detainee, name and family tie or relationship with the detainee and the reason for the visit;

- Prior to the prosecution's deposition, provide a document setting out their rights as an accused person. Note that this document must contain their signature for receipt or explain why it was not signed;
- Inform them whether they are entitled to be released on bail and, if not, explain the reasons why;
- In the investigation, indicate the date and time that detainees make a phone call to communicate with their relatives and lawyer prior to his ministerial statement. The information should be confirmed by the detainee's signature, or an explanation given as to why it was not signed;
- In the investigation, indicate the date and time of the detainee's meeting with his private lawyer or public defender, under conditions that allow their conversation to be private, prior to his or her statement to the prosecution. This information must be confirmed by the detainee's signature, or an explanation given as to why it was not signed.

129. In the course of their induction training for state, security and custodial police, in Jalisco both police and prison guards receive instruction regarding individual guarantees and human rights.

Develop broad-based awareness campaigns on torture prevention, providing information on how and where to report cases, and take steps to improve and provide training in the classification and investigation of acts of torture and other cruel, inhuman or degrading treatment (para. 98)

Compliance measures

130. The Federal Ministry of Public Security conducted a programme on *handling victims of crime and abuse of power*, aimed at preventing and diagnosing physical and psychological torture of victims of abuse of power, creating and implementing models of medical care and psychological support specifically for victims of torture and/or cruel, inhuman and degrading treatment, providing legal guidance to victims of torture to obtain compensation and punish those responsible, cooperating with the relevant law-enforcement and administrative authorities, applying for protective measures for victims and certifying personnel responsible for medical care and psychological support of victims in the implementation of the Istanbul Protocol.

Promote and distribute widely among the professionals in charge of places of detention the content and information on best practices in the implementation of the Istanbul Protocol (para. 92)

Compliance measures

131. In the Federal Ministry of Public Security, the implementation of the Istanbul Protocol has led to the prevention and diagnosis of physical and psychological torture as inmates enter, stay at and leave a federal prison.

132. It also brought national and international mechanisms to bear to help civil society organizations and other international organizations specializing in this field to bring medical examinations at detention centres into line with the Istanbul Protocol, comply with reporting requirements and address complaints and accusations against investigating bodies under international standards.

133. To achieve these objectives, the following strategies have been implemented:
- Training of all staff and health units in the prevention and detection of torture and treatment of its victims;
 - Certification of medical, psychological, psychiatric and dental staff in prisons.
134. Seven workshops were held on implementation of the Istanbul Protocol, jointly organized by the Ministry of Public Security, the Ministry of Foreign Affairs, the Ministry of the Interior, the Office of the Attorney-General of the Republic, the National Human Rights Commission, state authorities of the judiciary and executive and state human rights commissions, and the United Nations High Commissioner for Human Rights, 795 public servants being trained in all.
135. In the Federal District, under decision number A/008/2005 of the Attorney-General for the Federal District, guidelines were established for action by public prosecutors and forensic experts and psychologists for the implementation of the specialist medical and psychological opinion in cases of possible torture.
136. Also under decision number A/005/2006 of the Attorney-General for the Federal District, a tenth paragraph was added to decision A/008/2005 laying down guidelines for action by public prosecutors and forensic medical experts and psychologists when implementing the specialist medical and psychological certificate in cases of possible torture.
137. The opinion was applied in 23 cases in 2008, 23 cases in 2009, and 34 cases so far in 2010, totalling 80 cases.
138. Furthermore, from 3 November 2008, at the Regional Academy of Public Security for the Centre region, located in Tlalnepantla de Baz, medical and psychological personnel from the detention facilities of the state of Mexico received training on the implementation of the Istanbul Protocol, thereby adequately achieving the objectives of that instrument. Management from the prisons of the state of Mexico attended the same course at the Academy from 2 October to 20 November 2009. To the same end, the deputy technical and legal directors of operations and social rehabilitation, along with their respective heads of department, attended the training from 11 June to 6 August 2010.

Train police personnel in how to inform detainees of their rights and how to comply with those rights (para. 125)

Compliance measures

139. In the State of Mexico the basic manual for the judicial police was drafted and implemented. It is mandatory for staff of the service and obeys the principles of integrity and respect for human dignity, presumption of innocence, the right to a defence and the principle of adversarial proceedings. This manual illustrates the intervention of the judicial police in the case of criminal acts, own-initiative activities taken on the basis of injunctions or orders of the Prosecution Service, arrest by warrant, in flagrante delicto or in an emergency, among other topics.
140. Ongoing training on human rights is also being given, at the academy of the Department of Public Security of the municipality of Oaxaca de Juárez, to operational personnel by staff of the Commission for the Defence of Human Rights in the state of Oaxaca, who lay emphasis on the suggested topics.

C. The following recommendations fall within specific objective 3 of the Action Plan

Revise and update manuals and protocols for visits and procedures, including methodologies for assessing indicators of progress in the prevention of torture (para. 30)

Compliance measures

141. The directors of the various detention centres in the Federal District have set up a card index of visits to keep track of the relatives of accused, indicted or convicted persons to enable them to enter the facilities without delay.

142. Also in the Federal District, the Executive Department of Prevention and Social Rehabilitation issued an operations *manual on access to prisons*, which specifies, among other things, the requirements applying to visitors to inmates, and lays down criteria for allowing or refusing visits.

143. Moreover, with the support of the Civic Audit Office, the screening area surveillance programme was resumed at prisons in the Federal District on visiting days, in order to reduce the risk of corrupt acts and abuses against visitors by public officials of the prison system.

144. In the state of Nuevo León a department of criminology was set up at the juvenile detention and rehabilitation centre to enhance the work of guiding and training the multidisciplinary technical team, and the *Programme for Prevention and Comprehensive Care of Pregnancy in Adolescents* (PAIDEA) of the National Scheme for the Comprehensive Development of the Family was launched.

145. The open school system of the state Ministry of Education was also introduced at primary and secondary level, separate from the National Institute of Adult Education, which was already operating at that facility.

On 15 October 2010 the state of Baja California published in its Official Gazette the decision amending, supplementing and repealing certain provisions of the decision laying down institutional guidelines to be followed by public prosecutors, medical experts from the Department of Forensic Services, physicians chosen by detainees or inmates and other staff of the state prosecution service, for the application of the specialist medical and psychological report for possible cases of torture and/or abuse.

146. Consequently, several measures have been taken to implement the Istanbul Protocol in the state, which are progressing as follows:

- The state government of Baja California is developing a digitized form of *the specialist medical and psychological opinion for cases of possible torture and/or abuse*. This form has been sent to the print shop for final reproduction and subsequent distribution;
- It has holograms for sealing the envelopes, which will safeguard the opinions inside;
- The medical and psychological personnel were trained to examine persons who report being tortured and a new training programme on the same subject is currently being requested for expert services staff;
- On 11 January 2011 a talk was given on the subject for the staff of the Department for Victims and Witnesses of Crime;

- People outside the institution are currently being selected and investigated to sit on the Committees referred to in the decision; they will begin work in the first quarter of 2011;
- An information talk on the implementation of the Istanbul Protocol is planned for public prosecutors in the state, to be held in the office of each assistant attorney-general.

147. On this topic and in accordance with the General Act on the National Public Security System of Baja California, *the Public Security Act of Baja California* was enacted and published in Official State Gazette No. 38 dated 21 August 2009, which enshrines the principles laid down in articles 18 and 21 of the Constitution of the United Mexican States, namely to lay the foundations for the application of the National Public Security System to establish the bases for coordination between the state and the municipalities, as well as to regulate the public security service, private security services and administrative relations between the members of the police institutions of the state of Baja California and central, state or municipal government offices, for the provision of their services, in line with article 123, paragraph B, section XIII of the Constitution of the United Mexican States; public security institutions must be civilian, disciplined and professional, and their activity is to be governed by the principles of legality, objectivity, efficiency, professionalism, honesty and respect for the rights recognized in our Constitution.

148. In the same vein Baja California published the *Act on State Security and Prison Police* in the Official State Gazette on 24 September 2010, granting agents of the state security and prison police exclusive powers to guard the accused and maintain order and calm in courtrooms used for hearings, to avoid any incident or circumstance that threatens the physical integrity of accused or convicted persons, or of assistants and staff in such courtrooms.

149. On 20 October 2006 the state of Baja California published a regulation of social rehabilitation centres in the state of Baja California, governing the organization and operation of social reintegration centres in the state. A new updated regulation on social reintegration and juvenile centres is currently being drafted to comply with the guidelines of the constitutional reform of 18 June 2008 and with the Act on the Execution of Judicial Sentences and Measures, along with operational police orders and security guidelines and procedures for prisons, that regulate prison police work.

150. In the same vein, the Department of the State Penitentiary System of the State of Baja California, through the Department of Social Rehabilitation and Juvenile Centres, has the policy of regulating the action of the police. Accordingly in September 2011 it issued the code of ethics for members of state security and prison police, laying down the following substantive points: *"In carrying out our duties, we shall respect and protect human dignity, uphold and defend the human rights of all people," "we shall use force only when strictly necessary and to the extent required for the performance of our duties"; "we shall not commit, instigate or tolerate any act of torture or other acts of cruel, inhuman or degrading treatment, or invoke the orders of a superior or exceptional circumstances such as a state of war or threat of war, threat to national security, domestic political instability, mutiny, riot or any other public emergency as a justification for torture or other cruel, inhuman or degrading treatment"*. Note that it is currently training all members of the state security and prison police.

151. Furthermore, in order to raise awareness among the police population of the limits imposed by the regulations, a course on *the rule of law* is being taught in coordination with the state Academy of Public Security, in which all members of the state security and prison police are being trained on the issue of respect for the individual guarantees, the legal framework and human rights.

152. Likewise, they are instructed in the reasonable use of force, use of lethal and non-lethal weapons and, in coordination with the state Office of Human Rights and Civil Protection, are trained in the human rights of persons deprived of their liberty. This takes place at the social rehabilitation centres of Baja California.

Develop a national database with cross-referenced information in order to systematize information on acts indicative of torture and ill treatment utilizing explicit information obtained from complaints submitted to public prosecutors, law-enforcement agencies, state human rights commissions and medical and psychological reports (para. 98)

Compliance measures

153. By official letter EMP 101 100/12/02–10, the Office of the Attorney-General for the Federal District, through its Main Headquarters for Police Investigation, reported on recognition programmes for investigative police officers regarding detention, in order to monitor the arrests they make.

Establish mechanisms and controls for following up on allegations of torture (para. 270)

Compliance measures

154. In view of the possibility of someone involved in the process of conducting a preliminary inquiry being subject to a human rights violation, on 6 October 2009 the Office of the Attorney-General for the Federal District issued official circular OC/009/2009 instructing the clerical officers and prosecutors of the prosecution service who conduct preliminary inquiries to notify complainants, plaintiffs, witnesses and defendants of their right to complain to the Department of Human Rights.

155. The circular letter was sent to ensure that public servants working in the institution comply fully with the principles of legality, impartiality, effectiveness, efficiency and honesty, and to that end it has internal control bodies such as the Department of Human Rights, responsible for handling complaints or allegations and determining whether anyone has departed from those principles.

156. Similarly, under article 6 of the Organic Act of the Office of the Attorney-General for the Federal District, and article 63 of its implementing regulation, the Department of Human Rights is empowered to receive complaints of alleged human-rights violations by public servants of the Attorney-General's Office.

157. Accordingly, the circular instructs all staff of the prosecution service to inform complainants, plaintiffs, witnesses and defendants of their right to file complaints with the Department of Human Rights, making a statement recording this notification in the investigation proceedings, accompanied by their signature in the margin.

Provide detailed information about current practices encouraging arrests by police officers (paras 104 and 182)

Compliance measures

158. The following staff incentive programmes are offered in the Office of the Attorney-General for the Federal District:

- Monthly recognition award by the government of the Federal District to investigative police officers, based on action by members of the investigative police, justified by the following circumstances: (a) severity of the criminal conduct,

(b) complexity of the investigation, (c) risk involved and opportunity in cases of flagrante delicto, (d) related preliminary investigations and (e) documentation of preliminary investigations;

- National civil service prize and award of incentives and rewards, which is awarded annually to investigative police and administrative staff, and organized by the Human Resources Department of the Attorney-General's Office. This incentive takes the form of a financial reward or 10 days of special leave, and is taken into account in the candidates' productivity figures in the administrative unit to which they are assigned.

159. The programme is based on a process of requisition and methodical receipt of proposals, the work being supervised in the initial phase by the coordinator, the deputy director and the director supervising the investigative police zone, and the proposal form is signed by the deputy director or director of that zone.

160. The intermediate phase is performed by the subcommittee for professional development, comprising one representative of the Director-General of Criminal Investigation in devolved prosecution services, another of the Director General of Criminal Investigation in central prosecution services, one representative of the Assistant Attorney-General for Central Preliminary Investigations and another of the Assistant Attorney-General for Devolved Preliminary Investigations, one representative of the Department of the Vocational Training Institute, and the head or a representative of the Department of Institutional Development, who also assess each case in the light of the following guidelines:

- Complexity of the investigation, investigation concluded, risk involved and opportunity in cases of flagrante delicto and investigation, severity of criminal conduct, documentation of preliminary investigations for the case and related and documented preliminary investigations;
- Severity of criminal conduct. The circumstances of place, time, method, description of the conduct, the danger and criminal history of suspects, and their links with other criminals or criminal gangs are considered;
- Complexity of the investigation. Account is taken of the degree of difficulty of the case, obstacles to obtaining evidence and proof, investigative skill and intuition and networking skills for working with other agencies;
- Circumstances of opportunity in cases of flagrante delicto or diligence of the investigator, assessing the diligence, opportunity and risk with which the investigating police officer(s) conducted their action and the weighting of the candidates to exclude anyone having endangered or harmed the physical integrity or property of the victims of the crime, society at large or themselves.

161. The Attorney-General's Office has a mechanism to prevent such rewards or incentives being conducive to behaviours that might lead to arbitrary or illegal detention. In that regard, we would draw attention to the following additional measures:

- There is supporting documentation showing that the alleged perpetrators are being held;
- The supporting documentation is approved by the signature of the deputy director or director supervising the zone, on the form for assessing proposals for the award of incentives;
- Another mechanism is the search carried out by Department of Institutional Development, on behalf of the administrative office, for incidents that might entail administrative or criminal responsibility on the part of candidates for financial incentives and/or recognition.

162. The substantive staff of the Attorney-General's Office undergoes regular training in a police investigation programme; it covers the topic of human rights and ethics for investigative police and a workshop on prevention and punishment of torture with the aim of raising awareness in these areas of police work.

163. Immediately anyone is detained they are informed of their right to remain silent, which may not be used against them, and the reasons for their arrest. Incommunicado detention, intimidation and torture are prohibited and punishable by criminal law.

Devise a public policy with measures to prevent acts of torture and cruel, inhuman or degrading treatment (para. 99)

Compliance measures

164. In this regard, the following strategies and action strands for preventing torture are being pursued under the National Human Rights Programme, 2008–2012.

"Strategy 2.4.—Strengthening the human rights perspective on crime prevention, administration of justice and enforcement of judgements.

Action strands

Administration of justice

(Office of the Attorney-General of the Republic) Promote the effective exercise of Federal Act to Prevent and Punish Torture, regarding the examination of the victim by independent experts.

(Office of the Attorney-General of the Republic and Ministry of Public Security) Ensure that Mexico's obligations under the international instruments that it has ratified, particularly those relating to torture, are properly institutionalized in federal administration of justice.

(Office of the Attorney-General of the Republic) Promote the approval of the draft for setting up a national register of complaints about possible acts of torture in the various jurisdictions.

Strategy 3.3.—Train and raise awareness among public servants of the Federal Public Administration on the content and scope of human rights.

Action strands

(Ministry of Public Security, Office of the Attorney-General of the Republic, Ministry of the Interior, National Institute of Migration, Ministry of Defence, Ministry of Health) Train personnel of the federal prison system, personnel authorized to make arrests and who work in places of detention, in compliance with, respect for and application of the Istanbul Protocol, Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international human rights instruments, in order to prevent and eradicate torture."

Develop a strong and transparent prison policy aimed at combating corruption (para. 199)

Compliance measures

165. The Executive Department of Prison Security of the Federal District has set up a prison security and custody force to combat corruption. In that connection, several posters,

newsletters and information leaflets were produced and a reliable control system was implemented to ensure that guards match the profile of Security Officer.

166. A supervision and monitoring programme was also set up, with closed-circuit television and a monitoring team in prisons.

167. During 2009 and 2010 in the state of Oaxaca a programme to combat corruption in prisons was initiated, for which leaflets and posters were printed and distributed to the governors of the prisons in the state to be placed in prominent locations.

Strengthen control measures to prevent any arbitrariness on the part of police officers when arresting someone (para. 115)

Compliance measures

168. In the municipality of Oaxaca de Juarez, the Legal Department initiates administrative proceedings for investigation and liability against any officers misusing their powers; it is also working on the training of officers of the municipal corporation.

Implement the necessary measures to prevent detainees from being forced to pay arbitrary fines to law-enforcement officers in order to avoid being subjected to unnecessary detention in police stations (para. 115)

Compliance measures

169. On 2 January 2009 the General Act on the National Public Security System was published in the Official Gazette of the Federation, with a view to standardizing the exercise of public security functions by regulating the integration, organization and operation of the system, and establishing the division of powers and the bases for coordinating public security between the Federation, the states, the Federal District and the municipalities.

170. To ensure compliance with the constitutional principles of legality, objectivity, efficiency, professionalism, honesty and respect for human rights, it was established that one of the obligations of the members of the public security institutions is to refrain from ordering or carrying out the arrest of any person without complying with the relevant constitutional and legal provisions.

171. It also provides guidelines for the proper functioning of the administrative register of detentions, which will be fed with the details of arrests by police officers after they fill in an approved police report to be submitted to the National Information Centre. The information recorded in the administrative register of arrests will be private and confidential and must contain at least the following information:

- Name and any alias of the detainee;
- Physical description of the detainee;
- Reason for and general circumstances, place and time of the arrest;
- Name of person or persons involved in the arrest, rank and unit of assignment, where appropriate;
- Place where the detainee will be transferred.

172. This Act provides that the laws of the Federation, the Federal District and the states shall lay down the functions to be performed by the operational investigation units, which may include making arrests in cases subject to article 16 of the Constitution, in order to ensure compliance with the constitutional principles referred to in article 6 of the Act.

173. Moreover, specifically in the municipality of Oaxaca de Juarez in the state of Oaxaca, control measures have been introduced so that all persons detained for committing administrative infringements are immediately handed over to the municipal magistrate, who is empowered to impose fines commensurate with the offences committed, assessing the personal circumstances of each detainee in every case.

Create a national assistance programme to provide redress for victims of acts of torture (para. 270)

174. The Mexican government has implemented several measures to take appropriate steps to ensure that victims of any crime are protected, including counselling, legal and paramedical assistance to women victims of any kind of violence.

175. To that end, the Ministry of Public Security now has a system of comprehensive care for victims (SIAV) which aims to ensure that the victims of a crime or injured parties may enjoy and exercise their rights and protection measures; to provide crime victims free of charge with comprehensive, timely, efficient, dignified and confidential services and/or, as appropriate, to direct them to public, private and social institutions providing such services, and develop a comprehensive care model embodying minimum standards for handling victims of crime, in line with the following objectives:

- To provide immediate care to victims of crime, abuse of power and violence;
- To prevent victimization and provide decent treatment to victims at all times;
- To obtain compensation for the damage.

176. This service is available to all citizens via the website of the Ministry of Public Security atencionavictimas@ssp.gob.mx, <http://www.atencionavictimas.gob.mx> and toll-free number 01 800 90 AYUDA (29,832).

177. The services consist of the following multidisciplinary assistance:

- Face-to-face care services for victims (psychological, legal and medical);
- National telephone help line for victims;
- Self-help groups for victims and offenders (face-to-face/virtual);
- Assistance brigades for victims of natural disasters and acts of violence;
- Psycho-educational prevention groups;
- Toy library service for child crime victims;
- Searching for and locating missing persons;
- Handling of cases of violence against women;
- Anonymous citizen reporting system;
- Receiving complaints and allegations of human rights violation;
- Alternative methods for peaceful settlement of conflicts over public security;
- Training in human rights and handling victims, among others.

178. These services are provided by:

- Comprehensive care centres for victims;
- Information booths;
- Mobile units;

- Assistance brigades;
- Self-help groups;
- Virtual and distance services;
- Telephone service.

179. Respect for the fundamental rights of crime victims is a key element to consolidate the system of freedoms and ensure better exercise of human rights in a democratic state, which implies that victims need to be identified in a sphere that is independent of criminal law which is the original, priority field, with the aim of establishing the legal basis necessary for proper and timely care without no limitations other than those laid down by the law.

180. Moreover, we find that the National Human Rights Commission remains committed to providing special care for *crime victims*, primarily, among other things, by rescaling its role and indicating the guidelines that the Mexican State is obliged to follow not only to recognize their rights, as currently required by the Constitution of Mexico, but also to uphold them.

181. Accordingly, in the year 2000, the National Human Rights Commission set up the *PROVÍCTIMA* programme for crime victims.

182. Since its inception, the National Human Rights Commission has sought to consolidate *PROVÍCTIMA* as a space to care for, support, protect and promote the rights of victims. The scope of the programme enables it to identify and provide services to victims of violent crime, basically sexual violence, torture, domestic violence and kidnapping, at both federal and local levels, and where it lacks the power to act, it provides information and refers applicants to the most appropriate bodies to help them solve the problem.

183. The objectives of the National Human Rights Commission include the protection, observance, promotion and dissemination of human rights as enshrined in Mexican law. In this context, the fundamental objective of *PROVÍCTIMA* is to make every effort to protect and safeguard the fundamental rights of *crime victims* in Mexico.

