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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution\***

### **Mexico**

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## I. Methodology

1. The report presented by the State of Mexico is the product of a broad-ranging process of consultation coordinated by the Ministry of Foreign Affairs. It involved agencies and institutions of the executive, legislative<sup>1</sup> and judicial<sup>2</sup> branches and the Federal Electoral Institute. Academics, human rights experts and civil society organizations were consulted through two forums focusing on justice and human rights and on the elimination of discrimination and violence against women. Furthermore, a working group of civil society organizations was formed to address the issues of poverty and economic, social, cultural and environmental rights.<sup>3</sup> In addition, the State has provided a subsite on the Ministry's portal where civil society organizations and the general public can offer inputs and opinions.<sup>4</sup>

## II. Background

2. Since its first universal periodic review, Mexico has made very important advances in legal matters pertaining to human rights. The entry into force of constitutional amendments dealing with human rights and remedy of *amparo* and the passage of other amendments and legislation to ensure the protection of those rights are designed to place the human person at the centre of State action and to contribute to the reinforcement of a culture of human rights in the country. Organized civil society and academia are enthusiastically participating in this process. The country is thus witnessing the greatest expansion of guarantees of individual's rights since the passage of the Political Constitution of the United Mexican States in 1917.

3. On 2 December 2012, the President of the Republic and the major political forces of the country signed the Pact for Mexico, in which they resolved to consolidate a society based on rights and freedoms. The signatories of this document affirmed the defence of human rights as a policy of State, undertook to guarantee conditions of security and justice for all Mexicans, agreed to reinforce democratic governance and recognized the need to improve transparency and accountability.

4. By making sure that the nation's laws are in conformity with the Constitution and the conventions to which Mexico is a party, the Supreme Court has played a key role in ensuring that the State is fulfilling its international human rights obligations throughout the country. Significant advances have been made in this regard in the past few years.

5. Challenges to the full enjoyment of human rights remain, however. Efforts to ensure that the new legal framework is effectively applied by all of the country's authorities must be continued and intensified. In addition, although a significant decline in the extent of social service deficits has been registered, the challenge of fighting poverty persists.<sup>5</sup>

6. In the area of security and justice, the challenge is to reduce violence, to ensure that the rule of law prevails and to foster harmonious coexistence. To achieve this, a full-fledged State policy has been designed and implemented. This policy defines lines of action involving all authorities and levels of government which focus on the shared objective of attaining a peaceful Mexico, a target reflected in the National Development Plan for 2013–2018.

7. Consequently, Mexico is participating in the second cycle of the universal periodic review process as a State which has achieved groundbreaking advances in its promotion, protection and defence of human rights. Mexico is determined not to lose ground in this area and will draw upon the joint efforts of the State authorities, Mexican society and the international community to this end. Mexico will therefore continue to play a highly

responsible role within the United Nations while firmly upholding its deep commitment to human rights worldwide.

### III. Regulatory and institutional framework

(Recommendations set forth in paragraph 93<sup>6</sup> – 3, 4, 5, 6, 7, 42)

8. Comprehensive constitutional amendments relating to human rights were promulgated on 10 June 2011. These amendments, which concern 11 articles of the Constitution,<sup>7</sup> fully incorporate the concept of human rights into the Constitution and give constitutional status to the human rights enshrined in international treaties to which Mexico is a State party. They reflect the obligation of the State to prevent and investigate human rights violations, to punish the perpetrators of such violations and to provide redress. They also establish that the authorities are to promote, respect, protect and guarantee those rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness.<sup>8</sup>

9. Pursuant to these amendments, implementing regulations need to be issued for articles 1 (redress for human rights violations), 11 (asylum and refugee status), 29 (suspension of the exercise of rights and guarantees) and 33 (guarantee of a hearing and procedure for the expulsion of foreign nationals). With regard to redress, the Victims Act was promulgated in January 2013. The executive branch of the Federal Government has prepared bills setting forth the regulations required to implement articles 29 and 33; those bills, just as any other law, will have to be considered and passed by Congress.

10. On 6 June 2011, an amendment to the Constitution concerning the remedy of *amparo* was promulgated which represents an unprecedented expansion of the system of rights and access to justice. This amendment strengthens the federal judiciary and reaffirms the position of the Supreme Court as the nation's Constitutional Court.