184. To achieve this objective the National Human Rights Commission carries out the following action under the above programme:

- Providing care for victims;
- Carrying out promotion and training activities and publicizing the fundamental rights of crime victims.

185. Among other things, the programme offers the following services to the public:

- Psychological support. In this area, *PROVÍCTIMA* provides psychological first aid to victims who apply to or come into contact with us at a time of crisis or when suffering from some kind of post-traumatic stress disorder, offering psychotherapy support to cope with the emotional effects of victimization, in order to protect, adapt and maintain their mental health and restore function impaired or lost as a result of crime.
- Legal assistance. Crime victims are informed of their rights under Mexican law, in terms of enforcement and administration of justice, and of the steps, procedures, resources and authorities to enforce them, how to exercise them and their legal scope.
- Support. This involves accompanying one or more other people and sharing their feelings and emotions. This service to victims is provided in two main ways: 1. management of support and services for crime victims and/or their relatives from public and private institutions, and 2. in serious crimes covered by the programme, legal support before the authorities during legal proceedings or psychological support until the crisis stabilizes and referral of the victim and/or relatives for therapeutic care.

Make all persons deprived of their liberty aware of their rights and of the opportunity to seek the assistance of interpreters of indigenous or foreign languages when necessary (para. 123)

Compliance measures

186. In the Federal District, the Executive Department of Prevention and Social Rehabilitation signed a cooperation agreement with the Department of Equity for Indigenous Peoples and Ethnic Communities of the Ministry of Rural Development and Equity of Communities, with the aim of coordinating efforts to promote educational and cultural activities, job training, implementation of production projects that foster the social integration and earning of legal resources for indigenous communities, and provide the necessary translators for the whole indigenous population as required in judicial proceedings.

187. Furthermore, as a prevention measure and to promote the rights of indigenous peoples, booklets on human rights, including their right to be assisted by an interpreter if necessary, were produced and distributed in agencies of the Prosecution Service.

188. We would also highlight some important decisions of the Attorney-General for the Federal District on handling specific population groups involved in criminal proceedings:

- Decision A/016/2008, mandating the office for the supervision and coordination of preliminary investigations for Zona Poniente to coordinate specialized care agencies. The supervision of the following specialized agencies thereby falls under its jurisdiction and responsibility:
 - Agency of the Prosecution Service specializing in handling tourists;
 - Agency of the Prosecution Service specializing in handling indigenous persons;
 - Agency of the Prosecution Service specializing in handling users of Mexico City International Airport;
 - Agency of the Prosecution Service specializing in handling users of the metro public transport system;
 - Other agencies as determined by decisions issued by the Attorney-General for the Federal District.

189. The decision requires the investigative agencies for specialized care of the Prosecution Service to receive any complaint or allegation that is filed on grounds that might constitute offences under the Criminal Code for the Federal District, and to perform the required initial steps, immediately notifying their superiors, and then forthwith arrange the preliminary investigation to be conducted and assessed by the relevant prosecution service.

190. It also requires both central and devolved prosecution services to report weekly to the office for the supervision and coordination of preliminary investigations for Zona Poniente on the preliminary investigations undertaken that relate to the field, regardless of referral, thereby supervising the activities of all the agencies:

- Decision A/010/2003 laying down guidelines for the actions of public prosecutors who are conducting a preliminary investigation, in which a person is being detained or is involved who belongs to an indigenous people or community.
- When conducting preliminary investigations involving anyone belonging to an indigenous people or community or unable adequately to speak or understand the Spanish language or, at the request of that indigenous person, public prosecutors assigned to the central public prosecution services and regional offices of public

security and administration of justice are instructed to take the necessary steps to inform them, as quickly as possible, of their rights under the Constitution and the law.

- Decision A/008/2007 setting up an agency of the Prosecution Service specializing in handling indigenous persons. It is responsible for conducting preliminary investigations involving a person belonging to an indigenous people or community, which will have bilingual staff trained in the rights of indigenous peoples, cultural diversity and indigenous legal systems. The peoples concerned must be safeguarded against the violation of their rights, and be able to take legal proceedings, either on their own behalf or through their representative bodies, to ensure that these rights are effectively protected.

191. The principal rights covered by the decision are as follows:

- Ensure that the Prosecution Service provides interpreters and/or translators for those accused of any crime during the enquiries conducted during their detention, of whatever nature during the conduct of the preliminary investigation, also involve such experts, anthropologists, sociologists and any others as are required, whose expertise, apart from determining their membership of an indigenous culture, clarifies the influence and implications of that culture on the commission of criminal acts, where the accused is an indigenous person.
- Ensure that a counsel for the defence of the indigenous person is involved in the proceedings during the conduct of the preliminary investigation, particularly when the accused makes his or her statement to the prosecution.
- Decision A/008/2000 laying down guidelines for handling foreigners involved in the conduct of a preliminary investigation. The purpose of the decision is to instruct the Prosecution Service and its personnel as to how they must treat foreign nationals.
- The decision takes account of the rights enshrined in the Vienna Convention on Consular Relations and the Consular Convention between the United States of America and the United Mexican States.
- The principal rights covered by the decision are as follows:

"FIVE.—Where an investigative agency of the Prosecution Service is aware of a crime involving a foreigner as an accused person, the head of the Prosecution Service investigation unit shall observe the following procedure:

I. Inform forthwith the competent consular representation of the accused's arrest or appearance at a hearing;

II. Inform the accused of their right to communicate with that consular representation, and to be visited by consular officials, who may speak with them and prepare their legal defence, unless the accused expressly objects thereto;

III. In taking the statement of the accused he shall be assisted by an expert translator pursuant to article 269, Section IV of the Code of Criminal Procedure for the Federal District;

IV. He shall apply to the relevant consular representative for the criminal record of the accused in his or her country of origin; and

V. The head of the Prosecution Service shall make the necessary arrangements in his sphere of competence for the flow of information to the consular representation."

- Decision A/001/2007 sets up the agency of the Prosecution Service specializing in handling tourists, for offences involving Mexican or foreign tourists. It establishes

the agencies of the Prosecution Service specializing in handling tourists, which are to examine the commission of conduct probably constituting an offence where Mexican or foreign tourists are involved.

Since persons belonging to an indigenous community who are tourists in the Federal District may be guilty of committing an offence, the decision may be a fundamental tool for protecting their rights as suspects.

The specialized investigative agencies of the Prosecution Service referred to in the decision each have all of the current powers of the regional offices of public security and the administration of justice to carry out in their field of competence all functions for investigating and prosecuting crimes within the jurisdiction of the Office of the Attorney-General for the Federal District.

The principal rights covered by the decision are as follows:

- To be informed of their rights;
- To communicate with the diplomatic or consular representation of their country, and to be visited by consular officials, who may speak with them and prepare their legal defence, unless the accused expressly objects theret;
- To be assisted by an expert translator when giving their statement to the prosecution pursuant to article 269, Section IV of the Code of Criminal Procedure for the Federal District.

Circular C/001/2005 establishing the right for foreigners to notify their consular representatives of their detention in line with the following criteria:

"Where a foreigner is detained in connection with the conduct of a preliminary investigation, pursuant to article 269, section IV of the Code of Criminal Procedure for the Federal District, public prosecutors shall notify the circumstances by telephone and in writing to the diplomatic or consular representation of the detainee's country of origin.

The provisions of the previous paragraph shall be met where a detainee declares under oath that he or she is a foreigner, regardless of any subjective judgement of staff of the Office of the Attorney-General for the Federal District.

Furthermore, when the public prosecutor ascertains that a crime satisfies this condition, he shall inform the suspect of this right, shall inquire into their nationality and shall notify the relevant diplomatic or consular representation as per the first paragraph."

192. Also, pursuant to Recommendation 5/2008 of the Human Rights Commission of the Federal District, on the rights and individual guarantees of the lesbian, gay, bisexual, transsexual, transgender and transvestite communities, women, disabled and indigenous people, the Office of the Attorney-General for the Federal District has produced some booklets setting out the rights of these groups, which have been circulated in the agencies of the Prosecution Service and specialized prosecution services.

Establish a uniform system of records of disciplinary action, stating the identity of the offender, the disciplinary sanction imposed, the duration thereof and the official ordering the sanction (para. 171)

Compliance measures

193. In the state of Jalisco, chapter III of the Execution of Sentences Act lays down the disciplinary system applicable to prison inmates. Furthermore at the workshop (on

29 January 2010) it was agreed with the Inspectors-General of Prisons that where inmates commit an offence listed in the prison's internal regulations, they are to be separated *for their protection* from the rest of the population, in order to ensure their safety and that of the other inmates and surveillance staff and guards. In order to follow due process, respecting the inmates' rights to a hearing, a meeting of the Interdisciplinary Technical Council is then called, in writing, with an account of the events leading to the possible sanction and including any evidence offered in their defence. Inmates must then be notified of the sanction imposed, without restricting their right to make phone calls.

194. Likewise, in 2009, the Department for the Enforcement of Sanctions and punitive measures of the Ministry of Public Security of the state of Oaxaca, produced the form to record disciplinary measures for inmates, which was sent to the Directors of all prison facilities for implementation.

Strengthen the necessary capacity in relation to the investigation of crimes at both federal and local levels and desist from unlawful detention practices that do not qualify as arrest in flagrante delicto and that evade the requirement for an arrest warrant for arrests not made in flagrante delicto (para. 211)

Compliance measures

195. Decision number A/011/2008 of the Attorney-General for the Federal District, laying down guidelines applying to the conduct of the Prosecution Service regarding information to be set down in the summonses served on persons appearing to testify at a preliminary inquiry, and changing the capacity in which they were summoned.

D. The following recommendations fall within specific objective 4 of the Action Plan

Create a centralized registry of reports of cases of torture or other inhuman treatment that includes, at a minimum, information on the date, the place, the method and techniques used in the alleged commission of such acts and information on the victims and alleged perpetrators (para. 99)

Compliance measures

196. Note that this issue was raised in the Subcommittee on Civil and Political Rights of the Committee on Government Human Rights Policy.

197. As part of the effort made by Office of the Attorney-General of the Republic, we would report that a number of working meetings have been conducted between units of the Office and federal government authorities, with the aim of creating an internal registry containing specific data on the investigation of cases in which acts of torture were alleged, in order to produce basic guidelines for investigating, processing and giving assistance to the alleged victim of or party affected by torture.

198. In this context, the implementation of the internal register has reached the stage of compiling a list of basic steps of the preliminary investigation, which will be suggested by the units of the prosecution services working every day on the issue. Once we have the list, we will automate the database containing the necessary fields to be able to monitor and process cases where there are complaints or allegations of possible acts of torture.

199. Once the above is complete, the register will start to operate with information from the Office of the Attorney-General of the Republic and the Office may in turn feed the national register ready for implementation. There is nothing to stop the offices of the state

attorneys-general from also taking part in the exercise, so that all the federal entities gradually join in.

200. Moreover, in the state of Baja California, the Inspectorate-General of the state Attorney-General's Office makes daily visits in the state to detect any crimes that may be committed, including torture, injury and abuse of authority, and scheduled and random inspections in order to prevent any such crimes being committed, while periodically holding talks with state judicial police chiefs to inform them of the list of crimes and the potential consequences of committing them, including a criminal prosecution and removal from office.

201. The Inspectorate-General has also conducted periodic awareness campaigns, circulating leaflets designed for the media, to ensure that the public is informed of the Inspectorate's actions and know what to do in case if they are a victim of or witness to a crime or learn that one has been committed.

E. The following recommendations fall within specific objective 5 of the Action Plan

Increase leisure and recreational activities for female inmates in the Central Prison in Oaxaca (para. 187)

Compliance measures

202. During 2009 and 2010, the management of the Central Prison of the state of Oaxaca implemented leisure activities in the central courtyard of the facility, such as recreational reading, choir, literature and musical groups. Facilities were also provided for the inmates to attend the gym and take part in volleyball practice.

203. In order to foster ties between women prisoners and their families, activities are promoted on dates such as Epiphany, Children's Day, Women's Day and Mother's Day.

204. Inmates perform various work activities such as sewing and crafts.

205. The State Institute of Adult Education offers educational activities at literacy, primary and secondary levels in an open system, while the Basic Education Centre attached to the State Institute of Public Education in Oaxaca offers primary education in a school system, Monday to Friday from 4 to 6 p.m. This facility also gives courses in sewing and English.

Conduct an urgent review of the physical conditions, including renovation programmes in the women's quarters of the Central Prison in Oaxaca (para. 187)

Compliance measures

206. During 2009 and 2010 maintenance work was carried out on the plumbing and electrical installations of the women's quarters of the Central Prison.

207. In the state's Central Prison improvement work was carried out such as better ventilation in the kitchen area, refurbishment of the roof and improvements to the ceiling and lighting in the cell, a general overhaul of the bathrooms, improvements zone-by-zone of sinks in bathrooms and outdoors, and renovation of the electrical installations in the women's section, waterproofing work in the water tank, kitchen and women's quarters, waterproofing of Cell 19, new flooring, repainting, general cleaning of walls and bell in the kitchen area, all completed in January 2011.

Carry out an immediate review of the condition of prisoners in cell block No. 19 and other similar areas at the Santa María Ixcotel Prison in Oaxaca, where there is a situation of extreme overcrowding (paras 191 and 196)

Compliance measures

208. The Oaxaca state government has renovated cell block 19, relocating 35 inmates from cells 19, 20 and 21 and from guard house number 3, to another area measuring 150 square meters.

209. Furthermore, in the state's Central Prison improvement work was carried out such as better ventilation in the kitchen area, refurbishment of the roof and improvements to the ceiling and lighting in the cell, a general overhaul of the bathrooms, improvements zone-by-zone of sinks in bathrooms and outdoors, and renovation of the electrical installations in the women's quarters, waterproofing work in the water tank, kitchen and women's quarters, waterproofing of Cell 19, new flooring, repainting, general cleaning of walls and bell in the kitchen area, all now completed.

Remedy the situation of patients in the Annex to Zimatlán Prison in Oaxaca, who are living in inhuman and degrading conditions (para. 205)

Compliance measures

210. In accordance with decision 112 of the Minister of Public Security of the State of Oaxaca, of 29 January 2009, 55 inmates with mental disorders were transferred from the Zimatlán psychiatric annex to the Tanivet Regional Prison in Tlacolula, Oaxaca. The psychiatric annex of Zimatlán prison, Oaxaca, was closed on the same date.

Make appropriate arrangements for female inmates whose children live with them in the prison (para. 187)

Compliance measures

211. In the case of the state of Oaxaca, we found that in late September 2009, nine children were living with their mothers, while in other cases arrangements have been made, with the agreement of the mothers, to house children with relatives or in a special shelter.

212. In addition, through the Under-Secretariat of the Government of the Federal District and in coordination with the Child Development Centres of the "Tierra y Libertad" popular front, children living with their mothers in the Santa Martha Acatitla Women's Social Rehabilitation Centre receive nutritional, paediatric, physical, psychological and sexual care, and early and preschool education in premises and conditions fit for living and normal development.

213. Nurseries were set up in the facility in line with the commitments made under the Convention on the Rights of the Child, with qualified staff to care for the children in the absence of their mothers.

214. The above actions comply with article 4 of the Constitution of the United Mexican States concerning the rights of girls and boys, particularly in terms of meeting their needs for food, health, education and healthy recreation for their comprehensive development, and the rights enshrined in the Act on the protection of the rights of children and adolescents, the Act on child rights in the Federal District and the Act on the rights of juveniles in the Federal District.

215. Bases were also established for cooperation with the Child Rights Promotion Council of the Federal District, with a view to monitoring and assessing the conditions in which children live in prisons.

Restructure the Zimatlán Prison Annex in order to ensure that the people confined there have decent living conditions. In the event that restructuring the facility is not possible, transfer the inmates to another location (para. 205)

Compliance measures

216. In accordance with decision 112 of the State of Oaxaca, of 29 January 2009, the 55 inmates with mental disorders were transferred from the Zimatlán psychiatric annex to the Tanivet Regional Prison in Tlacolula, Oaxaca.

217. The inmates were housed in a module of Tanivet Regional Prison to which the general prison population has no access. The module has a capacity of 60 beds and a full range of services. The rooms are ventilated and each one has a toilet and shower. The food is prepared in the prison's central kitchen with proper hygiene measures.

218. It has areas for educational, therapeutic and recreational activities, plus an area for outdoor activities. Inmates are regularly provided with uniforms and shoes.

219. Medical and psychiatric consultations are provided in the medical service by a psychiatrist attached to the annex. Drugs are provided by the Department for the Enforcement of Sanctions and Punitive Measures of the Ministry of Public Security of the state of Oaxaca, in order to ensure sufficient supplies.

Take immediate administrative steps and conduct an urgent situation assessment aimed at totally restructuring the juvenile detention and rehabilitation centre in Monterrey. The physical conditions at the centre and its administration must be completely overhauled, with the introduction of a whole range of activities that should exist not only in theory, but also in practice. If the institution cannot be restructured, it should be closed (para. 249)

Compliance measures

220. In September 2008, the appointments were made of the Chief Administrator and Governor of the juvenile detention and rehabilitation centre in Monterrey, Nuevo León.

221. In January 2010, the cyclone mesh of the quarters for juvenile offenders was replaced with an acrylic "anti-vandal" structure; lockers were also installed for juveniles' belongings, the centre was refurbished and painted, an artificial ventilation system was installed and waterproofing work was done in the area.

222. A programme for prevention and comprehensive care of teen pregnancy was also implemented under the Scheme for the Comprehensive Development of the Family of Nuevo León.

223. To complement the above, an open school system was introduced by the state Ministry of Education at primary and secondary level, separate from the National Institute of Adult Education that was operating at that facility.

224. An ongoing project was initiated to set up hairdressing teams for adolescents, taking place every 20 days, with the support of the "Rey Sell" Beauty Institute. Classes in cold confectionery are also offered to juvenile offenders with the support of staff of the Loyola Cultural Centre in Monterrey.

Have the right to notify friends or family members of detention included in the text setting out the rights of persons deprived of their liberty (para. 125)

Compliance measures

225. In detention centres run by the Government of the Federal District, inmates are informed of the rights and obligations of persons deprived of their liberty, which include: to communicate by telephone with their families and legal assistants, in line with the security provisions; where the requirements are met, to receive family visits, and to register up to 15 people, including minors, in the card index of visits.

226. Decision A/001/96 of the Attorney-General for the Federal District instructed the prosecutors of the Federal District on the measures to be taken to safeguard the guarantees contained in article 20, paragraph c, of the Constitution of the United Mexican States and article 269 part III of the Code of Criminal Procedure for the Federal District, which set out the rights of the accused.

227. We would also point out that the Human Rights Commission of the Federal District makes daily working visits to the various local coordination offices of the Office of the Attorney-General for the Federal District where preliminary investigations are being conducted into alleged human rights violations, in order to monitor the conduct of such investigations.

228. Note that, in conducting such investigations, public prosecutors take account not only of the provisions of the Constitution but also relevant aspects of their internal regulations. For instance, the main goal of circular C/001/2004, published on 4 May 2004 in the Official Gazette of the Federal District, is to ensure optimum safety and legality in the interests of people handed over to the Prosecution Service for allegedly committing an offence.

229. Moreover, to prevent acts of torture being committed in detention centres operated by the Office of the Attorney-General for the Federal District, on 20 January 2010 circular C/001/2010 was published in the Official Gazette of the Federal District, laying down measures to guarantee the security of persons detained by agencies of the Prosecution Service.

230. This circular is intended to ensure that detainees are not subjected to torture while deprived of their liberty. The principal rights covered by the decision are as follows:

- *One: The forensic medical experts assigned to agencies of the Prosecution Service must notify the public prosecutor immediately they ascertain a need for psychological or psychiatric care, so that the latter can request intervention by a professional specialist, the expert services unit or, where necessary, the Office of the Assistant Attorney-General for Victim Care and Community Service .*

The security of persons deprived of their liberty in detention facilities shall be ensured by:

- *Issuing a provisional certificate for such persons on their physical and psychological condition, their bodily integrity and any injuries. This should be included in the preliminary investigation.*
- *Conducting a thorough review of accused persons before admission to the detention facility, to ensure that they are not carrying any tool, object or garment that could endanger or damage third parties.*
- *Instructing staff assigned to guard duties to conduct a detailed review of the physical place where the persons are to stay while in detention, to check that the place is clean, with sanitary facilities and running water, paying special attention to any objects that might represent any danger to them. They should be told that prosecution staff will be informed of the outcome of the review.*

- *If the medical assessment indicates that the accused should be sent to a health centre or hospital, immediately taking the necessary steps to do so. The investigative police should be informed to enable them to arrange security for the transfer.*

Two: Prosecution staff will require the guards and investigative police to safeguard their psychological and physical integrity. To that end, they should establish a surveillance system in security areas, taking care to respect detainees' rights at all times.

In each security area, guards shall keep a log recording the exact time of the guards' duty shifts, visits received, noting visitors' names, the public servant authorizing the visit, the date, time and reason for the visit. The dates and times when the detainee is fed should also be noted. A report shall be drafted and delivered to the public prosecutor, who will add the original of the evidence to the preliminary investigation.

Ask detainees to sign a form indicating the person they wish to have notified of their detention (para. 125)

Compliance measures

231. In the Federal District the devolved investigating prosecutors are responsible for ensuring that each detainee can make a phone call to communicate with their relatives and/or defence counsel before making the statement to the prosecution. This measure was designed to address the comments made by the National Preventive Mechanism in its report I/2008.

232. This measure also applies to staff of the Office of the Attorney-General for the Federal District involved in conducting the preliminary investigations with the detainee.

Ensure the presence of a lawyer or public defender in cases where detainees cannot afford to pay for legal counsel (para. 128)

Compliance measures

233. According to the Office of the Attorney for the Defence of Indigenous Peoples, throughout the territory of Oaxaca, there are defence lawyers assigned to each of the criminal and mixed courts.

234. Furthermore, the Adviser on the Law and Legal Services of the Federal District is striving to increase the number of public defenders in each of the Prosecution Service regional offices and agencies who are available 24 hours a day.

Ensure the impartiality of the work of medical professionals who are asked to provide an expert opinion, and that medical examinations are carried out in accordance with the principle of doctor-patient confidentiality (para. 136)

Compliance measures

235. In the Federal District the Ministry of Health is responsible for ensuring the impartiality of the work of medical staff, that they are called in by prosecution staff, and that medical examinations are conducted in accordance with the principle of doctor-patient confidentiality.

236. This measure is carried out using via procedures and methodologies for reviewing and issuing medical certificates for detainees. Specifically, forensic medical experts use the

manual of procedures for forensic medical experts of the Ministry of Health of the Government of the Federal District, authorized in February 2008, and the procedure for forensic examinations of physical integrity or probable clinical age, published in the Official Gazette of the Federal District of 24 February 2009.

237. Both instruments provide that during the interview the examiner must check the medical history, current symptoms and any drug intake, specifying the name of the drug, dose and schedule.

238. The physical examination is completed once the examiner has obtained the person's informed consent. If any injuries are found, a full and detailed description is required, noting shape, size, colour, borders, whether recent or not, and other features found.

239. The Forensic Medicine Unit of the Federal District has a standing group of supervisors, and medical staff have been trained to improve the service they provide.

Have all persons detained by the police should be examined by a medical professional at the earliest opportunity (para. 136)

Compliance measures

240. In the Federal District, by decision A/009/2008 the Attorney-General gave instructions for the psychological and physical condition of persons to be certified and made available to public prosecutors.

241. Furthermore, official circular C/001/2010 laid down measures to ensure the security of persons held in the detention facility of the agencies of the Prosecution Service.

242. When anyone is admitted to prison in the state of Jalisco, the facility's medical unit produces a medical report and the corresponding clinical history or admission study, regardless of any medical report that they enter with.

Include in all medical examinations of detainees a medical history and a description by the person examined of any acts of violence to which they have been subjected, a record of current health status, including the presence of any symptoms, the findings of the medical examination, in particular a description of any injuries found and a note indicating whether the detainee's entire body was examined, and the doctor's conclusions (para. 139)

Compliance measures

243. All medical examinations carried out in detention centres in the Federal District include a medical history and a description by the person examined of any acts of violence to which they have been subjected; a record of current health status, including the presence of any symptoms; the findings of the medical examination, in particular a description of any injuries found and a note indicating whether the detainee's entire body was examined; and the doctor's conclusions regarding the consistency of the preceding three elements.

244. To that end, as mentioned above, use is made of *the manual of procedures for forensic medical experts of the Ministry of Health of the Government of the Federal District, authorized in February 2008, and the procedure for forensic examinations of physical integrity or probable clinical age.*

245. Those documents indicate that in the interview conducted, the examiner must obtain a medical history, current symptoms and any recent intake of drugs. The physical examination should be as complete as possible, while respecting the dignity of the person. Note that the examination may be carried out only with the express consent of the person examined.

246. Where the person being examined is found to have injuries, the doctor is bound to describe them exhaustively, noting details such as shape, size, colour, borders, whether recent, and any other features observed.

247. Note that the Forensic Medicine Unit attached to the Department of Forensic and Prison Medical Services of the Ministry of Health of the Federal District has a standing group of supervisors, responsible for oversight of the forensic medical experts attached to the Prosecution Service agencies of the Attorney-General's Office. This unit provides regular in-service training for its staff so as to provide a better service to users.

248. In order to safeguard detainees' physical integrity, on 24 December 2009 the Attorney-General for the Federal District issued decision A/022/2009 laying down guidelines to be observed by investigating public prosecutors when handling persons arrested or detained and have reason to believe that they have some type of psychiatric disorder.

249. This decision presupposes that it is for the authority responsible for the custody of the detainee to safeguard the psychological and physical integrity of persons arrested or detained by investigative agencies in connection with the commission of a crime.

250. The principal obligations of public prosecutors set out in the decision are as follows:

- To apply for a medical examination of the accused, requiring the respective provisional medical certificate to ascertain whether or not they have any mental disorder and, if so, have them transferred to a hospital for treatment and care.
- To check that the medical certificate or expert opinion has ascertained whether or not the person has any mental health issues.
- Where the medical assessment shows that the person does have mental health issues, the public prosecutor must take appropriate steps to safeguard their psychological and physical integrity.

251. In the latter case, note that if a relative requests custody, the public prosecutor must take his or her statement, and make an assessment and a decision on interim custody.

Be mindful of rule 24 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), which states: "efforts shall be made to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process" (para. 252)

Compliance measures

252. The Federal Ministry of Public Security has approved operating and security regulations and procedures for prisons, and laid down criteria for diagnosing and classifying inmates. A noteworthy development in this respect is the implementation of the National Prison Information System (SNIP).

253. The prison career service was also set up to facilitate the processes involved in the new model prison by the National Academy of Prison Administration (ANAP). Accordingly, courses are given for senior managers and in supervision for security and custodial staff, technical personnel, personnel specializing in prison administration and crisis-management personnel.

254. A National Conference of the Penitentiary System was also set up in compliance with the provisions of the General Act on the National Public Security System. The Conference is composed of the authorities responsible for social reintegration throughout the country and is designed to facilitate coordination and cooperation on establishing joint programmes and activities in the three branches of government.

255. An initial diagnosis was also conducted of extortion by telephone from inside the prisons, with a view to combating this type of crime; an analysis of the development of the prison industry in the prisons, to determine how best to foster the reintegration process as provided for by article 18 of the Constitution; the registration of visitors to prisons and the implementation of refresher courses for prison staff.

256. In both Prison No. 4 "North-West" (Tepic, Nayarit) and in the Islas Marías Federal Penal Colony, a pilot programme called *Productive Prison* was implemented for low-risk inmates, with sustainability criteria.

257. Additionally, a strategic alliance rehabilitation programme was finalized, which involved the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, the Postgraduate College and *Financiera Rural*, which helps to set up production projects, vocational training programmes and certification of skills.

258. In the Federal District, the following community programmes were implemented for adolescents:

- The General Education Support Programme, which aims to help young people in conflict with the law to develop skills, abilities and attitudes that will enable them to reintegrate into education, society and the family;
- The Complementary Education Programme, which is divided into three components: *Contra la Violencia Eduquemos para la Paz* (Education against violence and for peace), *Construye tu vida sin Adicciones* (Build your life without addictions) and the ASUME programme.

259. A number of training programmes have also been carried out, introducing inmates to a range of cultural activities, with support from various schools, universities, institutions and civil-society organizations.

260. The *General Social and Vocational Training Programme* aims to develop the work skills and attitudes of adolescent detainees in the Federal District, changing thought patterns, creating inter-institutional links to allow them to reintegrate into society as productive members of the workforce.

261. A *physical education and sports programme* was also implemented to help adolescents with social reintegration through various fitness activities and structured practice of several sports.

262. There is also a *general cultural support programme*, which caters for adolescents on custodial and non-custodial placements in various communities, providing care through cultural workshops, designed to encourage them and their parents to build new living and thought patterns through art.

263. Another important programme is *medicine and health*, in coordination with the Ministry of Health of the Federal District, which aims to keep adolescent inmates in good medical health at the various stages of treatment.

264. Furthermore, the various bodies and authorities that make up the juvenile justice system perform their duties in compliance with established procedures and respecting the human rights of young people in conflict with the law, without stigmatizing or victimizing them or regarding them as mere objects to be controlled. This same criterion is applied in deciding punitive measures and in seeking a protective measure or a change of measure.

265. The state of Mexico has introduced the *technical guide for determining age*, which uses scientific criteria and objective clinical elements for minors involved in legal proceedings, protecting their rights recognized under international treaties and with full respect for their

individual guarantees, with the prior informed consent of their parents, guardians or legal representatives, to channel them into the specialized juvenile justice system.

Ensure that parents of minors in the custody of the state of Mexico are notified through appropriate channels of communication of their children's whereabouts (para. 254)

Compliance measures

266. The "*Quinta del Bosque*" school for social reintegration of adolescents was opened in Zinacantepec in the state of Mexico. The school holds minors in custodial placements, its first task being to inform their parents so that they can visit.

267. The government of Mexico state has nevertheless instructed the director of the school to continue providing information to families of minors deprived of their liberty. State government staff make regular visits to the school to ensure that it is providing proper instruction.

Make every possible effort to ensure that indigenous peoples have differentiated access to justice, especially at the stages of legal proceedings in which they are at greatest risk of defencelessness and harm to their physical and mental integrity (para. 258)

Compliance measures

268. The Attorney for the Defence of Indigenous Peoples in the state of Oaxaca has instructed public defenders, in addition to monitoring the proceedings, to provide indigenous persons where necessary with an interpreter or translator to avoid their being undefended; they should also assert indigenous regulations to take account of their culture, language, habitat and other circumstances specific to such peoples, and are accordingly being instructed in human rights.

269. In the Federal District, the Attorney-General's Office has issued the following decisions for handling suspects in judicial proceedings, particularly where they belong to specific groups in vulnerable situations:

Decision A/010/2003 laying down guidelines for the actions of public prosecutors who are conducting a preliminary investigation, in which a person is being detained or is involved who belongs to an indigenous people or community.

Among other things, the decision considers the rights enshrined in Convention 169 of the International Labour Organization concerning Indigenous and Tribal Peoples in Independent Countries, the General Act on Linguistic Rights of Indigenous Peoples, and the constitutional provisions guaranteeing the rights of indigenous peoples to the respect of their customs and specific cultural aspects during trials and proceedings to which they are party.

270. The principal rights covered by the decision are as follows:

"One.– When conducting preliminary investigations involving anyone belonging to an indigenous people or community or unable adequately to speak or understand the Spanish language or at the request of that indigenous person, public prosecutors assigned to the central public prosecution services and regional offices of public security and administration of justice are instructed to take the necessary steps to inform them, as quickly as possible, of their rights under the Constitution and the law, proceeding as follows:

I. When the indigenous language is unknown, in a friendly spirit, the public prosecutor shall attempt to identify the indigenous language by immediately playing the audio material provided by the National Commission for the Development of Indigenous Peoples called "What language do you speak?".

Once the indigenous language spoken by the person involved in the investigation has been identified, or if it cannot be recognized, he shall apply to Organización de Traductores e Intérpretes Interculturales y Gestores en Lenguas Indígenas A. C. (Organization of Intercultural Translators and Interpreters and Managers of Indigenous Languages) for identification and translation services by telephoning 55 26 42 00 or 55 29 43 86 and by fax on the official form.

To increase the likelihood of the public prosecutor being assisted by a translator or interpreter in the indigenous language, the National Commission for the Development of Indigenous Peoples provides a directory of translators and interpreters in indigenous languages.

II. Where the indigenous person is a suspect in the preliminary investigation, the public prosecutor shall ask the above-mentioned translators' organization to draft a practical expert cultural opinion containing the necessary information about the culture, traditions, customs and regulatory systems of the indigenous group to which the suspect belongs.

In all cases, he shall specify the services required, which may include:

- (a) Help in identifying the language and origin of the person;*
- (b) A specific language translation;*
- (c) A practical expert cultural opinion.*

III. Where the indigenous person is a victim or injured party, the public prosecutor shall immediately notify the Department for Handling Crime Victims, so that the person can be provided with any necessary legal and psychological services."

- Decision A/008/2007 setting up an agency of the Prosecution Service specializing in handling indigenous persons
- Decision A/016/2008, mandating the office for the supervision and coordination of preliminary investigations for Zona Poniente to coordinate specialist care agencies.

Ensure that the professionals who render medical and psychological opinions belong to forensic medicine institutes with demonstrated independence, and that independent expert testimony be admitted at relevant stages of legal proceedings in accordance with the applicable criteria for judicial examination (paras 92 and 195)

Compliance measures

271. Mexico is the first country to carry out the process of contextualization of the Istanbul Protocol, which involves bringing those medical principles and effective investigative documentation into line with the legal rules governing the crime of torture, both during investigation by the Prosecution Service and at the trial stage.

272. With the contextualization of the Istanbul Protocol, on 18 August 2003 decision A/57/03, issued by the Attorney-General of the Republic, was published in the Official Gazette, laying down institutional guidelines to be followed by federal prosecutors, forensic medical experts and/or coroners of the Office of the Attorney-General of the Republic for the implementation of the specialist medical and psychological opinion for

cases of possible torture and/or abuse. This first set of international basic guidelines for the investigation and documentation of torture aimed especially at officials conducting a forensic investigation has given us the basic theoretical, methodological and practical knowledge effectively to perform the functions inherent in the speciality in the field of professional expertise, assisting law enforcement and administration of justice in seeking the historical truth behind the facts under investigation.

273. Specifically, from January 2007 to November 2010, the Office of the Attorney-General of the Republic conducted a total of 39 training courses for the implementation of the specialist medical and psychological opinion for cases of possible torture and/or abuse, involving 1,432 public servants and totalling 332 hours.

274. In 2009 the Ministry of Defence circulated the Istanbul Protocol to all of its units, departments and facilities. This is in accordance with Federal Act to Prevent and Punish Torture, which may be applied through derived competence by the military jurisdiction bodies in matters within their jurisdiction and which are in line with the assumptions envisaged by the Act.

275. Regarding the implementation of the Istanbul Protocol, there were three preliminary investigations in which a criminal action was brought against military personnel for torture, which resulted in three criminal cases before military courts.

276. At state level, the Institute of Expert Services of the State of Mexico has made progress in implementing the Istanbul Protocol. The *general guide to forensic medical investigations for the issue of medical certificates and the basic technical guide for determining age* were prepared in a joint process, aimed at ensuring that examinations are conducted with full respect for individual guarantees and human rights.

277. These guides cover authorizations for inspecting the surface of the body, and include a section on the certificate form that describes the production method selected by the person examined, and the treatment received at the hands of the personnel performing the arrest or handover.

278. From 9 September to 11 November the Jalisco State Government, in coordination with the state Attorney-General's Office, ran a course entitled Contextualization of the Istanbul Protocol.

Adopt a standard relating to prison governance with a view to ensuring that the legitimate authorities have control over and responsibility for what happens in such facilities and avoiding situations of inmate self-rule and the risk of torture and cruel and inhuman treatment (para. 66)

Compliance measures

279. At the Northern Federal District Detention Centre for Men, information talks are given on equal rights for all inmates. In addition, various activities are carried out to encourage prison staff to interact with the prison community, in order to avoid abuse and human rights violations.

280. At the Psychosocial Rehabilitation Centre for Men, staff are monitored at all times to make sure they apply the procedures for the treatment and management of the mental and psychiatric patients in the prison population. Moreover, daily checks are carried out in the various cells, areas and rooms, and of inpatients and their belongings to detect and secure anything that might contravene the prison regulations.

281. A protocol on security measures was prepared, including measures that ensure security, order and control within prisons, as well as a constant improvement in the maintenance and rehabilitation of the facilities at these prisons.

282. Moreover, the Academy of the Municipal Public Security Department of the state of Oaxaca constantly trains operational staff on respect for human rights, covering the prevention of torture.

All entries in the record should be signed by an officer and countersigned by a superior (para. 119)

Compliance measures

283. Based on decision A/017/2009 issued by the Attorney-General for the Federal District, the *council for implementing the bases of the new model of police investigation of the Attorney-General's Office* was set up and went on to draft the operating manual of forensic science and policing protocols.

The form used for routine medical examination of new arrivals at the military prison should include space for documenting any history of recent exposure to violence and providing an evaluation of the consistency between a history of violence, current health status/symptoms and the objective findings of the examination (para. 164)

Compliance measures

284. The Ministry of Defence successfully handled this request by including a space on the form for the routine examination of military personnel arriving in a military prison, in which the detainee's health status and history of exposure to violence can be recorded.

285. Note that the change applies to the registration forms used by all three military prisons in the country.

Develop policy proposals aimed at ensuring that action is taken to address the special needs of women in prison (para. 188)

Compliance measures

286. In the detention facilities of the Federal District a diagnosis will be conducted of women's needs in relation to their right to education, with a view to creating favourable conditions and taking positive action to enable female inmates to complete their studies up to higher education, in line with the criteria for compulsory schooling and the official educational programmes.

287. The state of Jalisco is taking specific measures for the special health needs of women in prison, including screening for cervical and breast cancer and health campaigns. Treatment given in 2009 and 2010 is set out below.

Medical care provided to female inmates of prisons in the state of Jalisco

<i>Facility</i>	<i>Type of medical care provided in 2009</i>	<i>Number of female inmates</i>	<i>Type of medical care provided in 2010</i>	<i>Number of female inmates</i>
Inspectorate-General of the Women's Rehabilitation Centre	Cervical cancer screening	199	Breast cancer	106
	Cervical cancer screening	103	Breast cancer	121
Inspectorate-General of the Prison of Puerto Vallarta	Cervical cancer screening	51	Breast cancer	51
	Cervical cancer screening	29	Breast cancer	29
Inspectorate-General of the South Zone Prison (Zapotlán el Grande)	Cervical cancer screening	50	Cervical cancer screening	54
Inspectorate-General of the Ameca Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign		Cervical cancer screening	3
Inspectorate-General of the Autlán de Navarro Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign			5
			Breast cancer	5
Inspectorate-General of the Chapala Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign		Cervical cancer screening	5
			Breast cancer	5
Inspectorate-General of the Lagos de Moreno Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign		Cervical cancer screening	2
			Breast cancer	4
Inspectorate-General of the Tepatitlán de Morelos Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign		Cervical cancer screening	1
Inspectorate-General of the Tequila Comprehensive Regional Justice Centre	No screening was carried out as there were no female inmates at the time of the campaign		Cervical cancer screening	3
			Breast cancer	3

288. Moreover, through coordinated action between the Ministry of Health and the Ministry of Public Security of the State of Oaxaca, in 2009 special attention was given to female inmates of the central prison, in the form of screening for breast cancer and human papillomavirus and cervical cytology.

Indicate in the records of the institution and/or in the personal file of the prisoner the cell block to which they are assigned and the reasons for that assignment (para. 201)

Compliance measures

289. All prisons in the Federal District have a record of the location and assignment of inmates.

290. In Jalisco, prisons have a register listing the population, recording movements for arrivals, relocations and departures. The register contains at least the following data: full name of inmate, cell block/cell (room, module), table of people per cell block/cell (room, module) and the unit that keeps this record is the social reintegration office (the former safety coordination and monitoring office).

291. In this context, the Social Reintegration Office of the Department for the Enforcement of Sanctions and Punitive Measures of the Ministry of Public Security of the state of Oaxaca drafted and circulated to the prison governors the Prison Classification Criteria and Prison Classification Manual, which have been used for criminological classification in various prisons of the state.

292. In May 2009 the process of prison criminological classification began with the Criminological Classification Criteria document which assembles the arguments for making classifications in the state's prisons and addresses the basic physical, criminal and personality characteristics for grouping inmates in order to avoid conflicts between them.

293. The prison classification process is divided into four basic stages. The first is to gather information from each prison. The second is to examine the state of the physical spaces in order to conduct an internal criminological diagnosis.

294. In the third stage the information gathered is used to carry out the classification and forwarded to the Department of Social Reintegration for a decision. In the last stage the objective prison classification is carried out.

295. In May 2009, the criminological classification was carried out for Miahuatlán prison. In November 2009, the prison classification manual was drafted. It contains the classification criteria to enable all staff working in prisons to ensure medium- and long-term continuity.

296. In 10 of the 14 prisons it has been deemed appropriate to carry out the criminological classification in the medium term, and this began in 2010.

297. Classification was been completed in the prison of Miahuatlan, is 75 per cent complete in the prisons of Etna, Cuicatlán and Tanivet, is 25 per cent complete in Tuxtepec, Matías Romero and Juchitán, while those of Cosolapa, Huajuapam and Tlaxiaco are at the first stage. The remaining four (Central Prison, Tehuantepec, Pochutla and Juquila) have yet to begin this process.

Draw up transparent, written criteria and rules for assigning inmates to cell blocks (para. 201)

Compliance measures

298. As soon as suspects are admitted, the Pretrial Detention and Rehabilitation Centre for Women in Jalisco state carries out a study to determine where they will be housed, based on their criminological profile. Similarly, for locations and relocations of the population (tried and sentenced), proposed cell-block assignments are subject to the prior approval of the Technical Council. Additionally, each inmate is individually monitored and

handled at every stage of her detention, with the support of interdisciplinary units under 44 reintegration programmes.

Detainees entering a place of detention should be fully informed and advised about their rights and duties and the conditions of their detention, and they should be treated humanely, with respect for their dignity (para. 237)

Compliance measures

299. In the Federal District, the Executive Office of Prevention and Social Rehabilitation informs all detainees of their rights and obligations, and of the prohibitions and internal rules (covering general conditions and separation of inmates), visiting rights, disciplinary measures, vocational technical training, medical services and security measures, among others.

300. Additionally, as part of an ongoing outreach programme, these rights were set out in information leaflets to be placed in the agencies of the Prosecution Service no later than three days after receipt, with instructions to ensure appropriate visibility for the information and consider how it should be stored without deterioration.

301. Under decision number A/011/2008 of the Attorney-General for the Federal District, guidelines were laid down for the conduct of the Prosecution Service regarding information to be set down in the summonses served on persons who appear to testify at a preliminary inquiry, and changing the capacity in which they were summoned. Detainees are also informed of their right to lodge complaints with the Department of Human Rights.