11. Another of the advances made in this respect is the introduction of the concept of "legitimate interest". Any person who believes that his or her rights are being infringed may now cite legitimate interest as a basis for petitioning for a writ of *amparo* and protection in federal court, without having to demonstrate that he or she has legal standing in the matter. It also makes the remedy of *amparo* available in the event of a violation of omission on the part of the authorities or an impairment of collective interests. Furthermore, the Supreme Court has been empowered to issue generally applicable rulings of unconstitutionality when a given law has been held to be unconstitutional in more than one court decision.<sup>9</sup>

12. The new law on *amparo*, which contains regulations pertaining to articles 103 and 107 of the Constitution, was promulgated on 2 April 2013. This new law sets out the provisions governing the implementation of the amended articles and strengthens the remedy of *amparo* as an effective legal tool for the protection of human rights. The passage of this law marks the beginning of a new type of *amparo* procedure that is aligned with the international standards and obligations of Mexico relating to access to justice and due process guarantees.<sup>10</sup>

13. The legislature has played a key role in these achievements. A number of congressional committees, including those working in the areas of governance, justice and human rights, have studied and issued advisory opinions on the proposed texts of the implementing regulations for the amended articles of the Constitution.

## **Institution-building**

14. These constitutional amendments also strengthened the National Human Rights Commission by empowering it to investigate serious human rights violations.<sup>11</sup> In addition, they have reinforced the role of autonomous public human rights institutions by, inter alia, establishing that public authorities must justify and explain the reasons for any rejection or failure to act upon a recommendation.

15. On 20 May 2013, the National Development Plan for 2013–2018 was published. This plan sets out five goals whose achievement will enable Mexico to realize its full potential. Those goals are to make Mexico a peaceful, inclusive, prosperous, globally responsible country which provides its people with a quality education.<sup>12</sup> A nationwide, inclusive and pluralistic process was used to develop this plan under the leadership of the President.<sup>13</sup>

### **(Recommendations set forth in paragraph 93 – 9, 82, 83)**

16. The National Human Rights Programme for 2008–2012 set out the commitments undertaken by the State to ensure that human rights are respected, promoted and protected. To oversee the actions taken to honour those commitments, the Monitoring and Assessment Subcommission was set up and attached to the Commission on Government Policy on Human Rights. The Subcommission, which includes members of civil society,<sup>14</sup> was the means used by Mexico to follow up on the recommendations it received during its first universal periodic review.

17. One of the priority tasks of the Government of Mexico is the development of the national human rights programme for 2013–2018, which will serve to define and measure the impact of strategies and courses of action for ensuring compliance with the constitutional principles and international standards relating to human rights.

18. On 27 May 2013, the Ministry of the Interior agreed to undertake the task of developing this new programme within the framework of the Commission on Government Policy on Human Rights.<sup>15</sup> The three branches and levels of the Government and members of civil society will all be involved in this undertaking. The recommendations made in the course of the universal periodic review and those made by national and international bodies will serve as the starting point for this initiative, which will update the baseline analysis prepared in 2003 by the Office of the United Nations High Commissioner for Human Rights.

## **IV. Economic, social and cultural rights**

### **A. Combating poverty**

#### **(Recommendations set forth in paragraph 93 – 10, 65, 66, 67)**

19. The National Development Plan establishes the fight against poverty and hunger as a priority on the Government's agenda. The State is taking up this challenge with the help of a next-generation social development policy which aims to ensure that people are able to exercise their basic rights and to establish an affirmative action strategy directed at the population living in poverty, particularly boys and girls, women, indigenous people, disabled people and the elderly.

20. The National Council for the Evaluation of Social Development Policy<sup>16</sup> measures poverty levels using a set of eight multidimensional indicators.<sup>17</sup> The Council registered a rise in poverty from 44.5 per cent of the population in 2008 to 46.2 per cent in 2010 (from

48 million to 52 million people).<sup>18</sup> The proportion of people living in a situation of extreme poverty went virtually unchanged between 2008 and 2010, remaining at 11.7 million people (representing 10.6 per cent and 10.4 per cent, of the population, respectively).