302. Finally, as a measure to ensure that persons undergoing any public prosecution investigation are summoned by the public prosecutor to assist with enquiries, on 14 May 2009 the Attorney-General for the Federal District issued official circular OC/002/2009, addressed to all offices of assistant attorneys-general, public prosecution offices and agencies of the Prosecution Service, judicial police headquarters and officers, laying down the formalities to be observed when preparing orders to locate and hand over such people.

303. Such orders are to indicate the date and time of handover of the person, their legal status, the offence or offences being investigated, and the grounds and reasons justifying the authorities' action.

304. When conducting the preliminary investigation, public prosecutors may issue orders to locate and hand someone over in the following circumstances:

- (a) Accused persons:
 - When after twice being summoned to appear and give a statement, they fail to do so;
 - When the steps taken prove ineffective in obtaining the data for summoning the accused;
 - When the accused appears before the public prosecutor and reserves the right to testify on a specified later date and does not appear for that purpose, and
 - When the circumstances and nature of the crime so dictate or when there is reason to believe that the accused might attempt to evade justice.
- (b) Witnesses and other persons:
 - When after twice being summoned to appear and give a statement, they fail to do so, and
 - When the steps taken prove ineffective in obtaining the data for summoning them.

305. In no circumstances may the execution of the orders to locate and hand someone over involve acts of detention.

306. Moreover, the circular states that compliance with location and handover orders is to be enforced by the General Headquarters of the Judicial Police and officers of the various Judicial Police stations, who must do so with respect for the persons' dignity and human rights, as per the Constitution of the United Mexican States, the Code of Criminal Procedure for the Federal District, the Act Governing the Use of the Armed Forces, the operating manual of the Judicial Police and other regulations governing their operations. Any act in contravention of the above will incur the appropriate administrative and criminal liabilities.

307. Consistent with this, Judicial Police officers are to comply with location and presentation orders, taking all appropriate action to that end, and once they locate the person, are to act as follows:

- Identify themselves to the person;
- Inform them of the reason for their presence, showing them the relevant order and explaining the reason for it;
- In the case of an accused person, inform them of their right to be assisted by a lawyer when appearing before the relevant official, and
- Hand them over to the public prosecutor issuing the order.

Improve record-keeping systems in prisons (para. 197)

Compliance measures

308. As mentioned previously, the various prisons in Mexico have forms and control measures for registering their inmates.

Take action to prevent and punish violations of the human rights of private individuals that may be committed in places of detention (para. 191)

Compliance measures

309. As mentioned above, for the basic training of security staff and prison guards, the academic programmes are constantly reviewed and updated, thereby satisfying the quality criteria of the various public security academies. Every year they also validate the content of these programmes, which include subjects related to the technical and operational role that police officers should have, along with subjects related to ethical values, the rule of law and respect for human rights, thereby guaranteeing quality and a caring attitude in the training of such personnel.

Indicate in intake records the reasons for the arrest; the exact time of the arrested person's arrival at the place of custody, the duration of the situation of deprivation of liberty, the identity of the authority who ordered the person's detention and of the officials responsible for enforcing it, precise information concerning the place of custody, and the time of the detained person's first appearance before a judicial or other authority (para. 118)

Compliance measures

310. The Psychosocial Rehabilitation Centre for Men keeps a record in the admissions and discharges book of the detainee's full name, origin, number of case or preliminary investigation, offence, trial court and release.

311. The exact time of admission is entered in the register and on the admission sheet.
312. The Northern Federal District Detention Centre for Men has a register of admissions to the facility, in accordance with article 16 of the Regulations for the Detention Centres of the Federal District, which states:
- "Article 16.–Prison governors shall establish an administrative system for identifying inmates in line with the available budgetary resources. The register shall include the following information:*
- I. Name, sex, age, place of origin; where appropriate, ethnic group, disability, address, civil status, profession or occupation and information about the family;*
- II. Date and time when handed over to the enforcing authority;*
- III. Date and time of admission, along with the documents ordering the internment;*
- IV. Fingerprint identification;*
- V. Frontal and profile photographs;*
- VI. The identity of the authority which ordered the deprivation of liberty and the grounds therefor;*
- VII. Inventory of personal belongings;*
- VIII. A medical certificate attesting to the inmate's physical condition, and*
- IX. Date and time of release, identity of the authority which ordered the release and the grounds therefor, as appropriate."*
313. The Santa Martha Acatitla Social Rehabilitation Centre has introduced a log book in which a sheet number is assigned to each suspect, recording their name, age, civil status, nationality, occupation, offence, court, origin or borough, referral sheet number, preliminary investigation number, name and badge number of the transferring officer and the date and time of transfer. Similarly, there are three logbooks for releases of inmates.
314. At the same time, all devolved investigating prosecutors oversee the registry of admissions to their offices of persons handed over to the Prosecution Service, and the circumstances of detention and, if applicable, the name and title of the person ordering or carrying out the detention.
315. In the Federal District, in view of the findings alleged by a number of human rights protection mechanisms that most alleged acts of torture occur between the time the victim has been arrested for committing a crime and is handed over to the investigating authority, on 16 June 2009 the Attorney-General issued circular OC/004/2009 stating that detainees must be handed over forthwith.
316. The circular states that the Judicial Police officers carrying out the arrest of a person pursuant to a ministerial order or in flagrante delicto, must immediately hand the suspect over to the prosecution service, and are strictly prohibited to hold them in places outside the areas designated for that purpose.
317. It also states that the public prosecutor must immediately register the detainee handed over to him, recording at least the person's full name, the grounds for detention, the authority handing them over, and the date and time of admission. The head of the office is to monitor compliance with the circular.
318. Note that when the detainee is handed over to the public prosecutor, the latter becomes materially and legally responsible for their custody, and for providing information about their legal status to any persons and/or authorities requesting it.

Develop a system for documenting the chain of custody of detainees, with a standardized record for logging, immediately and completely, the essential information about the deprivation of liberty of the individual concerned and about the personnel responsible for that individual at all times, together with information on the doctors responsible for certifying the individual's physical and mental integrity (para. 119)

Compliance measures

319. In the Federal District, in compliance with the observations of the National Mechanism for the Prevention of Torture in its report I/2008, all devolved investigating prosecutors are taking action related to the register of admissions of suspects to the prosecution service, the circumstances of the detention and where appropriate of the name and title of the person ordering or carrying out the arrest.

320. The Federal District public prosecutors immediately order a psychological and physical examination of those handed over to them, to certify the conditions under which they are being held and to provide any emergency medical care that may be necessary, and to ensure the security of persons held in the detention facility of a Prosecution Service agency.

321. In order to safeguard the right of both the injured party and the alleged perpetrator to be examined by forensic experts, so ensuring that their statements are free of any coercion, on 6 November 2008 the Attorney-General for the Federal District issued decision A/009/2008 instructing public prosecutors to order the certification of the psychological and physical state of persons handed over to them.

322. This decision is intended to prevent human rights violations and prevent them from being subjected to acts such as torture, or incommunicado or arbitrary detention.

323. One of the main rights set out in the decision is that public prosecutors are obliged to conduct a medical examination to certify the psychological and physical condition of anyone who has been arrested or handed over to them.

324. The State of Mexico has implemented the *Basic Guide to the Chain of Custody* for the proper handling of evidence of crimes, which lays emphasis on activities that guarantee the authenticity of the physical and other evidence of crimes, to be observed by staff of the public prosecution service, of the State Security Agency and the municipal police when investigating and prosecuting crimes as appropriate. This legal instrument protects the legal certainty of evidence, defines the powers and responsibilities of the public servants involved and guides proceedings on the basis of criminological techniques and methods.

325. The process of detaining and protecting persons is carried out in specific agencies of the Prosecution Service, in accordance with procedures for registration, control and protection of fundamental rights. Arrests are made for cases of flagrante delicto and emergencies, following the guidelines, and are subject to court control. The allocation of places helps to control the custody of detainees, and immediate registration requires accurate information on the arrest, persons involved, transfer, grounds, circumstances, place, time, along with the data on identification and physical condition, among others.

326. In this regard, we would point out that the government of the state of Mexico provides regular training and updates for managerial, administrative, technical, security and custodial personnel, training **1,305 public servants** in 2008, **1,956** in 2009, and **2,894** in 2010.

Establish a uniform system for recording prisoner intake. Such records should be kept by all prisons in the State party in bound registration books with numbered pages. The record should clearly indicate: the prisoner's identity, the reasons for their commitment and the authority therefor, and the date and time of their admission and release (para. 171)

Compliance measures

327. The state of Jalisco has a *state register of inmates*. The system helps keep track of admissions and releases for all prisons in the state prison system and the technical information necessary to keep an electronic file, which consists of a full identification of inmates by photographs (both profile and frontal), physical description, fingerprinting, legal status, distinguishing marks, aliases, and parents' names.

328. Another development is the unification of internal data via the Mexico platform, requiring 50 fields to be filled in for the SINP (National Prison Information System).

Mandatory fields for SINP

1	Photograph
2	Date of admission (including time)
3	Nationality
4	Education
5	Occupation
6	Civil status
7	Sex
8	Date of birth
9	Place of birth
10	Home address
11	Physical description
12	Proceedings
13	Current Proceedings
14	Legal situation
15	Jurisdiction
16	Judgment (sentenced inmates)
17	Date from (sentenced inmates)
18	Article
19	Amount involved in the offence
20	Nature of offence
21	Details of first instance

Mandatory fields for SINP

22	Details of appeal
23	Details of " <i>amparo</i> "
24	Offences
25	Name of facility
26	File (SRPS file)
27	Full name
28	Alias
29	Ethnicity
30	Tax number
31	Religion
32	Bar code (ncp)
33	Other names
34	Type of offender in the current proceedings
35	Type of offence in the current proceedings
36	Legal classification in the current proceedings
37	Threat determined by the judge
38	Criminal threat ascertained in the proceedings
39	Sentence reduction in current proceedings
40	Date of writ of enforcement for current proceedings
41	Type of offence in current proceedings
42	Working days in the current proceedings
43	Redress of damage in the current proceedings
44	Collection of fine in the current proceedings
45	Legal prohibition in the current proceedings
46	Relatives in the system
47	Full name of relatives
48	Relationship of family members
49	Address of relatives
50	Phone number of relatives

329. As mentioned above, the Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca has prepared the recommended registers and sent them to state prisons with a view to standardizing the prisons' records systems.

Develop records of prisoner medical examinations, including space for a description of any traumatic injuries and for an evaluation by the physician of the consistency between current health status and symptoms, the clinical findings and a history of abuse. Also include a record of the prisoner's communicable disease history; the date and time of the examination; the prisoner's name, age and cell number; and the diagnosis and any other relevant information (paras 173 and 181)

Compliance measures

330. Santa Martha Acatitla Women's Social Rehabilitation Centre has a numbered control book, known as the "legal book", used to record the date and time of physical certificates issued to inmates admitted, which notes their name, age, sex, origin, description of physical condition and a provisional classification of any injuries, finally asking whether they have any chronic degenerative diseases, are pregnant or use controlled medication.

331. In detention centres in the state of Jalisco, the inmates are received with their medical report of injuries, describing any they have, as the medical report of the detention centre they are entering is carried out on the spot along with the corresponding clinical history or admission study, thereby producing the medical background or history that can help the medical unit to monitor any disability, chronic illness, traumatic injury or any disease that the inmate reports or is notified by the specialist on duty, and treat it promptly until discharge.

332. Having the examination and clinical history is very useful if any such condition is noticed; it is notified to the prison inspector and to the relatives, who are awaiting news of the detainee's health.

333. Furthermore, the examination and clinical history, like anything of this nature, are recorded and filed the inmate's personal dossier, with a copy for the prison's master file, located in each facility's legal unit.

334. The Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca has also developed a system for recording physical examinations of inmates, which includes a space for traumatic injuries; it has been sent to all prison governors for implementation.

Set up local and central medical records of deaths, including the name and age of the deceased, the place and cause of death, the findings of the post mortem examination and information on the circumstances surrounding the death in the case of deaths not found to be the result of natural causes (para. 173, 181)

Compliance measures

335. The Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca has developed a system for recording deaths of inmates, which has been sent to all prison governors for implementation.

Develop electronic records that include a space for noting, for each case, the origin of any traumatic injuries in the event of disturbances in prison (para. 181)

Compliance measures

336. The Ministry of Public Security implemented the Prison Strategy 2008–2012 which covers health care for inmates with a preventive approach based on the use of technology, especially telecommunications. These measures are part of the *Telesalud* Programme, which allows specialist health services to be provided to inmates without compromising their security or that of society.

337. The programmes implemented by the Ministry of Public Security include the establishment of draft treatment or diagnostic guidelines, organizational and procedural manuals for the medical services of the federal detention and rehabilitation centres. In addition, the technological infrastructure and medical equipment of the federal facilities is being upgraded for the implementation of those programmes.

338. In all its prisons, the Government of the Federal District has set up local and central medical records of deaths, including the name and age of the deceased, the place and cause of death, the findings of the post mortem examination and information on the circumstances surrounding any deaths not found to be the result of natural causes

339. In addition, the Psychosocial Rehabilitation Centre for Men has an official universal form, distributed by the Ministry of Health of the Federal District, which contains the general identification data of the medical service, the time of certification, date, name, sex and age of the inmate patient and vital signs. This information is based on the government register as a record that can be consulted at any time and also on the medical record of the certificate.

340. Similarly, the head of the medical unit has a logbook noting the name, age, date of death, probable cause, a copy of the doctor's note of death, circumstances of death, attaching any autopsy report establishing the actual cause of death.

341. Regarding records of persons detained in the state of Jalisco, the authorities issued instructions to the effect that the state prisons are to carry out strict controls by means of a single log of deaths, containing the following information: name of inmate, age, cell, process, court and offence, date and time of death, place of death, causes of death (diagnosis), record number, and any other circumstance relevant to the cause of death.

342. Meanwhile the Oaxaca state government has commissioned the development of a computerized register or database to keep track of any inmates who have traumatic injuries.

Improve controls in respect of the age of people entering prisons in order to ensure that minors are never incarcerated in adult prisons (para. 183)

Compliance measures

343. According to the records of the Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca, no minors are being held in any of the regional prisons.

Give special attention to the problem of prison overpopulation and overcrowding (para. 192)

Compliance measures

344. To solve the problem of overpopulation and overcrowding in prisons, in 2009 the district prisons of Jamiltepec, Putla, Nochixtlán, Teposcolula and Sola de Vega were

closed, all in the state of Oaxaca. On that date, only Pochutla regional prison was overcrowded; this problem was solved by transferring sentenced inmates on a voluntary basis to serve their sentences in other facilities.

345. In January 2011, as a result of measures taken to reduce overcrowding, involving the closure of municipal and district prisons and the voluntary transfer of inmates, 14 regional prisons and one psychiatric annex are operating out of the 29 open in 2006. The population of most prisons is within their capacities.

346. In the state of Jalisco, since 2003 the prison system has reported overcrowding, of 67.86 per cent on 24 January 2011. Note that under the present administration (2007–2013) it has increased only 3.08 per cent. This has been achieved through care and treatment programmes provided to all prison inmates. Permanent measures have been taken to reduce overcrowding, such as building of prisons, granting of benefits under non-federal law, transfers between prisons within the state and in other states, negotiations with associations to cover the amount of bail for first offenders who represent a minor threat and for non-serious offences, coordination with the Devolved Administrative Office for Detention and Social Rehabilitation for arranging the granting of benefits under federal law and transfers to federal facilities and the Islas Marías prison.

347. Also, in 2010 early release was granted to 1,021 prisoners serving non-federal sentences.

348. Finally, works were carried out to modernize and expand the prison system. For instance, the Inspectorate-General of the Women's Rehabilitation Centre installed bunk beds in cell blocks B, C and D, adding 75 additional spaces, raising the total capacity of the prison from 259 to 334. This made a major contribution to combating overcrowding at the prison.

349. On the other hand, the Ministry of Public Security of the state government of Baja California has established and upgraded the general conditions of detention in the state's prison population.

350. The modernization has clearly helped to improve the state prison system. We have introduced real and radical changes by improving the infrastructure, consolidating effective prison security systems, enforcing prison regulations and simplifying administrative procedures. The Development Plan 2008–2013 provides for an upgrade of the prison system to ensure respect for the law, human rights and effective social reintegration. The benefits of modernizing the prison system include proper installations and a healthy environment allowing us to enhance prisoners' job, personal, family and social skills.

351. There follows a list of prison infrastructure work carried out and planned with a view to improving detention conditions in Baja California.

352. Work carried out:

- Extension of the "El Hongo" Social Rehabilitation Centre;
- Construction and commissioning of the "El Hongo II" Social Rehabilitation Centre;
- Extension of the "El Hongo II" Social Rehabilitation Centre;
- Construction of the "El Hongo III" Social Rehabilitation Centre;
- Construction of a provisional detention centre for Mexicali;
- Construction of entrance and screening building at the Tijuana Social Reintegration Centre, and
- Extension of the Juvenile Diagnosis Centre in Tijuana.

353. Work planned for the period 2011–2013:

- Construction of a provisional detention centre for Ensenada;
- Construction of a temporary shelter for released prisoners in the town of El Hongo;
- Extension of the Juvenile Enforcement Centre in Mexicali, and
- Construction of a provisional detention centre for Tijuana.

354. On the issue of overpopulation and overcrowding in prisons, we would point out that one of the priority responsibilities of the State Prison System under the Ministry of Public Security of Baja California, is to provide adequate decent, functional, secure and sanitary conditions in detention centres. To achieve this, there is a need for spaces and facilities offering reintegration programmes and activities.

355. In this regard, pursuant to the National Development Plan 2007–2012, an agreement was signed for upgrading the penitentiary system of Baja California, to support the adaptation of prison facilities with installations suitable for running social reintegration programmes. Accordingly, the capacity of the "El Hongo" Social Rehabilitation Centre was expanded by constructing a new building for 504 inmates, with a new movement control centre, adjacent corridors with a metal structure and two new multi-purpose halls. This new building will house inmates with a specific risk profile.

356. The Baja California authorities also extended the "El Hongo II" Social Rehabilitation Centre by building two cell blocks for 504 inmates each, adding a total of 1,008 new spaces to bring the capacity up to 4,608 inmates. These buildings have their own refectories, sports fields, fences and movement-control walkways. Two two-storey buildings for educational activities were attached to each cell block: three classrooms, a library and spaces for cultural and artistic activities, designed to provide inmates with tools that will facilitate their reintegration into a productive life.

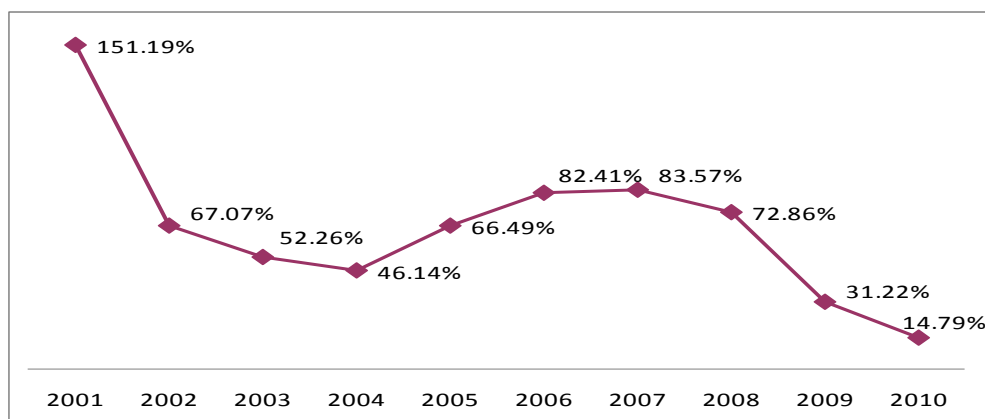
357. Workshops were also built, four measuring 200 square meters and six 400 of square meters, which help to enhance job training and implement production projects.

358. Similarly, Baja California authorities are still working on building a new medium-high threat social reintegration centre, "El Hongo III", which will form the El Hongo complex, together with the "El Hongo" and "El Hongo II" facilities. This new facility will have a capacity of 1,238 inmates, with three cell blocks, general services buildings, buildings for conjugal and family visits, and all units required for autonomous operation.

359. At the Mexicali Social Reintegration Centre, a provisional detention centre has been built to house a total of 216 suspects under the new adversarial justice system, to keep them separate from those who are subject to the traditional justice system.

360. With the creation of these new spaces, the enhancement of the early-release programme and the continuation of the ongoing inmate transfer programme, overcrowding has been reduced from 83.57 per cent to 14.79 per cent as described below:

Reduction of overcrowding in the Baja California state prison system



361. On the subject of poor governance, we would point out that in the five social reintegration centres of the state of Baja California, there is no inmate self-rule, as they are well known for security, visiting, living conditions, classification, cell assignment, supply units, recreation, medical care and all activities within the prisons being under the control of the prison authorities and not the inmates. Moreover, the following specific measures were taken in the "El Hongo" social rehabilitation centre that allowed the state prison system to exert its authority and guarantee the maintenance of order, control and prison security, such as:

- The transfer of 198 inmates to various federal social rehabilitation centres;
- The replacement of all senior staff;
- The classification of the prison population;
- The creation of the prison investigation unit;
- The implementation of technology for detecting narcotics, explosives and prohibited items in the entry area of the facility, known as the "smart screening area";
- The installation of a biometric identification system for monitoring and control of supply units;
- Stricter application of the law and operational orders.

Improve conditions for people deprived of their liberty (para. 192)

Compliance measures

362. In this regard we would report that Oaxaca state authorities ordered the closure of the Psychiatric Annex at Zimatlán de Álvarez. The inmates were relocated to the Tanivet regional prison in Tlacolula.