21. In recent years, the Federal Government has attempted to reverse this situation by raising the level of public spending on social programmes.<sup>19</sup> Public expenditure on social development stands at 58 per cent in relation to total projected expenditure for 2013.

22. A reduction was seen in five of the six indicators of social service deficits between 2008 and 2010. These five indicators are: access to health services, access to social security coverage, basic housing services, quality of housing and living space, and educational lags.<sup>20</sup> The only indicator to increase was the one used to measure the lack of access to food.<sup>21</sup>

23. Initiatives such as the Opportunities Programme have helped to break the cycle of poverty because they promote the development of skills associated with access to food, health services and education by beneficiary families.<sup>22</sup>

24. The National Commission for the Development of Indigenous Peoples (CDI)<sup>23</sup> has developed indigenous production and economic support programmes. These include the Indigenous Regional Funds Programme, the Indigenous Production Support Coordinating Programme, the Production Organization Programme for Indigenous Women, and the Programme for Alternative Tourism in Indigenous Zones. Approximately 2.93 million pesos<sup>24</sup> were allocated between 2009 and 2012 to indigenous producers, women, organizations and tourism businesses.

## **B. Right to health**

### **(Recommendations set forth in paragraph 93 – 68, 69, 70)**

25. The right to health is guaranteed by article 4 of the Constitution and the General Health Act. The national health system provides two types of health-care plans: one is part of the social security system,<sup>25</sup> with access to this system being an employment-related right; the other is a social health protection plan which is accessible through the People's Health Insurance Scheme.<sup>26</sup>

26. Mexico introduced the People's Health Insurance Scheme<sup>27</sup> in 2012 for more than 52 million Mexicans whose employment status does not entitle them to social security coverage.<sup>28</sup> As of March 2012, 106 million people (approximately 94.36 per cent of the population) had health insurance coverage.

27. The budget of the Mexican Social Security Institute's Opportunities Programme was increased in 2009 by 1.5 million pesos<sup>29</sup> in order to fund an expansion in infrastructure as a means of improving access to health-care services in marginalized rural zones. By the end of 2012, almost 12 million people were benefiting from this initiative. The Health Caravans Programme<sup>30</sup> operates in highly and very highly marginalized areas, with 1,448 mobile units providing services to more than 3.8 million people in 2012. In mid-2012, the units serving indigenous regions were equipped with intercultural facilities.

28. In 2013, the budget for maternal health services was increased by 100 per cent over its 2012 level.<sup>31</sup> Health care is provided in sparsely populated and less accessible areas through programmes such as the Healthy Pregnancy Strategy<sup>32</sup> and Rural Centres for Obstetric Care,<sup>33</sup> which were introduced in 2011.

29. The Twenty-First Century Health-Care Programme<sup>34</sup> combats child (under-5) mortality<sup>35</sup> and was providing coverage to 6.8 million boys and girls as of December 2012.

30. Significant progress has been made with respect to those entitled to social security benefits, but additional efforts will be required<sup>36</sup> in order to reduce the HIV/AIDS mortality rate to the 2015 target rate of 3.5 deaths per 100,000 inhabitants.<sup>37</sup>

### **C. Right to housing**

#### **(Recommendation set forth in paragraph 93 – 72)**

31. This right is guaranteed by article 4 of the Constitution. Policy regarding housing rights is coordinated by the National Housing Commission. The creation of the Ministry for Agrarian, Territorial and Urban Development in 2013 has improved coordination in the provision of access to decent housing.

32. A total of 8.8 million pesos in funding was awarded in 2008–2012, with 39.3 per cent of this amount being allocated for the purchase of new housing. In all, 52 per cent of the total took the form of grants to low-income families from the Make Yourself At Home Programme, the National Social Housing Fund<sup>38</sup> and the Ministry of Social Development. The remaining 48 per cent of the funding took the form of loans. Funding reached an all-time high during this period.

33. In rural and indigenous communities, the challenges to be met have to do with the quality of building materials, living spaces and services. There are programmes in place to address the needs of the poorest sectors, but funding schemes must be designed for the population working in the informal sector of the economy.