Draw up an action plan for the improvement of detention facilities across the country (para. 192)

Compliance measures

363. The Prison Infrastructure Unit of the Ministry of Public Security of the state of Oaxaca sets annual targets for improvement and maintenance of the prisons in order to obtain the necessary budget. In 2009, maintenance work was approved in the prisons of

Cuicatlán, Huajuapam, Etna, Miahuatlán, Matías Romero, Tehuantepec, Juchitán, Tanivet and the Central Prison.

364. At the time of writing (January 2011), waterproofing works were 60 per cent complete at the Santo Domingo Tehuantepec regional prison, 85 per cent at the Juchitán de Zaragoza regional prison, 95 per cent at the Matías Romero regional prison and 100% at the Santa Catarina Juquila regional prison. In the Porfirio Diaz regional prison in Miahuatlán the improvements to the roofing in the screening area were completed. At the Central Prison, in addition to the above-mentioned work, special electrical installation work was carried out and an emergency generator room was built; the power system for filling the water tanks was also renovated and work was carried out on the perimeter fence.

365. Also, in the various prisons of the Federal District, improvements were made to the physical conditions within prisons, such as upgraded electrical installations, potable water, plumbing, food and clothing as well as personal hygiene services, such as the installation of baths and showers.

Take appropriate action in all detention facilities to eliminate any situations that might create a risk of torture or cruel, inhuman or degrading treatment (para. 196)

Compliance measures

366. During 2009, the Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca held two seminars on human rights and the prison system. The first was designed for prison governors and the second for staff of the Department's legal unit and of prisons.

367. Note that at the time of admission to the Northern Federal District Detention Centre for Men, inmates are informed of their rights and given a leaflet about their rights and obligations, and the procedure for reporting any irregularities or abuse by public servants.

Improve physical conditions in prisons (para. 198)

Compliance measures

368. The Psychosocial Rehabilitation Centre for Men in the Federal District has a programme for monitoring and coordinating compliance with hygiene and health regulations. It also oversees the adequate and equitable provision of food.

369. For its part, the Inspectorate-General of the South Zone Prison, medical supervision and care is organized as a 24-hour service, though it should be noted that care needs are growing as the prison population increases.

370. The state of Jalisco has carried out the following principal measures: at the Inspectorate-General of Ciudad Guzman prison, a wastewater treatment plant was built. The new treatment plant saves water by treating the wastewater for re-use in irrigation of green areas, thereby also reducing the electricity consumption of the equipment that pumps drinking water to the facility. The Inspectorate-General of the Navarro Autlán Comprehensive Regional Justice Centre has installed a water treatment plant to supply drinking water to the prison population, while the Inspectorate-General of the Ameca Comprehensive Regional Justice Centre upgraded and activated the water treatment plant to supply drinking water to the prison population, and the Inspectorate-General of the Chapala Regional Justice Centre piped treated water from the treatment plant to a natural stream, so as to prevent the soil in the private property adjacent to the facility becoming muddy and causing waste odours that would otherwise affect the production of the land. The Puente Grande prison complex carries out regular preventive/corrective maintenance on deep wells numbers 2, 4 and 8 in order to maintain the quality of the water supplied to the three

facilities in the complex, namely the Women's Rehabilitation Centre, the Guadalajara Pretrial Detention Centre and the Social Rehabilitation Centre.

371. Also in the women's rehabilitation centre, 79 additional bunk beds were installed, thereby increasing the capacity of this facility from 259 to 334 and increasing the number of individual beds for inmates.

372. Note that by 2011 the government of the state of Mexico plans to complete the construction of the prisons located in the municipalities of Tenango del Valle and Tenancingo, which will substantially reduce the problem of overcrowding in the state.

373. Also during 2011 the authorities of the state of Mexico will open two detention centres in the municipality of Nezahualcoyotl, specifically the Psychosocial Rehabilitation Centre and the Women's Prison.

374. Based on the priorities for the maintenance of prisons, the infrastructure department of the Department for the Enforcement of Sanctions and Punitive Measures of Oaxaca state has requested approval for its budget.

Manage the assignment of cells and beds so as to ensure that each prisoner has a decent place to sleep without having to pay for it (para. 200)

Compliance measures

375. In this context, the Ministry of Public Security prepared the aforementioned Prison Strategy 2008–2012, which is the policy document for the modernization of the country's prison system; it focuses on addressing the problems of overpopulation, improving security in detention facilities, fighting corruption and promoting the New Model Prison.

376. This model is structured around the five components of social reintegration: work, job training, education, health and sport.

377. The strategy embodies short- and medium-term measures to overcome the crisis in the prison system, including modernization and renovation of the maximum-security federal social rehabilitation centres, upgrading the federal infrastructure by expanding prison capacity, making optimal use of national correctional facilities and reducing the population of inmates awaiting trial.

378. In the various prisons of the Federal District, the assignment of cells and beds was checked to ensure that every prisoner had a decent place to sleep without having to pay for it.

379. The state of Jalisco is currently taking the necessary steps to expand the number of beds per cell to 10 or 12 (there are currently about four beds per cell) to meet the demand of the existing population and to ensure that the prison population has decent living conditions. Beds were provided for approximately 2,000 inmates, whereas the population currently exceeds 5,500.

380. It also is replacing the current furniture with "anti-vandal" types (beds, sinks, toilets, showers, light fixtures, doors and windows), to ensure that inmates do not use it to harm themselves, attack other inmates or as weapons in a riot against the operational staff, and ensure that it is used properly and is durable.

381. Note that efforts to have sufficient financial resources authorized to allow for the addition of 10 more beds per cell, under the scheme for decent living conditions and anti-vandal furniture, depend on the approval of the budget, which is subject to the decision of the State Congress.

382. In the state of Oaxaca, inmates entering prisons are assigned to cells and cell blocks by prison governors and security chiefs. They keep track of this in writing.

Take steps to strengthen the juvenile detention centre in Oaxaca in order to ensure that it can serve as a model for other places of detention for minors (para. 243)

Compliance measures

383. Since it is the responsibility of government and society to remain alert to prevent harm to young people, on 26 January 2011 a public signing took place of the cooperation agreement between the Youth Integration Centres in the state of Oaxaca and the Ministry of Public Security, with the aim of creating the conditions to monitor the respect of rights of juvenile offenders and preventing adolescents from becoming involved in addiction networks.

384. The authorities involved in promoting the measures under the agreement are: the Office for the Defence of Minors, Women and the Family, youth integration centres, the Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca and the Ministry of Public Security.

Ensure the application of an affirmative action approach in penitentiary institutions in order to enable indigenous persons deprived of their liberty to maintain their customs and practices to the greatest possible extent (para. 260)

Compliance measures

385. The Executive Office of Prevention and Social Rehabilitation of the Federal District signed a cooperation agreement with the Department of Equity for Indigenous Peoples and Ethnic Communities of the Ministry of Rural Development and Equity of Communities of the Federal District, for the coordination of joint work to promote educational, cultural and job training activities, the implementation of productive projects that foster social integration and legal incomes for indigenous communities, while providing the necessary translators for anyone needing them.

386. Moreover, as part of the annual work plan of the Department for the Enforcement of Sanctions and Punitive Measures, the state of Oaxaca is considering special care for inmates from the social work unit, to enable them to develop healthily inside detention centres.

In order not to compound the effect of indigenous persons being uprooted from their ancestral lands and separated from their families, who have limited means for visiting them, ensure that they are assigned or reassigned to the prison facility closest to their native communities (para. 260)

Compliance measures

387. In order not to compound the effect of being uprooted from their ancestral lands and separated from their families, who have limited means for visiting them, the Executive Legal and Human Rights Department of the Federal District is transferring detainees from the various indigenous peoples to prisons closer to their native communities.

388. In that connection, the prisons of the Federal District are distributing a form called "Survey—transfer application for the indigenous population," to all inmates of indigenous extraction, and the full content of the form is explained to them orally; they sign it with the print of their right thumb for acceptance or refusal.

389. Meanwhile the state of Oaxaca has taken care that the inmates in closed prisons are relocated to the regional facility closest to their native area.

Take effective measures to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means (para. 259)

Compliance measures

390. Decision A/010/2003 of the Attorney-General for the Federal District lays down guidelines for the actions of public prosecutors who are conducting a preliminary investigation, in which a person is being detained or is involved who belongs to an indigenous people or community.

391. Likewise, decision A/008/2007 set up an agency of the Prosecution Service specializing in handling indigenous persons.

392. Meanwhile, decision A/016/08 mandates the office for the supervision and coordination of preliminary investigations for Zona Poniente to coordinate specialist care agencies.

393. Moreover, the Office of the Ombudsman of the government of the state of Mexico has expert translators who help people of indigenous origin with their proceedings.

394. The state's Department for Prevention and Social Rehabilitation has a number of cooperation agreements with the National Commission for the Development of Indigenous Peoples and the State Commission for the Development of Indigenous Peoples, which provide free legal advice and support to detainees of indigenous origin.

395. In the state of Oaxaca, bilingual prison staff or inmates provide translation services to inmates.

Remedy the inhumane and degrading physical conditions in which patients live in the Zimatlán Prison Annex (para. 205)

Compliance measures

396. As mentioned above, in accordance with decision 112 of the Minister of Public Security of the State of Oaxaca of 29 January 2009, 55 inmates with mental disorders were transferred from the Zimatlán Psychiatric Annex to the Tanivet Regional Prison in Tlacolula, Oaxaca. The Psychiatric Annex of Zimatlán prison, Oaxaca, was closed on the same date.

Increase prison personnel dramatically in order to ensure sufficient staff to maintain discipline in prisons and carry out effective supervision in all parts of the various establishments (para. 168)

Compliance measures

397. The General Commissariat for Prevention and Social Reintegration of the state of Jalisco has reassigned operational staff and recruited new police academy graduates in order to improve care and supervision of the prison population.

398. The current prison staff in the state of Jalisco numbers 3,429 public servants, 804 of whom are administrative staff, 604 technical staff and 2,021 operational personnel. In 2009, 168 people were hired, and 48 in 2010, broken down by category as follows:

<i>Staff hired in 2009</i>	<i>Staff hired in 2010</i>
1 criminologist	3 doctors
1 doctor	4 lawyers
2 lawyers	1 social worker
1 nurse	16 administrative staff
150 operational staff	24 operational staff
13 administrative staff	
Total 168	Total 48

399. Furthermore, as a result of the closures of district prisons in Jamiltepec, Putla, Nochixtlan, Teposcolula and Sola de Vega in the state of Oaxaca, the state authorities hired new staff. With the closure of those prisons, the number of guards was increased in the regional prisons with the highest population density.

Recruit more staff in women's prisons (para. 187)

Compliance measures

400. To give full effect to the comments of the Subcommittee, the Executive Director of Administration was requested to recruit 1,565 security officers, to be divided among all detention centres.

Provide sufficient budget allocations, training and awareness-raising to enable the sentence enforcement courts to operate effectively throughout the country (para. 190)

Compliance measures

401. In this vein, note that in the budget approved in the Revenue Act of the State of Mexico for the 2011 fiscal year, 1.7% is allocated to the state judiciary.

Increase the staff of places of detention in order to ensure overall security in such places and to protect officers and prisoners from possible violent acts by other prisoners (para. 193)

Compliance measures

402. The Oaxaca state authorities have ordered the security chiefs and guards from the closed district prisons to be reassigned to regional prisons.

Give the staff of places of detention adequate remuneration and general and specialized training (para. 193)

Compliance measures

403. As part of the Reliability Control Assessment Programme conducted in the state of Oaxaca, 127 trusted public servants and guard and security staff took part in the assessment and certification process for 2009.

404. The internal rules of the Central Prison of the city of Oaxaca now also apply in all state prisons. A new regulation is under review.

Increase the number of employees who supervise the conduct of police and prison personnel (para. 199)

Compliance measures

405. The Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca has 27 security chiefs throughout the 15 prisons in the state.

Restructure the Zimatlán Prison Annex in order to ensure that the people confined there have decent living conditions. In the event that restructuring the facility is not possible, transfer the inmates to another location (para. 205)

Compliance measures

406. We would recall that, in accordance with decision 112 of the Minister of Public Security of the State of Oaxaca of 29 January 2009, 55 inmates with mental disorders were transferred from the Zimatlán Psychiatric Annex to the Tanivet Regional Prison in Tlacolula, Oaxaca. The Psychiatric Annex of Zimatlán prison, Oaxaca, was closed on the same date.

Consider the possibility of increasing police salaries, so that they can support themselves in a dignified manner, without resorting to dispossessing victims of their belongings (para. 103)

Compliance measures

407. Since the city of Oaxaca de Juarez has been on the list of municipalities eligible to receive a subsidy for municipal security (SUBSEMUN), steps have been taken to improve the pay of personnel assigned to the Municipal Department of Public Security in line with the provisions of the specific agreement and the implementing rules for that subsidy.

Increase prison budgets, allocating sufficient funds for the supply of drugs to inmates (para. 173)

Compliance measures

408. In this regard, the Department for the Enforcement of Sanctions and Punitive Measures of the state of Oaxaca has obtained budget increases in order to have sufficient resources for administering drugs.

Inform parents of the arrest, transfer, release, illness, accident or death of a minor child (para. 245)

Compliance measures

409. It is the duty of the Prosecution Service to protect the rights and interests of children and adolescents, and persons with disabilities who for any reason are at risk, liable to harm or in danger. The various investigative agencies of the Prosecution Service initiate preliminary investigations every day for offences of domestic violence in its various forms, where only the crime victim is a minor or legally incompetent, and the likely perpetrators are those who exercise parental authority, custody or guardianship. Accordingly, on 17 October 2005 the Attorney-General for the Federal District issued decision A/006/2005 laying down guidelines for the jurisdiction of the central investigating prosecution service for minors and family cases.

410. Among other issues, that decision establishes the principle that in all acts of the Prosecution Service involving minors, the best interests of children must prevail at all times.

411. Consistent with this, on 23 November 2005, the Attorney-General for the Federal District issued decision A/007/006/2005 amending the second paragraph of section two of decision A/006/2005, in order to clarify that where the preliminary investigation begins with detainees, the original investigating agency will be empowered to decide the legal status of suspects.

412. Decision A/0011/2007 of the Attorney-General for the Federal District laid down guidelines regarding the jurisdiction of the central investigating prosecution service for juveniles.

413. The decision states that the central investigating prosecution service for juveniles is competent for investigations and the conduct of preliminary investigations where crime victims are minors and where they are initiated for the following offences:

- Assault and battery;
- Failure to render assistance or care;
- Risk of infection;
- Trafficking of minors;
- Retention and abduction of minors or legally incompetent persons;
- Corruption of minors and legally incompetent persons;
- Child pornography;
- Procuring;
- Labour exploitation of minors or persons with a physical or mental disability;
- Failure to comply with a maintenance obligation;
- Domestic violence in the cases covered by decision A/006/2005;
- Discrimination, and
- Those expressly provided for by other regulations.

414. It also specifies that any investigating agency of the Prosecution Service is to receive allegations of the above offences, take any appropriate basic initial proceedings, provide immediate care to victims and refer the preliminary investigation to the central investigating prosecution service for juveniles.

415. It states that within the scope of its jurisdiction, the central investigating prosecution service for juveniles must conduct and determine the preliminary investigation in the shortest time possible, in accordance with the principles of legality, honesty, loyalty, professionalism, impartiality, efficiency and effectiveness, and the principle of the best interests of the child.

416. In the state of Jalisco, adolescents have the right to receive visits, to communicate in writing and by telephone in accordance with prison regulations. Visiting rights are enshrined in article 10, section VI of the Comprehensive Juvenile Justice Act of the State of Jalisco.

Require police officers to have visible identification on their uniforms and prohibit them from carrying cash while on duty (para. 103)

Compliance measures

417. The General Bureau of Public Safety, Highways and Transport of Oaxaca City is currently in the process of redesigning new police ID badges and the cloth patches bearing the initials of first and last names of officers in active service, to be stuck to the top right

pocket of their uniforms, for ease of location. Security officers have also been instructed to show their identification to citizens on request.

Review and abolish the widespread practice of publicly exhibiting to the mass media detainees who have not yet been convicted or advised of their rights and provided legal defence (para. 114)

Compliance measures

418. To ensure that the human rights of alleged perpetrators of a crime are protected when they are presented to the media, in decision A/004/2005 the Attorney-General for the Federal District stipulated that detainees may be presented to the media only in the case of serious crimes.

419. The decision also states that public servants are to ensure respect for human dignity, preventing cruel, inhuman or degrading treatment and humiliating acts, and must therefore encourage everyone present to behave with absolute respect for the dignity of persons to be presented, avoiding any kind of degrading display, insult, sign, questioning or comment, in accordance with the principle of presumption of innocence to which everyone is entitled until they have been tried and sentenced in court.

420. The decision also states that the presentation of prisoners before the media should be restricted to reporting general information, the offence and circumstances under which the arrest took place and the social considerations and significance. If it is necessary to present the alleged perpetrators with objects or instruments related to the crime, they should not be allowed to carry or hold them, or simulate their use, or make dramatic poses, interpretations or gestures.

Increase police oversight measures in order to ensure that superior officers carry out their supervisory tasks and keep detailed records of how police officers who make arrests are carrying out their work (para. 141)

Compliance measures

421. The Federal Ministry of Public Security has guidelines for the proper functioning of the administrative register of detentions, which contains the details of arrests by police officers after they fill in an approved police report to be submitted to the National Information Centre.

422. The administrative record of the arrest contains at least the following information: name and any alias of the detainee, physical description of the detainee; reason for, general circumstances, place and time of the arrest, name of person or persons involved in the arrest. Where applicable, rank and unit of assignment, and place where the detainee is to be transferred to.

423. The Federal District has a measure to prevent security personnel from violating detainees' rights whereby the General Police Investigation Headquarters is required to report on measures to supervise officers conducting arrests.

Strengthen, urgently and systematically, supervision of the conduct of police officers (para. 143)

Compliance measures

424. In the municipality of Oaxaca de Juarez, a supervisor commander has staff under his orders to inspect the conduct of the operational staff of the Municipal Department of Public Security, reporting any wrongdoings committed.

F. The Subcommittee's recommendations under specific objective 6 of the action plan (reform of the justice system) are as follows

Examine the public defence system and eliminate the constraints hindering the work of public defenders (para. 79)

Compliance measures

425. In this regard, the Attorney for the Defence of indigenous peoples and Vulnerable Groups in the state of Oaxaca (formerly the Attorney for the Defence of Indigenous Peoples), has proposed reforms to the state's Organic Act to strengthen the system of public defence.

426. In the state of Baja California, the Justice Liaison Office of the Ministry of the Interior reports that significant steps have been taken to bring the regulatory framework into line, with a view to successfully implementing the New Criminal Justice System in Baja California.

427. For instance, as regards strengthening the Office of the State Public Defender, it took part in the drafting of the new Act on the Public Defender of Baja California and its implementing regulations, which were published in the official state gazette on 22 May 2009 and 28 May 2010 respectively, laying important foundations for the institution to attain the highest standards of quality and excellence, commensurate with the services it provides, with legal assistance in line with the new requirements to respect the individual guarantees of persons subject to criminal proceedings and those in civil or administrative proceedings who lack the financial resources to hire a private attorney.

428. As for earmarking budget resources for strengthening the State Public Defender's Office, in 2010 a specific budget was assigned for the development of its duties, which provided support for the efficient delivery of the service and the infrastructure needs of the implementation of the New Criminal Justice System. In recent years significant efforts were made in this area, enabling new facilities to be provided for the Public Defender in the municipality of Mexicali, at the Criminal Justice Centre, and strengthening the substantive areas with the training programmes referred to above and that have a direct bearing on the dignity of the defence functions and quality of the service provided to citizens.

Provide the national preventive mechanism with the necessary legal framework and human and material resources and ensure that it has the autonomy, independence and institutional status needed in order to fulfil its role as envisaged in the Optional Protocol (para. 30)

Compliance measures

429. To carry out the undertaking to establish a National Preventive Mechanism in Mexico, the Ministry of Foreign Affairs conducted a consultation process with senior officials and technical units at the Ministry of the Interior, the Ministry of Defence, The Ministry of the Navy, the Ministry of Public Security, the Ministry of Health, the Office of the Attorney-General of the Republic, the National Institute of Migration, the Legal Service of the Presidency and the National Human Rights Commission (CNDH). Other countries were consulted, through the worldwide network of Embassies of Mexico, on their experience of implementing the Protocol.

430. As a result of these consultations, at the invitation of the Government of Mexico, the National Human Rights Commission agreed to perform the functions of the National Preventive Mechanism. To that end, the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Defence, Ministry of the Navy, Ministry of Public Security, Ministry of Health and the Office of the Attorney-General of the Republic signed a cooperation

agreement with the National Human Rights Commission setting out the methodology of the system of visits to places of detention, in accordance with the provisions of the Protocol.

431. Note that the agreement also provides for the possibility of extending the National Preventive Mechanism nationwide through cooperation with state Human Rights Commissions. It is considered that civil society may also play an important role in strengthening the capacities of the autonomous bodies of the states in Mexico for the operation of the National Preventive Mechanism.

432. The National Preventive Mechanism has drafted its own methodology and procedural guidelines for monitoring visits to the various places of detention, which include detention centres for adults, Public Prosecution agencies, psychiatric hospitals and children's homes.

433. During such visits the national mechanism can verify that the following rights are respected in those facilities: to be treated humanely and with dignity, with legality and to health protection.

Draft legislation to consolidate and reinforce the original decree creating the national preventive mechanism (para. 30)

Compliance measures

434. In order to guarantee the autonomy of the National Preventive Mechanism, on 15 July 2007 the Advisory Council of the National Human Rights Commission approved the amendment of article 61 of the Commission's rules of procedure, which stipulates that the third Inspectorate-General is responsible for coordinating the powers granted to the National Preventive Mechanism by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

435. To meet its international commitment, the Third Inspectorate-General of the National Human Rights Commission made the necessary adjustments to adapt its work programme and reinforce its structure.