### **D. Right to food**

#### **(Recommendations set forth in paragraph 93 – 68, 70, 71)**

34. Amendments to articles 4 and 27 of the Constitution entered into force in October 2011. The amended articles establish the right to nutritious, adequate food of good quality and the obligation of the State to guarantee an adequate and appropriate supply of basic foodstuffs.

35. The Federal Government launched the National Crusade Against Hunger in January 2013. This strategy for achieving social inclusion and well-being seeks to ensure access to food and nutrition security for the 7.4 million people living in extreme poverty who lack a sufficient supply of food<sup>39</sup> so that they may fully exercise their right to food.<sup>40</sup>

36. The Opportunities Programme grants monthly financial support directly to beneficiary families to help them gain access to a more ample, higher quality and more varied diet. It also furnishes food and nutritional supplements to women during pregnancy and to their children during the first five years of life.

37. Other programmes,<sup>41</sup> such as the Food Aid Programme, exist for families that are ineligible for the Opportunities Programme. The Food Aid Programme aims to improve access to food by delivering financial support to rural and urban households whose socioeconomic status prevents residents from improving their educational levels, diets and/or health standards. The programme benefited 673,092 families in 2012;<sup>42</sup> 70,073 of these families live in indigenous settlements.

## **E. Right to education**

### **(Recommendations set forth in paragraph 93 – 64, 70, 73, 74)**

38. Article 3 of the Constitution establishes the founding principles of the national education system, including the right to a secular, compulsory education free of charge from preschool to (as of 2012) upper secondary level<sup>43</sup> and the right to freedom of instruction. The General Education Act sets out the way in which the compulsory education system is to be organized and run. Universal coverage of primary education was achieved in the academic year 2011–2012.<sup>44</sup>

39. A constitutional amendment was passed in February 2013 to improve the quality of compulsory education in order to ensure that students receive the best education possible by giving them access to better educational materials, teaching methods, organizational arrangements and educational infrastructure and fully qualified teachers and administrators. The amendment stipulates that education must promote cultural diversity, equal rights, the importance of the family and the dignity of the human person.

40. The Professional Teachers' Service was created to ensure professional excellence through competitive examinations, which are administered by the National Education Evaluation System. In addition, constitutional status has been given to the National Institute for Scholastic Evaluation<sup>45</sup> and the number of full-time schools offering between six and eight hours of instruction per day is being significantly increased with the objective of strengthening the teaching and learning process for students.<sup>46</sup>

41. The Opportunities Programme awards grants to children and adolescents from poor families to encourage their registration and regular attendance at school at the basic and upper secondary levels.<sup>47</sup> A total of 5,982,700 students were granted scholarships in the academic year 2011-2012, which was 15.2 per cent more than the previous year.<sup>48</sup> The number of scholarships for basic and upper secondary levels has been increased by 18 per cent between the academic years 2007-2008 and 2012-2013, with the total number of recipients rising to 6,046,800 students. The number of female scholarship recipients has increased by 16.5 per cent during the same period.

42. The school hostels programme for indigenous children helps ensure the school enrolment and continued attendance of indigenous children at each level of education as well as strengthening intercultural relations and improving the diets of such children in the municipalities that exhibit the most marginalization and greatest educational lags. The programme serves approximately 60,000 people from different indigenous settlements every academic year.<sup>49</sup> The Scholarship Project for Indigenous Students in Higher Education provided grants for 800 indigenous students between 2009 and 2012.

## **F. Right to work and protection of human rights in the workplace**

### **(Recommendations set forth in paragraph 93 – 30, 62, 64)**

43. An amendment to the Federal Labour Act which was published in November 2012 promotes job creation through the introduction of new types of labour contracts, occupational health and safety measures and greater transparency and accountability regarding union rights. The amendment reinforces accessibility rights for persons with disabilities and the rights of migrant workers, particularly in the agricultural sector, extends health-care coverage and social security benefits to these groups and expressly prohibits conditions which foster discrimination.

44. Regarding the rights of women workers,<sup>50</sup> the law prohibits the dismissal of women due to pregnancy, change in marital status or care of any dependent children. Requests for

medical certificates proving that a woman is not pregnant for the purposes of recruitment, continuing employment or promotion are prohibited.

45. The law also penalizes child labour. The elimination of child labour and the protection of adolescents' rights are a priority of labour policy in accordance with International Labour Organization (ILO) Convention No. 182. The Interministerial Commission for the Prevention and Eradication of Child Labour and the Protection of Working Adolescents of Legal Working Age in Mexico was created in June 2013. The Commission provides inter-institutional coordination in the design, execution and evaluation of actions relating to child labour.

46. The inspections target is to be increased by 72 per cent for 2013–2018; this means that nearly 420,000 workplaces will be inspected in order to ensure that they are operating within the law.

47. The National Employment Service's Employment Support Programme,<sup>51</sup> Employment Service and Employment Contingency Programme support the unemployed and underemployed population in a number of ways. A total of 5,062,708 people were assisted by the National Employment Service between January 2008 and December 2012<sup>52</sup> through the provision of temporary employment, placements and/or job retention services, with a placement rate of 25.4 per cent.

## **G. Right to a healthy environment**

48. An amendment to article 4 of the Constitution entered into force in February 2012 which establishes the right to a healthy environment and the responsibility to prevent environmental harm and deterioration. The amended article also establishes the constitutional status of the right to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.<sup>53</sup>

49. The Federal Environmental Responsibility Act, in force since July 2013, guarantees the human right to a healthy environment and provides for the creation of specialized district courts to hear cases dealing with such matters.

50. Amendments were promulgated in August 2011 to article 17 of the Constitution, the Federal Code of Civil Procedure and the General Environmental Equilibrium and Protection Act. These changes reinforce the right to take collective legal action relating to the environment and the rights of members of the public to challenge works or activities which contravene environmental legislation.<sup>54</sup>

## **V. Civil and political rights**

### **A. Political rights**

51. The Federal Electoral Tribunal is responsible for safeguarding citizens' politico-electoral rights. Between 2009 and 2012, it heard over 76,000 cases concerning the protection of politico-electoral rights.<sup>55</sup> Pursuant to the 2011 amendments concerning human rights, in its decisions the Tribunal invokes and refers to the international obligations assumed by Mexico, along with other binding instruments and guidelines issued by supranational bodies.<sup>56</sup>

52. In August 2012, citizens' right to request that they be registered as independent candidates was established by means of the amendment of some provisions relating to political rights and the addition of others, such as article 35, section II, of the Constitution.



53. One major challenge is to engage indigenous peoples and communities more actively in the country's political affairs while recognizing their customs and ways, as provided for in the Constitution and the country's electoral laws.<sup>57</sup>

## **B. Strengthening the judicial system**

**(Recommendations set forth in paragraph 93 –34, 35, 37, 38, 40, 41, 42, 45, 47, 51, 64)**

54. The Coordinating Council for the Implementation of the Criminal Justice System was established in 2008 to work towards fulfilling the commitment made by the three branches and the three levels of government to introduce an adversarial criminal trial system. The Technical Secretariat of the Coordinating Council for the Implementation of the Criminal Justice System was set up to design and execute policies and strategies and provide coordination in order to support the implementation of this system throughout the country.

55. In order to adapt the structure and organization of the federal judiciary to conform to the provisions of legislative amendments and other changes introduced in the areas of criminal law, *amparo* proceedings and human rights, in 2012 the Implementation Unit<sup>58</sup> was established to analyse, plan, execute and evaluate plans, programmes and initiatives for achieving this objective in coordination with the executive and legislative branches, the states and the Federal District.

56. As of May 2013, the adversarial criminal trial system was in full operation in 3 states,<sup>59</sup> was partially operational in another 10,<sup>60</sup> was in the process of being introduced in 6<sup>61</sup> and was in the planning stage in 13.<sup>62</sup>

57. In July 2010, an amendment to article 17 of the Constitution was passed which establishes that collective legal action may be taken to demand rights to which a group of persons are entitled.

58. The Pact for Mexico and the National Development Plan provide for the creation of an effective, expeditious, impartial and transparent criminal justice system. On 17 July 2013, Congress passed a constitutional amendment that lays the groundwork for the issuance of a unified code of criminal procedure and referred the amendment to the country's local legislatures. The endorsement of this measure and passage of a general framework law on the criminal justice system will pave the way for the transition to an adversarial system based on a unified model that has been tailored to the legal and social conditions existing in Mexico.