Take appropriate legislative, administrative and any other needed measures in order to bring primary and secondary legislation into compliance with international treaties on torture, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture (para. 40)

Compliance measures

436. The Constitution of Mexico expressly prohibits torture and ill-treatment in article 19, paragraph 4, which states: "*Any ill-treatment during arrest or confinement; any discomfort without legal justification; any exaction or contribution levied in prison are abuses which shall be punishable by law and suppressed by the authorities.*"

437. Furthermore, article 20 states that "*In any criminal proceedings, the accused, the victim or injured party shall enjoy the following guarantees: ... II. He may not be compelled to testify. Incommunicado detention, intimidation and torture are prohibited and punishable by criminal law. A confession made before any authority other than the Prosecution Service or the judge, or made before them but without the presence of counsel, may not be admitted as evidence.*"

438. On 27 December 1991, the Federal Act to Prevent and Punish Torture was published in the Official Gazette of the Federation (DOF). Article 3 of the Act specifies that "A public servant commits the offence of torture if, in exercise of their official functions, they inflict

severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act."

439. Notwithstanding that Act, in Mexico the crime of torture is regulated in all federal entities, either by special laws or Criminal Codes. The following states have specific legislation on torture:

- Aguascalientes (14 May 1995);
- Campeche (28 October 1993);
- Coahuila (27 July 1993);
- Colima (13 May 1995);
- Chiapas (9 February 1994);
- State of Mexico (25 February 1994);
- Jalisco (21 December 1993);
- Michoacán (10 March 1994);
- Morelos (22 December 1993);
- Nayarit (27 August 2005);
- Oaxaca (20 November 1993);
- Quintana Roo (13 November 1992);
- Tlaxcala (11 December 2003);
- Veracruz (17 April 1999);
- Yucatán (26 November 2003).

Expedite the reform process in order to prevent situations in which torture or ill-treatment might occur and keep the Subcommittee apprised of progress (paras 42, 46 and 58)

Compliance measures

440. On 18 June 2008 the Decree amending and supplementing various provisions of the Constitution of the United Mexican States was published in the Official Gazette of the Federation, amending articles 16, 17, 18, 19, 20, 21, 22, sections XXI and XXIII of article 73, section VII of article 115 and section XIII, paragraph B of article 123 of the Constitution of the United Mexican States. According to the Decree's explanatory introduction, the main objective of this reform was to transform the system of security and criminal justice, at both federal and state levels, from a mixed to an adversarial one, thus giving full effect to the individual guarantees and human rights enshrined in the Constitution and international treaties.

441. The process of penal reform in Mexico should be analysed on both federal and state levels. Notwithstanding the constitutional amendments published in the Official Gazette on 18 June 2008, they will have an impact on both the federal entities and the Federation, so it is expected that the results will be different in each sphere. This is because the text of the Constitution makes a number of exceptions to the adversarial system that apply to the federal authorities only, as they have jurisdiction for the prosecution of organized crime offences (preventive custody, preconceived evidence, special prisons). To coordinate this

reform process, on 13 October 2008 the Coordinating Council for the Implementation of the Criminal Justice System was set up as the government entity composed of representatives of the three branches of government at federal and state levels, responsible for directing and designing relevant strategies for putting into effect the new model of justice contained in the above constitutional reform. Its aim is to ensure that the system operates and performs in a manner that is comprehensive, consistent and effective throughout the country, and compliant with the principles laid down in the Constitution.

442. Between its founding in June 2009 and January 2011 the Council has met seven times and among other things has worked out arrangements for approving the training and dissemination programme of the Council's Technical Secretariat (SETEC), the strategy for implementing the constitutional reform in the federal entities and the guidelines for allocating resources for implementing the reform in the states.

443. In the same vein, the Technical Secretariat of the Coordinating Council for the Implementation of the Criminal Justice System was set up, tasked with implementing the decisions of the Council, supporting the local and federal authorities in their process of implementing the new criminal justice system and channelling financial support and expert assistance to the federal entities. It has taken a comprehensive approach to the reform process, based on five main areas: legislation, interinstitutional relations, training and dissemination, technical assistance and administration. Those areas are the foundation for the relationships and work with the institutions and players that share responsibility for carrying out the reform.

444. In the legislative field, SETEC has worked hard to coordinate the efforts of various agencies of the Federal Executive to draft a Federal Code of Criminal Procedure, enhanced by analysis and comments of the Coordinating Council. On the instructions of the Coordinating Council, the draft was referred to the Legal Service of the Federal Executive for the addition of the formalities relating to the explanatory introduction, the transitional arrangements and any other arrangements deemed necessary to prepare the draft for submission to the head of the Federal Executive, who in turn will submit it as a bill before the Congress of the Union.

445. The players involved in this implementation process are not only government authorities; there is also citizen participation. In this regard, the task of the federal government, through SETEC, is to coordinate the efforts of:

- State attorneys-general's offices and the Office of the Attorney-General of the Republic;
- State courts and the Supreme Court;
- State and federal ministries of public security;
- State legislatures and the Congress of the Union;
- Offices of public defenders;
- Universities;
- Human rights commissions;
- Organized civil society.

446. In this context, SETEC carried out a variety of activities in response to particular circumstances in 27 of the 32 Mexican states. Among other things, the Implementation Strategy was produced for the federal entities, as a manual illustrating national and international best practices in relevant policy areas, and including two key technological planning tools: a simulation model and a localization model. It has also carried out evaluation and monitoring visits in 20 federal entities and conducted planning workshops in six.

447. In the field of international cooperation SETEC has conducted several projects with foreign governments, notably those of Canada and Chile. Each of these projects involved many activities such as planning workshops, discussion forums, international seminars, training courses for judges, defenders, prosecutors and lawyers, and technical advice on specific aspects of reforming the criminal justice system. We have also developed important ties with other foreign governments, enabling us to undertake learning missions to Colombia and Costa Rica, while other cooperation programmes with various international bodies are envisaged.

448. At the same time, SETEC devised the national training programme to provide approved nationwide guidelines, setting quality and performance standards. It has also given many training courses for operational staff of the justice system throughout the country. It has developed framework curricula for training operators and for undergraduate and graduate studies in educational institutions, and formed a training committee to achieve high levels of quality by including a methodology for validating study plans and programmes and for recruiting trainers and teachers after a specialized certification process.

449. In the field of technical assistance, a programme entitled Reorganization of the Criminal Justice System in Mexico was prepared as a guide for existing institutions in their new role and activities, as well as those that need to be set up in an adversarial system. There is an architectural model and guide for designing and planning courtrooms for oral hearings and related services, and draft general criteria for information and communication technology.

Develop rules for implementing the ongoing constitutional reform in order to ensure that it is judicial authorities, not prosecuting authorities, who take statements from detained persons accused of any type of criminal offence (paras 46 and 58)

Compliance measures

450. In this regard, we would point out that the reform of the criminal justice system clearly states in section B of article 20 that "incommunicado detention, intimidation and torture are forbidden and punishable as a criminal offence. A confession made without the assistance of legal counsel shall be inadmissible as evidence."

Take all necessary legislative, administrative and other measures in order to bring primary and secondary legislation into compliance with the international treaties on torture (para. 57)

Compliance measures

451. Stressing the importance of prison work in the state of Mexico, the state authorities announce that there will be a Social Restriction Act by 2011, which would repeal the current Act on the Enforcement of Custodial Sentences, bringing it into line with the relevant changes in the law that have recently been made at national level.

452. Note that on 1 October 2009, the State of Mexico began to implement a new Code of Criminal Procedure, which has ensured the proper administration of justice, within a framework of full respect for the fundamental individual rights recognized in the Constitution and in international instruments to which Mexico is a party.

Establish penalties that are commensurate with the seriousness of the offence of torture so that it is not put on the same level as injury or similar offences (para. 57)

Compliance measures

453. As mentioned above, the crime of torture is regulated at national level in all federal entities.

<i>Legal instrument</i>	<i>Text</i>
Aguascalientes State Act to Prevent and Punish Torture	<p>Article 3.– A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of 3 to 12 years, fined from 200 to 500 days' minimum wage in force in the state and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence. The number of days' fine shall be determined in accordance with the provisions of article 30 of the State Criminal Code.</p>
Baja California Criminal Code (10 October 1992)	<p>Article 307 Bis.– Type. A state or municipal public servant commits the offence of torture if, in exercise of their official functions, they themselves, or using a third party, inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, to coerce them into specific behaviour or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Pain or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>"Any detainee or accused person shall, at any time upon request, be examined by a forensic medical expert or by a doctor of his or her choice. The person conducting the examination shall immediately issue the appropriate certificate and, if he or she ascertains that pain or suffering has been inflicted, as per the first paragraph of this article, shall inform the competent authority.</p> <p>The request for a medical examination may be made by the defender of the detainee or accused person, or by a third party.</p> <p>A statement or information obtained by torture may not be admitted as evidence. "Civil servants who learn of an act of torture are required to report it immediately; a failure to do so shall be punishable by a term of imprisonment of from 6 months to 6 years and a fine of from 15 to 60 days.</p> <p>Anyone responsible for any offence under this chapter shall be required to cover the legal, medical, funeral, rehabilitation or any other costs claimed by victims or incurred their families as a consequence of the offence.</p> <p>They shall also be required to repair the damage and compensate for damages caused to victims or their dependents in cases of: loss of life, impaired health, loss of freedom, loss of income, inability to work, loss of or damage to property and harm to reputation.</p> <p>In setting the relevant amounts, the judge shall consider the extent of damage caused.</p>
Baja California Criminal Code (as amended on 31 March 2008)	<p>Article 149.– A public servant of the state or municipality commits the offence of torture if he personally, or via a third party, in exercise of their official functions, inflicts severe pain or suffering, physical or moral coercion, exerts psychological pressure, using threats, terrifying allusions or psychoanalytic experiments, or administers psychotropic drugs or other substances</p>

<i>Legal instrument</i>	<i>Text</i>
	<p>of a similar nature, in order to obtain information or a confession, to coerce them into specific behaviour or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Article 150.– A perpetrator of the crime of torture shall be sentenced to a term of imprisonment of from 2 to 10 years, regardless of the penalty applicable if found guilty of another crime. In such cases the offender may not invoke orders from superiors in justification, and a confession obtained under torture may not be admitted as evidence.</p> <p>The concealment of the crime of torture shall be punished by the same penalty prescribed for the crime itself.</p>
Campeche State Act to Prevent and Punish Torture	<p>Article 3.– A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Discomfort or pain arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence.</p> <p>The number of days' fine shall be determined in accordance with the provisions of article 26 of the State Criminal Code.</p>
Chiapas State Act to Prevent and Punish Torture	<p>Article 3.– A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 1 to 12 years, fined from 100 to 500 days' minimum wage and disqualified from holding any office, position or public commission, for up to twice the length of the prison sentence.</p>
Chihuahua Criminal Code (as amended on 15 May 2002)	<p>Article 135.– A public servant commits the offence of torture if, in exercise of their official functions, they themselves, or using third parties, inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, to coerce them into specific behaviour or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Pain or suffering arising only from, inherent in or incidental to lawful sanctions shall not be considered torture.</p> <p>Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 2 to 10 years, fined from 30 to 200 times their wage, disqualified from holding any public office, position or commission, for from two to eight years, and dismissed.</p>
Coahuila State Act to Prevent and Punish Torture	<p>Article 3.- A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession or to inflict punishment for an act which that individual has or is suspected of having committed.</p>

<i>Legal instrument</i>	<i>Text</i>
	<p>Discomfort or pain arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of 3 to 12 years, fined from 50 to 500 days' minimum wage and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence.</p> <p>The number of days' fine shall be determined in accordance with the provisions of article 65 of the Criminal Code of the state of Coahuila.</p>
Colima State Act to Prevent and Punish Torture	<p>Article 3.– A public servant commits the offence of torture if, on account of or in exercise of their official functions, they inflict severe pain or suffering on an individual, or harm their physical and/or mental integrity, in order to obtain from the tortured individual or a third party information or a confession or to coerce them into engaging or not engaging in a specific act.</p> <p>Discomfort or pain inherent in or incidental to a legitimate act of authority, shall not be considered torture.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 1 to 10 years, fined from 50 to 500 days' minimum wage and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence, regardless of any penalty imposed on account of other offences. The number of days' fine shall be determined in accordance with the provisions of article 30 of the State Criminal Code.</p>
Federal District Federal Act to Prevent and Punish Torture ⁴	<p>A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Discomfort or pain arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p>
Durango Criminal Code (1 April 2004)	<p>Article 197.– A public servant inflicting severe pain or suffering, whether physical or mental, in the exercise of their official functions, shall be sentenced to a term of imprisonment of from two to six years and a fine of from 200 to 500 days, where their intention is to:</p> <p>I.– Obtain information or a confession from that individual or a third party;</p> <p>II.– Inflict punishment for an act which that individual has or is suspected of having committed, or</p> <p>III.– Coerce them into engaging or not engaging in a specific act.</p> <p>The same penalties shall be imposed on a public servant who, in the exercise of their powers or in connection with them, incites or authorizes another person to commit torture or fails to prevent another person from doing so, as well as on any individual who commits torture when incited or authorized to do so by a public servant.</p> <p>Where another crime is committed in addition to torture, the rules for the concurrence of offences shall apply.</p>

⁴ Article 1 provides that the Act aims to prevent and punish torture and is to be applied nationwide in federal matters and in the Federal District in non-federal matters.

<i>Legal instrument</i>	<i>Text</i>
	<p>Article 198.– Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish, and the penalties laid down in the previous article shall apply.</p> <p>Article 203.– A confession or information obtained by torture may not be admitted as evidence.</p>
State of Mexico State Act to Prevent and Punish Torture	<p>Article 2.– A public servant commits the offence of torture if, in the exercise of their official functions, they carry out any of the following acts on a suspect in order to obtain a confession, information or prevent them from carrying out an act or any other conduct that harms that individual or a third party: inflicting beating, mutilation, burns, pain, physical or mental suffering, or depriving the individual of food or water. A public servant who incites, urges, authorizes, orders or consents to such acts shall also be liable, as well as anyone involved in the offence. Pain arising from lawful sanctions or a legitimate act of authority shall not be considered torture.</p> <p>Article 3.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage, dismissed from their post and disqualified from holding any similar position, without prejudice to penalties for any concurrent offences.</p>
Guanajuato Criminal Code (2 November 2001)	<p>Article 264.– A public servant who, in exercise of their official functions, they themselves, or using a third party, intentionally inflict violence on an individual, whether to obtain information or as an illegal form of investigation, shall be sentenced to a term of imprisonment of from 2 to 10 years, fined from 100 to 200 days' minimum wage, dismissed from their post or position and permanently disqualified from holding that post or any similar position.</p>
Guerrero Act establishing the Human Rights Commission and the Procedure Relating to the Involuntary Disappearance of Persons	<p>Article 53.– A public servant of the state commits the offence of torture if, they themselves, or using a third party or in exercise of their official functions, intentionally inflict severe pain or suffering on or coerce, whether physically or mentally, an individual in order to obtain information or a confession from the tortured individual or a third party, to incite them into engaging in a specific act or to inflict punishment for an act which that individual has or is suspected of having committed or is to be charged with.</p> <p>Pain or suffering arising only from, inherent in or incidental to lawful sanctions shall not be considered torture.</p>
Hidalgo Criminal Code (31 December 2007)	<p>Article 322 bis.– A public servant who, in exercise of their official functions, inflicts severe pain or suffering, whether physical or mental, on an individual, in order to obtain information or a confession from the tortured individual or a third party, or to coerce them into engaging or not engaging in a specific act, or to inflict punishment for an act which that individual has or is suspected of having committed, shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage, dismissed from their post and disqualified from holding any public office, position or commission, for up to the maximum statutory penalty.</p> <p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>The same penalties shall apply to anyone, even if they are not a public servant, who carries out acts of torture with the explicit or implicit incitement or authorization of a public servant.</p> <p>Where a public servant learns, in the performance of their duties, of an act of torture, they shall report it immediately; otherwise they shall face up to three years imprisonment and a fine of 15 to 60 days and suspension from office for up to the maximum statutory penalty.</p>

<i>Legal instrument</i>	<i>Text</i>
	<p>No criminal act of the type described in the first paragraph of this article may be justified by invoking the order of a superior officer or any other authority.</p> <p>For offences covered by this article, the redress of damages shall also include legal, medical and funeral costs, and any rehabilitation costs incurred by the injured party or their relatives as result of the offence. Convicted persons shall also be required to repair the damage and compensate for damages caused to injured parties or their dependents in cases of: loss of life, impaired health, loss of freedom, loss of income, inability to work, loss of or damage to property or loss of reputation.</p>
Jalisco State Act to Prevent and Punish Torture	<p>Article 2.– A public servant commits the offence of torture if, acting in that capacity, they inflict severe pain or suffering, whether physical or mental, on an individual when investigating crimes or offences, in order to obtain information or a confession from the tortured individual or a third party, as a means of intimidation, to inflict punishment for an act or a failure to act which that individual has or is suspected of having committed, to coerce them into engaging in a specific act or for any other purpose.</p> <p>Physical or mental pain or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be covered by the concept of torture, unless they are prohibited under article 22 of the Constitution of the United Mexican States.</p> <p>Article 3.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from one to nine years, fined from 200 to 500 days' wages and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence. Repeat offenders shall be permanently disqualified. The number of days' fine shall be determined in accordance with the provisions of articles 26 and 27 of the state Criminal Code.</p>
Michoacán State Act to Prevent and Punish Torture	<p>Article 1.– A state or a municipal public servant commits the offence of torture if, in exercise of or in connection with their official functions, they intentionally inflict or incite, consent to or tolerate another person inflicting severe pain or suffering, whether physical, mental or moral, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging in a specific act.</p> <p>The same penalties shall be imposed on third parties who, for any purpose, explicitly or implicitly incited or authorized by a public servant, inflict severe pain or suffering, whether physical or mental, on a detainee.</p> <p>Pain or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>Incommunicado detention, for the purposes referred to in the preceding paragraphs, shall be considered as torture.</p> <p>Article 2.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence.</p> <p>Where another crime is committed in addition to torture, the rules for the concurrence of offences shall apply.</p>
Morelos State Act to Prevent and Punish Torture	<p>Article 3.– A public servant commits the offence of torture if, in exercise of their official functions, they intentionally inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed.</p>

<i>Legal instrument</i>	<i>Text</i>
Nayarit Act to Prevent and Punish Torture in the State of Nayarit	<p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture, unless they involve the acts or methods referred to in this article.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage in force in the state and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence.</p> <p>Article 3.– A state or municipal public servant commits the offence of torture if, in exercise of their official functions, they inflict pain or suffering, whether physical or mental, on an individual, or deprive them of food or water, in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to physically, mentally or morally coerce them into engaging or not engaging in a specific act, to obtain pleasure for himself or a third party, or any other reason based on discrimination of any kind.</p> <p>Article 214.– A public servant of the state or municipal governments commits the offence of torture if, in exercise of their official functions, they or their subordinates inflict pain or suffering on an individual. Likewise, if they use physical or moral coercion to obtain from the tortured individual or a third party information or a confession, or to coerce them into engaging or not engaging in a specific act or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Pain or suffering inflicted incidentally as a consequence of the arrest of a person or seizure or property shall not amount to the crime of torture.</p> <p>Likewise, suffering arising only from, inherent in or incidental to lawful sanctions, shall not be considered torture.</p> <p>These following rules shall apply to the crime of torture:</p> <p>I.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 2 to 10 years, fined from 200 to 500 days of the minimum wage in effect at the time the fine is imposed, dismissed from their post and disqualified from holding any office, position or commission;</p> <p>II.– Where another crime is committed in addition to torture, the rules for the concurrence of offences shall apply.</p> <p>III.– Torture may not be justified by invoking or the existence of exceptional circumstances, such as instability and foreign policy, the urgency of investigations or any other public emergency;</p> <p>IV.– Any detainee or accused person shall, at any time upon their request or that of their counsel, be examined by a forensic medical expert or by a doctor of their choice. The person conducting the examination shall immediately issue an appropriate certificate;</p> <p>V.– Where it is found that a statement has been obtained under torture, it may not be admitted as evidence; under civil procedural law, statements will be valid only where the defence attorney is present, and</p> <p>VI.– Any authority learning of an act of torture shall report it forthwith.</p>

<i>Legal instrument</i>	<i>Text</i>
Nuevo León Criminal Code	<p>Article 321 bis.– A public servant commits the offence of torture if, in exercise of their official functions, they themselves or through a third party inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them or a third party into engaging or not engaging in a specific act.</p> <p>Pain or suffering consequent on lawful sanctions or arising from a legitimate act of authority, shall not be considered torture.</p>
Oaxaca State Act to Prevent and Punish Torture	<p>Article 1.– A state or municipal public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual, in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act, to obtain pleasure for themselves or a third party, or for any other reason based on discrimination of any kind.</p> <p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>Article 2.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 2 to 10 years, fined from 200 to 500 days of the current general minimum wage and disqualified from holding any public office, position or commission for up to twice the length of the prison sentence.</p>
Puebla Social Protection Code	<p>Article 449.– A public servant commits the offence of torture if, in exercise of their official functions, they inflict intimidation, incommunicado detention, severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p>
Querétaro Criminal Code	<p>Article 309.– A public servant commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, to coerce them into engaging or not engaging in a specific act, or to intimidate the tortured person or a third party.</p> <p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p>
Quintana Roo State Act to Prevent and Punish Torture	<p>Article 3.– A public official commits the offence of torture if, in exercise of their official functions, they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Article 4.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' minimum wage and disqualified from holding any public office, position or commission, for up to twice the length of the prison sentence. The number of days' fine shall be determined in accordance with the provisions of articles 26 and 27 of the Quintana Roo state Criminal Code.</p>

<i>Legal instrument</i>	<i>Text</i>
San Luis Potosí Criminal Code	<p>Article 282.– A public servant commits the offence of torture if, in exercise of their official functions, they themselves, or using a third party, inflict pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, to coerce them into engaging in a specific act or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>This offence shall be punishable by a term of imprisonment of from 2 to 10 years, a fine of from 40 to 200 days of the minimum wage and disqualified from holding any public office, position or commission for twice the length of the prison sentence.</p>
Sinaloa Criminal Code	<p>Article 328.– A public servant commits the offence of torture if, in exercise of their official functions, they themselves, or using a third party, intentionally inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, to coerce them into engaging in a specific act or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Discomfort or suffering arising only from or inherent in lawful sanctions shall not be considered torture.</p>
Sonora Criminal Code	<p>Article 181.– A public servant commits the offence of torture if, in exercise of their official functions, they themselves, or using a third party, inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, to coerce them into engaging in a specific act or to inflict punishment for an act which that individual has or is suspected of having committed.</p> <p>Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 2 to 10 years, fined from 20 to 300 days of the minimum wage, dismissed and disqualified from holding any public office, position or commission for from 2 to 10 years, regardless of the sentence handed down for any other offence. Repeat offenders shall be permanently disqualified.</p> <p>Anyone who takes part on their own account or by order or with the authorization of a public servant in the commission of the crime of torture shall be subject to the same penalty described in the preceding paragraph.</p> <p>Where torture has been committed, responsibility may not in any circumstances be evaded by invoking section VIII of article 13 of this Code.</p>
Tabasco Criminal Code	<p>Article 261.– A state or municipal public servant commits the offence of torture if, in exercise of their official functions, they themselves or using a third party intentionally inflict severe pain or suffering on an individual, or coerce them, whether physical or mentally, in order to:</p> <p>I.– Obtain information or a confession from that individual or a third party;</p> <p>II.– Incite them to act in a specific way, or</p> <p>III.– Inflict punishment for an act which they have or are suspected of having committed.</p> <p>Pain or suffering arising only from, inherent in or incidental to lawful sanctions shall not be considered torture.</p>
Tamaulipas Criminal Code	<p>Article 213.– Any public servant intentionally ordering, consenting to or inflicting on an individual beating, whipping, burns, mutilation or any other kind of physical or mental violence in order to obtain information or a confession of guilt from the tortured individual or a third party, or any other conduct that harms the individual or benefits the servant or a third party, shall be sentenced to a term of imprisonment of from 3 to 12 years, fined from 200 to 500 days' wages, dismissed and disqualified from holding any public office, position or commission, for from 2 to 14 years.</p> <p>The same penalties provided for in this article shall apply to any public servant who, in</p>

<i>Legal instrument</i>	<i>Text</i>
	<p>exercise of their official functions, incites, forces, or authorizes or makes use of a third party to inflict severe pain or suffering, whether physical or mental; or fails to prevent such pain or suffering being inflicted on a person in their custody.</p> <p>The same penalties shall be imposed on third parties who, for any purpose, explicitly or implicitly incited or authorized by a public servant, inflict severe pain or suffering, whether physical or mental, on a detainee.</p>
<p>Tlaxcala State Act to Prevent and Punish Torture</p>	<p>Article 2.– For purposes of this Act, a public servant commits the offence of torture if, through their own action or inaction or that of a third party, they inflict on an individual:</p> <p>I.– Severe pain and suffering, whether physical or mental, in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed;</p> <p>II.– Intimidation or coercion to engage or not engage in a specific act;</p> <p>III.– Neutralize their personality or diminish their physical or mental capacity, even if the methods used do not cause physical pain or mental suffering;</p> <p>IV.– Other equally serious damage caused by any reason based on discrimination of any kind.</p> <p>A third party who for any purpose commits any of the acts mentioned above, explicitly or implicitly incited or authorized by a public servant, incurs the same criminal liability. Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p> <p>Article 13.– Anyone committing the crime of torture shall be sentenced to a term of imprisonment of from 4 to 14 years, fined from 50 to 500 days' minimum wage current in the area and disqualified from holding any public office, position or commission for up to twice the length of the prison sentence, regardless of any penalty imposed on account of other offences.</p>
<p>Veracruz State Act to Prevent and Punish Torture</p>	<p>Article 2.– A person commits the offence of torture if they inflict severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Article 5.– A person who commits the crime of torture shall be punishable by a term of imprisonment of from 2 to 12 years, fined from 200 to 500 days of the minimum wage in the economic area and at the time the offence was committed.</p>
<p>Yucatán State Act to Prevent and Punish Torture</p>	<p>Article 4.– A public servant commits the offence of torture if, in exercise of that capacity or on account of their functions, they themselves or using a third party intentionally injure a suspect, sentenced person or other individual as part of an investigation or legal proceedings of offences or infringements, in order to obtain information or a confession from the tortured individual or a third party, as a means of intimidation, to inflict punishment for an act failure to act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act.</p> <p>Physical or mental pain or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be covered by the concept of torture, unless they are prohibited under article 22 of the Constitution of the United Mexican States.</p> <p>Torture is considered a serious criminal offence under article 13 of the Criminal Code of the state of Yucatán, since it has a significant effect on the fundamental values of society.</p> <p>Article 5.– Anyone committing the crime of torture shall be sentenced to a term of</p>

<i>Legal instrument</i>	<i>Text</i>
Zacatecas Criminal Code	<p>imprisonment of from 3 to 12 years, fined from 200 to 500 days of the minimum wage, and disqualified from holding any public office or commission, regardless of the sentence handed down for any other offence.</p> <p>Article 371.– A public servant who, in exercise of their official functions, inflicts severe pain or suffering, whether physical or mental, on an individual in order to obtain information or a confession from the tortured individual or a third party, or to inflict punishment for an act which that individual has or is suspected of having committed, or to coerce them into engaging or not engaging in a specific act shall be sentenced to a term of imprisonment of from two to eight years, fined from 100 to 200 times the quota, dismissed and disqualified from holding any public office, position or commission for from 2 to 10 years, regardless of the sentence handed down for any other offence.</p> <p>Discomfort or suffering arising only from, inherent in or incidental to lawful sanctions, or arising from a legitimate act of authority, shall not be considered torture.</p>

Abolish *arraigo*, which creates a situation outside judicial control that constitutes a risk of torture and ill-treatment (para. 215)

Compliance measures

454. As a result of the amendments to articles 16, 17, 18, 19, 20, 21 and 22 of the Constitution of the United Mexican States, the criminal justice system has undergone a radical transformation, as the amendments were of such a magnitude as to have a direct impact on the structure, budget and organization of the judiciary of the Federation.

455. Accordingly, the Council of the Federal Judiciary, using the powers conferred upon it by the Federal Constitution and the Organic Act on the Judiciary of the Federation, has taken the first step with these reforms by setting up, under General Decisions 75/2008 and 25/2009, seven Federal Criminal Courts specializing in searches, preventive custody and interception of communications, whose competence is restricted to effecting and determining precautionary measures and other techniques for investigating authority requiring independent judicial control, and its powers are gradually being expanded in accordance with the scope of its authority laid down in the Constitution and secondary legislation.

456. In this way, the specialized function of federal judges effecting those measures is not only a response to the need to implement the constitutional reform, but also helps to define and refine the mechanisms that are essential for the implementation of these reforms and enables them to handle appropriately all the activities now required of a modern judiciary with excellence, professionalism and efficiency.

457. This is the case because the new text of article 16 of the Constitution states that there should be judges to handle, among other things, immediately or by any means, requests for protective measures, precautionary measures, and investigation techniques of the authority requiring judicial control, thereby safeguarding the rights of suspects and victims or injured parties.

458. Accordingly, the seven specialized judges resident in the Federal District are competent to handle and decide upon petitions from the Federal Prosecution Service throughout the country in the preliminary investigation, relating to:

- Searches;
- Preventive custody;

- Interception of private communications.

459. Similarly, they are empowered to handle applications for the interception of private communications lodged by the National Investigation and Security Centre and the Federal Police.

460. Note that applications from the authorities are submitted through a highly secure computer system that ensures accuracy and confidentiality, in which they provide the evidence required in support of the protective measure, such as digitized documents, photographs, videos or the like.

461. Note also that the response to applications from the authorities comes swiftly, as the courts operate 24 hours a day, 365 days a year.

462. For a clearer understanding of the reforms of the Mexican criminal justice system we would add the following:

463. On 18 June 2008, the *Decree amending and supplementing various provisions of the Constitution* of the United Mexican States was published in the Official Gazette, which guarantees oral adversarial criminal proceedings governed by the adversarial principle, openness, continuity, and immediacy, establishing various rights for victims of crimes or injured parties, as well as the likely perpetrators.

464. The amended Constitution provides that the Federation, the states and the Federal District, within the scope of their respective powers, may enact and implement such legislation and amendments thereto as are necessary to incorporate the adversarial system into their legal systems within eight years of publication in order to give full effect to the individual guarantees and human rights.

465. The Ministry of the Interior is conducting an assessment of the true situation of the criminal justice system that covers torture, other cruel, inhuman or degrading treatment and an international comparative study to compare the evolution of criminal procedure legislation in Mexico and elsewhere.

466. The ministry is also promoting projects aimed at harmonizing legislation, at both procedural and substantive levels, so that the typical definitions and penalties for offences are determined at federal and federal-state level in accordance with international and regional standards.

467. The process of penal reform in Mexico should be analysed at both federal and state levels. Notwithstanding the constitutional amendments published in the Official Gazette on 18 June 2008, they will have an impact on both the federal entities and the Federation, so it is expected that the results will be different in each sphere. This is because the text of the Constitution makes a number of exceptions to the adversarial system that apply to the federal authorities only, as they have jurisdiction for the prosecution of organized crime offences (preventive custody, preconceived evidence, special prisons). To coordinate this reform process, on 13 October 2008 the Coordinating Council for the implementation of the Criminal Justice System was set up as the government entity composed of representatives of the three branches of government at federal and state levels, responsible for directing and devising relevant strategies for putting into effect the new model of justice contained in the above constitutional reform. Its aim is to ensure that the system operates and performs in a manner that is comprehensive, consistent and effective throughout the country, and compliant with the principles laid down in the Constitution.

468. Between its founding in June 2009 and January 2011 the Council has met seven times and among other things has worked out arrangements for approving the training and dissemination programme of the Council's Technical Secretariat, the strategy for

implementing the constitutional reform in the federal entities and the guidelines for allocating resources for implementing the reform in the states.

469. In the same vein, the Technical Secretariat of the Coordinating Council for the Implementation of the Criminal Justice System (SETEC) was set up, tasked with implementing the decisions of the Council, supporting the local and federal authorities in their process of implementing the new criminal justice system and channelling financial support and expert assistance to the federal entities. It has taken a comprehensive approach to the reform process, based on five main areas: legislation, interinstitutional relations, training and dissemination, technical assistance and administration. Those areas are the foundation for the relationships and work with the institutions and players that share responsibility for carrying out the reform.

470. In the legislative field, SETEC has worked hard to coordinate the efforts of various agencies of the Federal Executive to draft a Federal Code of Criminal Procedure, enhanced by analysis and comments of the Coordinating Council. On the instructions of the Coordinating Council, the draft was referred to the Legal Service of the Federal Executive for the addition of the formalities relating to the explanatory introduction, the transitional arrangements and any other arrangements deemed necessary to prepare the draft for submission to the head of the Federal Executive, who in turn will submit it as a bill before the Congress of the Union.

471. The players involved in this implementation process are not only government authorities; there is also citizen participation. The task of federal government, through SETEC, is to coordinate the efforts of:

- Offices of State attorneys-general's and the Office of the Attorney-General of the Republic;
- State courts and the Supreme Court;
- State and federal ministries of public security;
- State legislatures and the Congress of the Union;
- Offices of public defenders;
- Universities;
- Public human rights commissions, and
- Organized civil society.

472. In this context, SETEC carried out a variety of activities in response to particular circumstances in 27 of the 32 Mexican states. Among other things, the Implementation Strategy was produced for the federal entities, as a manual illustrating national and international best practices in relevant policy areas, and including two key technological planning tools: a simulation model and a localization model. It has also carried out diagnostic and monitoring visits in 20 federal entities and conducted planning workshops in six.

473. In the field of international cooperation SETEC has conducted several projects with foreign governments, notably those of Canada and Chile. Each of these projects involved many activities such as planning workshops, discussion forums, international seminars, training courses for judges, defenders, prosecutors and lawyers, and technical advice on specific aspects of reforming the criminal justice system. We have also developed important ties with other foreign governments, enabling us to undertake learning missions to Colombia and Costa Rica, while other cooperation programmes with various international bodies are impending.

474. At the same time, SETEC devised the national training programme to provide approved nationwide guidelines, setting quality and performance standards. It has also given many training courses for operational staff of the justice system throughout the country. It has developed framework curricula for training operators and for undergraduate and graduate studies in educational institutions, and formed a training committee to achieve high levels of quality by including a methodology for validating study plans and programmes and for recruiting trainers and teachers after a specialized certification process.

475. In the field of technical assistance, a programme entitled Reorganization of the Criminal Justice System in Mexico was prepared as a guide for existing institutions in their new role and activities, as well as those that need to be set up for an adversarial system. There is an architectural model and guide for designing and planning courtrooms for oral hearings and related services, and draft general criteria for information and communication technology.

476. From 2004 to date, 8 of the 32 federal entities have made amendments to their legislation and begun implementing the new adversarial criminal justice system in Mexico, namely: Baja California, Chihuahua, Durango, Mexico State, Morelos, Nuevo León, Oaxaca, and Zacatecas; 4 have already introduced legislative reforms and began implementation in 2011: Guanajuato, Hidalgo, Yucatán and Puebla; 13 federal entities are at the planning stage: Campeche, Chiapas, Colima, the Federal District, Guerrero, Jalisco, Michoacán, Queretaro, San Luis Potosí, Sonora, Tabasco, Tamaulipas and Tlaxcala, while 7 federal entities are at the initial stage of implementation, and are beginning to make progress with the planning process and some isolated institutional efforts: Aguascalientes, Baja California Sur, Coahuila, Nayarit, Quintana Roo, Sinaloa and Veracruz.

477. The second transitional provision of the constitutional reform left open the possibility of defining how gradually the reform should be introduced, whether by region or by type of offence. Most states have chosen the regional option, which has allowed them to detect any faults and make practical improvements as other regions progress with implementation.

478. We set out below the main reforms achieved in the federal entities at the operational stage:

Baja California

479. Baja California already has legislation that has introduced the new system of criminal justice. The Code of Criminal Procedure entered force on 11 August 2010 in the municipality of Mexicali. Implementation will be gradual, starting with the municipality of Mexicali, followed by Ensenada (August 2011), culminating in Tijuana, Playas de Rosarito and Tecate (August 2012).

480. The state has made significant progress on infrastructure, training, technological systems, the process of selecting legal operators and social communication. Its substantive organizational legislation is already complete.

Chihuahua

481. Chihuahua was the first state to embark on the comprehensive reform process. The new criminal justice system is now applicable throughout the entire state, but implementation began on 1 January 2007 when it entered force in the Judicial District of Morelos (which includes the municipality of Chihuahua); a year later the new system was applied in Bravos Judicial District (which includes the municipality of Ciudad Juárez); and finally on 1 July 2008 in the rest of the 12 judicial districts. They decided to start in those municipalities since they had more trained staff.

482. This state approved the complete legislative package including organizational and substantive regulations. Substantial progress has also been made in training, outreach, infrastructure and equipment.

Durango

483. In Durango, the new Criminal Justice System came into force on 14 December 2009 in the district with the largest number of lawsuits and the main town of Durango, which includes the municipalities of Durango, Mezquital and part of San Dimas. It will be implemented next in the district with the main town of Gomez Palacio, and the rest gradually. The first trial by oral proceedings was held in the state on 19 April 2010.

484. In the case of Durango, it was also decided to enact a comprehensive legislative package that includes the substantive and organizational law. Significant progress has been made in dissemination, reorganization, discharge and infrastructure.

State of Mexico

485. In 2009 the state of Mexico began to implement the new criminal justice system and strengthen legal and institutional aspects of the administration of justice.

486. The oral adversarial criminal procedure introduced by the new Code of Criminal Procedure of the State of Mexico, in force since October 2009, is based on human rights principles enshrined in the Mexican Constitution and international treaties:

- Presumption of innocence at all stages of the proceedings, until found guilty in a final judgement;
- Equality before the law regardless of nationality, gender, ethnic origin, creed or religion, political persuasion, sexual orientation, economic or social status or other factor with discriminatory implication;
- Respect for the dignity, physical integrity and privacy of the accused and especially their freedom of conscience, domicile, correspondence, papers and possessions, and private communication;
- The protective measure of deprivation of personal liberty is exceptional and it should be applied in a way that is proportionate to the right it is intended to protect, the danger it is attempted to avoid and the sentence or security measure that might be impose;
- The inadmissibility of evidence obtained through torture, threats or violation of fundamental right;
- The establishment of restorative justice through a decision to meet the needs and individual and collective responsibilities of the parties, and to achieve the reintegration of victim and offender into the community through mediation, conciliation and arbitratio;
- The strengthening of due process through a proper defence by a lawyer who holds a professional degree of an attorney at law, to be freely chosen at the beginning of any action by prosecution or judicial police, and
- Compliance with the provisions of the Indigenous Rights and Culture Act of the state of Mexico, where offences are committed by members of indigenous communities or peoples, to the detriment of their legal rights or those of any of their members.

Morelos

487. In Morelos the new criminal justice system is already in operation in the first, fifth and sixth judicial districts, which include the state capital. In the second, third, fourth and seventh judicial districts, the third stage was originally scheduled to enter force on 1 February 2010 but was postponed until 14 February 2011. Morelos already has amended legislation in force and a political and technical implementing agency.

488. Progress on equipment, infrastructure and training. There is a need to improve the dissemination of information and communications technology.

Nuevo León

489. In Nuevo León, implementation was based not on regional criteria but introduced by groups of offences. In other words, a gradual transition has taken place based on the gravity of the offences described in the state's substantive code. The first phase began in November 2004 with minor culpable offences; the second began in April 2006 including serious culpable offences liable to prosecution by complainant, and minor offences subject to public prosecution with maximum prison sentences of three years, while the third dates from March and June 2007 and includes the offences of domestic violence, bigamy, non-life-threatening assault and some types of theft. The state already has a political and technical implementing agency and a number of reforms have been incorporated into its legislation.

Oaxaca

490. The new criminal justice system is currently in operation in Tehuantepec and the region of Mixteca. It was initially planned to implement it gradually in six stages. The first stage began on 9 September 2007 in the Isthmus of Tehuantepec, the second on 9 September 2008 in Mixteca, and so on every year in the regions of Costa, Cuenca, Valles Centrales, and finally, on 9 September 2012, in Canada and Sierra. However, the implementation of the third stage (Costa region) was twice postponed until May 2011 owing to a lack of resources, resulting in the whole schedule being adjusted. The state of Oaxaca has already reformed its legislation and set up its political implementing agency.

491. Oaxaca is noteworthy for having put in place a new juvenile justice system throughout the state, with specialist facilities in all the institutions involved. Special mention should be made of the leadership in this area of the President of the High Court of Justice of the State, not only in regard to local implementation efforts, but as an ardent promoter in the country of its results and experiences.

Zacatecas

492. In Zacatecas the new system of justice came into force in the judicial district of the capital on 5 January 2009. The gradual scheme envisaged entry into force on 1 July 2012 in districts 2 and 7, and on 7 January 2013 in the remaining districts. However, these phases have been postponed. Zacatecas has already set up a technical and political agency to implement the new criminal justice system and reformed its legislation.

493. Zacatecas has made significant progress in training but has no agency responsible for implementation.

494. Progress in the states where the system will enter force during 2011 is as follows:

Guanajuato

495. On 3 September 2010 the new Act on Criminal Procedure was published in the Official Gazette of the state of Guanajuato, which was to enter force along with the adversarial criminal justice system in four stages in different geographical areas: On

1 September 2011 in the region comprising the municipalities of Atarjea Comonfort, Doctor Mora, Dolores Hidalgo Cuna de la Independencia Nacional, Guanajuato, Ocampo, San Diego Unión, San Felipe, San José Iturbide, San Miguel de Allende, San Luis de la Paz, Santa Catarina, Tierra Blanca, Victoria and Xichú; on **1 January 2013** in the region comprising the municipalities of Abasolo, Cuerámaro, Huanímaro, Irapuato, Jaral del Progreso, Pénjamo, Pueblo Nuevo, Romita, Salamanca, Silao and Valle de Santiago; on **1 January 2014** in the region comprising the municipalities of Acambaro Apaseo Alto, Apaseo el Grande, Celaya, Coroneo, Cortazar, Jerécuaro, Moroleón, Salvatierra, Santa Cruz de Juventino Rosas, Santiago Maravatío, Tarandacua, Tarimoro, Uriangato, Villagran and Yuriria; and on **1 January 2015** in the region comprising the municipalities of León, Manuel Bending, Purísima del Rincón and San Francisco del Rincón.

Hidalgo

496. Implementation in Hidalgo is planned to take place in four stages over the 17 judicial districts. It is expected to begin in 2011 but dates have not as yet been given. The bill containing the Code of Criminal Procedure for the state of Hidalgo was sent by the head of the State Executive to the Congressional Safety and Justice Committee. The new Organic Act on the Prosecution Service, Organic Act on the Judiciary and the Crime Prevention Act were also enacted.

497. Significant progress has been made on infrastructure, training and the design of profiles for the new operators of the criminal justice system.