59. As part of the effort to combat corruption within the judicial system, the Council of the Federal Judiciary has disciplinary authority over civil servants employed by judicial bodies.<sup>63</sup>

60. Between 2008 and 2012, the courts handed down a number of important decisions concerning the protection of human rights relating to *amparo* proceedings and criminal justice.<sup>64</sup>

61. Since the passage of the constitutional amendments relating to human rights, the Supreme Court, the Council of the Federal Judiciary and the National Commission of Superior Courts have provided courses for judges presiding over federal and local courts to promote the practice of referring to international human rights instruments in judicial proceedings.

### **Military justice**

#### **(Recommendations set forth in paragraph 93 – 7, 36, 43; paragraph 94<sup>65</sup> – 3, 4, 6)**

62. A number of proposals for amending article 57 of the Code of Military Justice are before Congress. The aim of these bills is to ensure that civilian courts will have jurisdiction over crimes and human rights violations committed by members of the armed forces against civilians. The Senate Justice Committee has considered these proposals and will hold a series of forums with experts, authorities and civil society organizations. These forums will focus on developing a final bill for submission to the legislature during its next session.<sup>66</sup> Winning passage of this bill is one of the principal challenges to be met in order to ensure the justiciability of human rights.

63. In 2012, the Supreme Court ruled that article 57 of the Code of Military Justice is unconstitutional and recognized the legal right of an aggrieved party and his or her family to apply for the remedy of *amparo*.

64. Between mid-2012 and June 2013, the Office of the Military Attorney General and the military courts referred 231 preliminary investigations and 180 criminal cases involving human rights violations committed against civilians to the civil authorities. The Attorney General of the Republic is in the process of reviewing the case files to ensure that the victims have access to justice.

### **Preventive custody**

#### **(Recommendation set forth in paragraph 93 – 39)**

65. Congress is reviewing a proposed amendment to article 16 of the Constitution relating to preventive custody (*arraigo*). The proposed changes are designed to address the misuse of this measure, which is supposed to be applied only in exceptional cases.<sup>67</sup> The Government firmly believes in the wisdom of limiting the use of this precautionary measure to truly exceptional cases in which it is required in order to protect life. Autonomous human rights bodies in Mexico should monitor the application of this measure.

66. At the local level, the legislatures of the states of Chiapas and Oaxaca and of the Federal District have approved the proposal to put an end to the preventive custodial arrangement of *arraigo*.

## **C. Public security and human rights**

#### **(Recommendations set forth in paragraph 93 – 37, 47, 50, 51, 61; paragraph 94 – 1, 8<sup>68</sup>)**

67. The Federal Police Act was promulgated in June 2009. The Act sets out implementing regulations for article 21 of the Constitution, which establishes the respect of human rights as one of the guiding principles for efforts to prevent and fight crime.

68. The Citizens Relations Unit was created in 2010 within the Ministry of Defence to resolve problems arising between the armed forces and members of society as a result of the military presence in the streets and to assist civilians affected by the fight against organized crime.<sup>69</sup>

69. Two extremely valuable instruments were promulgated in April 2012: the General Guidelines for Police Institutions on the Use of Force regulate the actions of the federal police force in line with international human rights standards and will serve as a basis for a law on the legitimate use of force by law enforcement officers; the Human Rights Cooperation Agreement<sup>70</sup> obligates law enforcement personnel to promote, respect, protect

and uphold human rights in the course of their duties in accordance with the principles of universality, interdependence, indivisibility and the progressive realization of human rights. This agreement comprises protocols on the legitimate use of force, arrest and appearance before a judge, and the chain of custody.

70. Since 2009, the International Committee of the Red Cross has certified more than 200 public servants responsible for public security as human rights investigators. The Ministry of the Interior signed a cooperation agreement with the Red Cross in February 2013 under which it will provide technical assistance in drafting a law on the legitimate use of force by public authorities, prepare studies and protocols and provide technical assistance in the search for disappeared persons, and to provide psychosocial support and assistance to their families.