Puebla

498. On 11 January 2011 the state congress unanimously approved the new Code of Criminal Procedure of the state of Puebla. In addition, amendments were made to its Constitution and there has been progress on training topics.

Yucatán

499. On 19 March 2010 the constitutional and legislative reforms on security and justice on the implementation of the new adversarial system were passed in the plenary of congress. Transitional article 16 thereof states that the secondary legislation necessary for the proper functioning of the new oral adversarial system, provided for in articles 2, 62, 63, 64, 73, 85 bis, 86 and 87 of the reform decree, must be approved and published no later than 31 May 2011.

500. Initiatives to amend secondary legislation have already been prepared and passed to the Commission for Implementing the Reform on Security and Justice and are expected to be approved in the first quarter of 2011.

501. States at the planning stage have made the following progress:

In the federal entities that are at the planning stage there is a political will to start implementing the reform, in that they all now have a political body composed of representatives of the three branches of the state: executive, legislature and judiciary, to coordinate the measures implementing the new criminal justice system. It is also apparent that most of these federal entities have made progress in the areas of training legal practitioners, and infrastructure and equipment. Some of them also already have an alternative justice act and/or mediation centres.

502. States at the initial stage have made the following progress:

These federal entities are still in the process of negotiating on the implementing measures and have even made progress on training, but have yet to draft or reform

the secondary legislation and acts complementing the Constitution and the Code of Criminal Procedure.

Adopt legislative, administrative and any other needed measures to ensure that the practice of *arraigo* does not create situations that may result in cruel, inhuman or degrading treatment (para. 238)

Compliance measures

503. Upon receipt of a request for preventive custody and after analysing the formal aspects, the judge will immediately assess the merits of the request, i.e. whether it meets the theoretical requirements of the relevant constitutional and legal provisions, namely:

- (a) It is requested by the Prosecution Service;
- (b) It relates to serious crimes and/or organized crime, and
- (c) It is necessary for the success of the investigation for persons or property to be protected, or there is reason to believe that the accused may evade justice.

504. To that end, the evidence submitted by the Federal Prosecution Service is studied, based on the principles of relevance and usefulness, in other words it must be appropriate to justify the measure and verify the applicant's claims.

505. Accordingly, the relevant official must provide sufficient evidence that there is indeed a danger that the suspect might evade justice and/or that there is a need for persons or property to be protected.

506. Moreover, the evidence provided must offer sufficient proof to establish with a high degree of certainty that the accused is the likely perpetrator of the crime in question.

Parameters affecting evidence to order preventive custody

507. In no circumstances is probative value ascribed to information obtained anonymously, information that arresting officers claim to receive from detainees, or information obtained by inferences or references of another person, but only that they learnt through personal experience.

508. The suspect's statement will be admissible only when given before the Prosecution Service in the presence of his defence attorney or a person of trust; if he denies the facts alleged against him, the circumstances arising from his statement are assessed and if it is corroborated by any evidence, or unlikely or contradicted by other reliable evidence.

509. A testimony given by victims or injured parties to the relevant official may be admitted as evidence only where it is considered to have been given by a person whose ability and education equip them with the necessary discretion to judge the event, and check whether the facts set out in the statement were known to the person themselves rather than being inferred or referred by another person; the above factors, taking account of other evidence, such as all the other objective and subjective circumstances which, by applying logic and proper reasoning, indicate whether the testimony is true or false.

510. Statements made by protected witnesses will be admitted as evidence where the information they contain tallies with the other material evidence and the latter tends to confirm it, since it cannot in principle be regarded as prevailing or bound to be accepted, simply because the witnesses were presumably members of the criminal organization about which they are testifying.

511. It follows that the evidence supporting the precautionary measure of preventive custody should be well-founded, proving the possible involvement of the accused in committing the offence in question.

512. In conclusion, there must be no doubt that there are grounds for the prosecution service to continue to investigate the accused and therefore justify extending their detention by means of preventive custody, given the nature of the criminal act under investigation, and that the time available to the relevant federal official is insufficient.

513. It should be emphasized that the forms of evidence described are merely a representative sample of the universe of evidence provided by the relevant official when requesting the precautionary measure.

Decision

514. Once the study is complete, the relevant decision is issued and the federal prosecutor is notified, who is required to notify the accused of the measure and provide the information needed to verify that the accused is aware of the court order, and the reasons for applying the measure.

Enforcement and monitoring of the measure

515. In general terms, the Federal Prosecution Service is subject to the following obligations for administering the precautionary measure:

(a) Monitoring is the responsibility of the federal prosecutor, with the assistance of the police officers under his command;

(b) The federal prosecutor is obliged to notify the date of remand, when this occurs, or of release decided for persons in preventive custody and any other decision substantially affecting the investigation in which preventive custody is ordered;

(c) It is stipulated that enforcement may not invade the privacy of accused persons, must respect their human rights, and their health and physical integrity must be regularly checked; the method of implementation and observance of the conditions of enforcement must be notified;

(d) The judge, or a judicial official empowered by order of the judge, may at any time at his discretion or at the request of a person in preventive custody go to the place of detention to check that the protective measure is being carried out in accordance with the conditions laid down in the authorization and that the fundamental guarantees of the detainee are being honoured.

(e) The relevant official is required to report periodically on the implementation of the measure and the progress of the investigation;

(f) Preventive custody generally takes place at the Federal Centre of Investigation, located at Ignacio Morones Prieto 43, colonia Doctores, borough of Cuauhtemoc, Mexico City, and in exceptional cases the federal prosecutor requests authorization for it to be carried out at another address in view of special circumstances; this is allowed only where that place adequately meets the security and logistical criteria for the proper conduct of the protective measure.

Extension of preventive custody

516. Where the federal prosecutor considers it necessary, it makes a new application to the Federal Judge to request the extension of the precautionary measure already authorized.

517. Article 16 of the Constitution, transitional provision 11 of the decree amending and supplementing various provisions of the Constitution of the United Mexican States, published in the Official Gazette of the Federation on 18 June 2008, and in particular article 12 of the Federal Act to Combat Organized Crime, amended by the decree published in the Official Gazette of the Federation on 23 January 2009, indicate that, where the relevant federal official demonstrates that the grounds that gave rise to the protective measure still apply, the current text of the provision referred to above allows it to be extended up to a total of 80 days.

518. To authorize the extension of preventive custody:

- (a) There must be a preventive custody order;
- (b) The grounds on which it was authorized must still apply.

Legal means to halt the measure

519. If it can be demonstrated to the relevant official that there are insufficient grounds to believe that the accused is the likely perpetrator and/or that a crime has been committed, the Prosecution Service may ask the judge to rescind the measure.

520. Affected parties may ask the judge to rescind the preventive custody where they consider that the grounds giving rise to the measure no longer pertain. In this case the judicial authority will consult the Prosecution Service and decide whether or not to uphold it.

521. While the provision concerned does not specify a deadline for resolving the issue, once the application is received it is immediately submitted to the relevant official, who has 24 hours in which to express his judgement. If the relevant official makes no announcement within the deadline, an immediate decision is made on the detainee's request.

522. The detainee may also petition for the remedy of *amparo*. In this regard, we would note that the effectiveness of this process will depend on the time when the request for guarantees is made, since it is an act related to the guarantees enshrined in articles 16, in criminal matters, 19 and 20, in constitutional matters, and the deadline for pursuing it is strictly limited to three days for submitting the substantiating report by the authority that issued the preventive custody order, and the hearing at which the ruling is given takes place within 10 days of the admission of the request.

523. So, by way of example, if the detainee lodges the request for *amparo* on the first day that the preventive custody comes into effect and on the tenth day the constitutional judge holds the hearing and rules that the protective measure is unconstitutional, it will be rescinded.

524. Nevertheless, there may be countless circumstances that could prolong the conduct of the trial and prevent the detainee's interests being served.

Accelerate the public defence system so that the situation of defencelessness in which the most vulnerable accused persons find themselves can be remedied as quickly as possible (para. 74)

Compliance measures

525. The office of the attorney for the defence of indigenous peoples in Oaxaca state has instructed defence lawyers working in the public defender service to take and foster at every opportunity relevant steps to accelerate the process, lodging the relevant appeals, and not neglecting to maintain an ongoing dialogue with the most vulnerable people to ensure that they are not left defenceless.

526. In view of the new powers conferred on the Attorney for the Defence of Indigenous and Vulnerable Groups, it has been proposed to set up a specific unit expressly to serve these groups.

Examine the public defence system and eliminate the constraints hindering the work of public defenders (para. 79)

Compliance measures

527. In 2009 the office of the Attorney for the Defence of Indigenous Peoples of Oaxaca proposed amendments to the Organic Act on this agency, its organization manuals and procedures, to include not only the Ombudsman, but also the Public Defender for implementing the adversarial criminal court procedure and the Specialist Juvenile Counsel.

Improve the quantity and quality of the services provided by public defenders and, in particular, ensure that they are able to function in a framework of independence and institutional autonomy, developing public defence databases in order to keep records of instances of torture or other inhuman treatment reported or mentioned in confidence to public defenders by their clients (para. 79)

Compliance measures

528. During 2009 and 2010, the office of the Attorney for the Defence of Indigenous People of the state of Oaxaca provided training for lawyers working in the Ombudsman's Office, Office of the Public Defender and the Specialist Juvenile Counsel, on the topics of enhancing their functions and human rights. Defenders were also reminded to record and include in their monthly reports cases of torture or other inhuman acts that they learn of in order to build a database of cases of torture or other cruel, inhuman or degrading treatment.

Take steps to ensure that an adequate number of public defenders are available 24 hours a day to respond in an effective, independent and timely manner and to provide legal assistance for people who require it from the moment they come under the custody or control of the Public Prosecutor's Office (paras 82 and 129)

Compliance measures

529. In this regard, in the agencies of the Prosecution Service based in the office of the Attorney-General for the State of Oaxaca, we ensure that three defenders are on call 24 hours a day. Similarly, defenders are available round the clock in the regional offices of assistant attorneys-general in Puerto Escondido, Tehuantepec, Huajuapam and Tuxtepec. Furthermore, the defenders assigned to the criminal courts and courts of mixed jurisdiction are on call and locatable within the area served by these courts.

In order to eliminate the risk of unnecessary detention and cruel, inhuman and degrading treatment, ensure that deprivation of liberty is the last resort in cases involving administrative penalties or minor offences (para. 102)

G. The Subcommittee's recommendations that fall under specific objective 7 of the action plan on following up the recommendations of government agencies to protect human rights, are as follows

Take into account the conclusions and recommendations of the Committee against Torture (para. 57)

Compliance measures

530. At the Santa Martha Acatitla Social Rehabilitation Centre, from 1 September 2009 staff were informed of the existence of the recommendations of the Subcommittee on Prevention of Torture, to ensure that all the recommendations are complied with.

531. At the Eastern Federal District Detention Centre for Men, the measures taken to implement the recommendations received were announced on 4 September 2009.

532. Moreover, a number of measures are being taken at state level to foster human rights and eradicate torture. Below we set out some of the measures taken by the governments of the states of Coahuila, Durango, Guerrero, Querétaro, Sonora, Tabasco and Yucatán.

<i>State</i>	<i>Activities carried out</i>
Coahuila	<ul style="list-style-type: none"> From the 27th to the 30th of the month, the second stage of the training course was concluded prior to the implementation of the specialist medical and psychological opinion for cases of torture and/or abuse; the course was taught by personnel of the department for human-rights recommendations and amicable settlements of the Office of the Attorney-General of the Republic. This course was aimed at staff of the state prosecution service, such as medical experts and psychologists, public prosecutors dealing with detainees, staff from the Department of Responsibilities, staff from the human rights unit and investigative, operational state police officers, and staff of the social rehabilitation centres. Note that this was the second phase of training taught in our state on the implementation of the opinion, following the first training course for personnel of this agency, held in September and October 2006. <p>Accordingly, we now have to conclude with the contextualization of this instrument, the issue of the opinion with the corresponding security measures and the signing of the respective decision, for which we have been in constant contact with the Director-General for Human-Rights Recommendations and Amicable Reconciliations of the Office of the Attorney-General of the Republic.</p>
Durango	<ul style="list-style-type: none"> A register has been set up of persons admitted either as detainees or parties appearing at various designated facilities. <p>Similarly there is a register of people who come to visit detainees in the cells of the state prosecution service.</p>
Guerrero	<p>The Undersecretary of Prevention and Police Operations of the Ministry of Public Safety and Civil Protection of the state of Guerrero reports that several measures have been taken in relation to migration, notably: not handcuffing detained migrants, giving them food, allowing them to make a phone call, giving them a medical examination of their physical integrity by a specialist in the field, providing medical care and any necessary medication, transferring them forthwith to the migration office, and making sure that their belongings are respected.</p>

Querétaro Querétaro state authorities have separated men and women at the migration centre, the facilities are secure, warm and hygienic, and detainees are given a package consisting of soap, shampoo, toothpaste and a toothbrush; they are also provided with sleeping mats and blankets and food. There is also a doctor and they are given decent treatment.

- Sonora
- The Office of the State Attorney-General has taken various measures on training and promotion of human rights in all areas that might be prone to torture, such as: officers of the state investigative police and public prosecutors. The courses cover the following main content: the national and international legal dimension, code of conduct for law-enforcement officers, principles of justice for crime victims and abuse of power, and protection of all persons subject to any form of detention or imprisonment.
 - The state's Executive Secretariat of Public Security worked on the draft bill on public security, which introduced amendments to comply with the constitutional reforms of June 2008. They enshrine the principles of operation of the public security institutions, which include the respect for human rights recognized in the Constitution. The state executive has presented this initiative to the state congress.

The same draft bill refers to the guidelines to be followed by members of the police institutions, that are based on the principles of legality, objectivity, fairness, impartiality, efficiency, professionalism, honesty and respect for the human rights, specifically prohibiting the inflicting or tolerance of torture, even under orders from a superior officer or in special circumstances.

- Tabasco
- The Tabasco Comprehensive Family Development (DIF) system, in conjunction with the National Comprehensive Family Development system and the National Institute of Migration, opened a shelter for repatriated unaccompanied migrant children and adolescents in the town of Tenosique, on the southern border with Guatemala and Central America. It provides accommodation, food, counselling and care for children being repatriated.
 - In line with the Committee's recommendations, the public servants of the social rehabilitation centres of Cardenas, Comalcalco, Macuspana, Tenosique, Huimanguillo and Jalpa de Mendez and the prisons of Centla, Jalapa, Nacajuca, Paraíso, Villa la Venta and the Tabasco state Juvenile Detention Centre, have received training on the reasonable use and application of physical force, diploma in human rights, human rights in the penitentiary system, legal and reasonable use of law enforcement, prison techniques and tactics, security and protection of persons, high security in prison, criminology and the prison system, and transfer of high-risk inmates.
 - Regarding the strengthening of programmes to prevent the commission of torture and other cruel, inhuman and degrading treatment, the juvenile detention centre in the state of Tabasco provides weekly workshops for inmates and parents on the treatment and care they should receive from public security personnel. Leaflets provided by the National Human Rights Commission are also distributed, specifying the provisions in article 18 of the Constitution relating to lawful arrest, and the assignment of each adolescent to the cell blocks according to their age and conduct.
 - At the state internment centre for men, the behaviour and treatment of public security personnel responsible for the care of minor inmates is monitored individually. During 2010, police officers and guards whose conduct was not appropriate to the treatment of minors have been asked to make the necessary changes.
 - A number of psychology workshops have been run to raise awareness among guards and staff who deal with adolescents, in order to prevent acts of torture among inmates. There was also a course on values.
 - Inmates also receive training through various workshops enabling minors to change their behaviour, resulting in better treatment by staff and a 95% decrease in violations of the rights of adolescents and 90% fewer clashes between them.

- Daily contact is maintained with adolescents and on Wednesdays and Saturdays with parents, informing them of the conduct observed by the inmates, and of their rights and obligations. Private attorneys are allowed direct communication with minor inmates. Finally, the Special Judge and the Enforcement Judge visit every month to inform each inmate of their case.
- In order to prevent torture, cruel, inhuman and degrading treatment, every complaint by a minor is investigated, regarding not only the administrative, security and surveillance staff, but also other adolescent inmates.
- When minors are admitted to the facility, they are received by the administration and then sent to the medical unit, for an assessment of their physical condition on arrival; they are transferred by public prosecutors, staff of the investigative body of the Prosecution Service's specialist agency for adolescents.
- On this same topic, the Tabasco DIF Office for the Defence of Minors and the Family distributes brochures and materials containing information on torture and other cruel treatment to people applying for the legal advice service.
- Regarding the implementation of legislative reforms, we would draw attention to the amendment of the Constitution of the Free and Sovereign State of Tabasco, which adds the following paragraph to article 4: "The State guarantees all persons the fundamental rights to justice recognized in the Constitution of the United Mexican States."
- Regarding the design and implementation of public policy, on 12 September 2006, Decree 156 enacted the Act establishing the comprehensive juvenile justice system in the state of Tabasco, along with various additions and reforms to eleven local instruments, which are also part of the new comprehensive system applicable to minors, i.e. children aged at least 8 and under 12 years of age, adolescents aged at least 12 and under 18 and over-18s who have committed any act punishable under criminal law during their adolescence, provided that the time to bring prosecution for that criminal act has not lapsed.
- In order to strengthen the machinery of justice, in 2010 construction began of the law-enforcement centres in the municipal capitals of Huimanguillo and Cunduacán, which will house agencies of the Prosecution Services with investigating, specialized and mobile officers; public prosecutors attached to criminal, mixed, family, civil and magistrates courts; judicial police, forensic services and the coroner service.
- Tabasco has 18 detention centres, which together have a population of 4,891 inmates, including 3,999 serving non-federal sentences, 740 serving federal sentences, and 148 males and four females in the juvenile detention centre.
- To keep inmates in good health, the health sector hospitals carried out 28,551 general consultations, 2,376 dental consultations and 148 psychiatric consultations, in addition to 3,383 transfers to hospitals.
- Law-enforcement centres are under construction in the municipalities of Cunduacán, Huimanguillo, Macuspana, Paraíso and Tenosique.
- The 2010 resource allocation for support infrastructure to higher courts was 27,042,578 pesos of which 14,654,355 pesos were spent on the Macuspana Justice Centre.
- Also during the year 4,128,618 pesos were earmarked for the construction, improvement or extension of social rehabilitation centres, of which 780,000,761 were allocated for Comalcalco social rehabilitation centre; 722,000,775 for the one in Cardenas and 731,910,000 pesos for the Macuspana centre.

- The amount allocated to infrastructure for the administration of justice was 26,852,332 pesos, broken down as follows: 5,500,000 for the public prosecution office in Huimanguillo, 8,300,000 for the Prosecution Service agency in Tenosique, 6,752,332 pesos for the Macuspana law-enforcement centre and 6,500,000 pesos for the Paraíso law-enforcement centre.
- For the period 2011–2012 infrastructure is projected to grow with the construction of buildings for expert services and the Prosecution Service, the training and professional development institute, judicial police and law-enforcement centres in Cárdenas, Centla, Comalcalco, Emiliano Zapata, Nacajua and Teapa.

The state government signed the Istanbul Protocol on 3 August 2005.

Yucatán

- The Congress of the Free and Sovereign State of Yucatán published Decree number 351 enacting the Act to prevent and punish torture, available at: <http://www.congresoyucatan.gob.mx/index.php?seccion=descargar&id=228>.

The Yucatán State Human Rights Commission trained state and municipal police officers in the state on this topic, by means of the course "Human Rights of Migrants for State and Municipal Police Officers". The course took place on 9 December 2010 from 10 a.m. to 2 p.m. in the auditorium of the Ministry of Public Security of the Government of Yucatán.

533. In this connection the state of Baja California reports that during 2010, the executive of the state of Baja California received no recommendations from the public human rights defender organizations, whether state or federal, relating to the commission of any acts of torture.

534. On the other hand, it cooperated with the Federal Government in handling the complaint lodged with the Inter-American Commission on Human Rights by 25 municipal police officers of the city of Tijuana, Baja California, four civilians from Rosarito and two former public prosecutors, who reported acts of torture perpetrated by municipal public servants and personnel of the Mexican Army.

Intensify efforts to ensure the effective implementation of the international instruments relating to children and adolescents to which Mexico is a party (para. 244)

Compliance measures

535. In this regard, the following strategies and guidelines for preventing torture are being pursued under the National Human Rights Programme, 2008–2012 in compliance with the international instruments to which Mexico is a party:

"Strategy 4.1. To foster effective implementation and enforcement of international human rights treaties through the promotion of legislative measures at all levels of Mexican law.

Action strands

Reforms of the legislation of the federal entities.

(Ministry of Foreign Affairs and Ministry of the Interior) To promote the criminalization of torture in state law in line with international and regional standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention to Prevent and Punish Torture, and to consider harmonizing torture legislation at federal and state levels."

Comply fully with the general and specific recommendations that the various state human rights commissions have issued in respect of individual complaints and general situations that may give rise to acts of torture or cruel, inhuman or degrading treatment and recommendations aimed at ending impunity for the perpetrators of such acts (para. 68)

Compliance measures

536. On 30 June 2009, the governors of the various prisons in the Federal District were instructed as follows:

- The Northern Federal District Detention Centre for Men has fully complied with the recommendations made by the human rights protection bodies. It has also issued instructions to the security headquarters to prevent acts of torture, cruel, inhuman or degrading treatment on detainees, by raising awareness of the penalties.
- At the Psychosocial Rehabilitation Centre for Men, on 10 September 2009 the legal unit was instructed to comply with the form and timing of the general and specific recommendations of the respective human rights commissions in the context of individual and general complaints which might lead to acts of torture, cruel, inhumane or discriminatory treatment, and any harassment of inmates is therefore being monitored.