71. In view of the fact that the new criminal justice system gives the police greater investigative powers, a course designed to sensitize officers to this new adversarial system and to raise their awareness of human rights was given to 1,300 federal police officers.

72. The Victims Act, which was promulgated in January 2013, is the implementing mechanism for the provision contained in article 1 of the Constitution which establishes that it is an obligation of the State to provide redress for any and all human rights violations.<sup>71</sup> This paves the way for the introduction of restorative justice in Mexico.

73. This law provides for the establishment of a national victims services system to oversee the programmes that will be put in place to implement it; an executive committee for victims services, to be composed of experts and victims' representatives nominated by public universities and human rights civil society organizations, which will be tasked with implementing the law and monitoring its application; a federal office will provide victims with legal representation and counsel to defend their interests; a national victims registry, which will contain data on the victims who avail themselves of the national victims services system; and a comprehensive redress and assistance fund to provide the necessary resources for victims services. Putting this law fully into effect constitutes a high-priority challenge to be taken up in the coming months and years.

74. In the pursuit of efforts to put an end to corruption, between 2009 and 2012, 2,908 people were charged and bound over for trial for the offences of abuse of authority, the abusive exercise of public functions or unauthorized exercise of public office.<sup>72</sup>

75. These constitutional amendments have also established human rights as the cornerstone for the organization of the prison system. Budget allocations for the operation of the system at the local level have been increased, with over 7.37 million pesos being assigned to the Public Security Fund in 2012.<sup>73</sup> The budget for the federal prison system (over 10.8 billion pesos in 2011)<sup>74</sup> has also been increased significantly.

76. A number of other amendments have also been made in order to bring the definition of organized crime as set out in the Federal Act on Organized Crime into line with the United Nations Convention against Transnational Organized Crime.

## **D. Action to combat specific offences**

### **Trafficking in persons**

#### **(Recommendation set out in paragraph 93 – 32)**

77. A comprehensive, effective approach to combating human trafficking is provided for the General Act for the Prevention, Punishment and Eradication of Crimes of Human Trafficking and for the Protection and Assistance of Victims, which was promulgated on 14 June 2012.<sup>75</sup> This law sets out the spheres of action of the three levels of government and

the modes of coordination for their work in preventing and investigating such crimes and in prosecuting and punishing offenders. It also defines the various types of offences and establishes the relevant procedures and penalties. In addition, this law establishes the obligation to provide comprehensive, adequate and effective redress for victims of such crimes.

78. The General Act obligates the 32 federal entities of Mexico to bring their local laws into alignment, which represents quite a challenge; while 24 entities<sup>76</sup> have a specific law to combat, prevent and punish the offence of human trafficking, the states of Coahuila, Querétaro, Puebla and Veracruz have legal provisions similar to those set out in the General Act, and 7 states have submitted bills on human trafficking to their state legislatures.<sup>77</sup>

79. In September 2012, an agreement was issued which establishes the organizational and operational structures of the General Coordinating Unit for the Investigation and Prosecution of Human Trafficking Offences of the Office of the Attorney General of the Republic.<sup>78</sup>

80. To assist it in its task of providing protection and comprehensive, cross-cutting services to victims of human trafficking, the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking of the Office of the Attorney General<sup>79</sup> has a special, high-security shelter where women are lodged temporarily in order to provide them with access to a decent, violence-free life, support during the corresponding investigation and trial, and specialized psychological treatment. This also helps to begin the process of their reintegration into society.<sup>80</sup>

81. As a complementary step, in October 2011 the Government of Mexico signed a cooperation agreement with the United Nations Office on Drugs and Crime (UNODC) for the preparation of a national baseline study on human trafficking in Mexico.<sup>81</sup> In addition, in April 2010, UNODC and the Government of Mexico launched the Blue Heart Campaign against Human Trafficking.

### **Torture and enforced disappearance**

#### **(Recommendations set forth in paragraph 93 – 24, 25, 26, 27, 28, 40, 46)**

82. Torture and ill-treatment are expressly prohibited in articles 19, 20 and 22 of the Constitution. The implementing regulations for these provisions are set out in the Federal Act on the Prevention and Punishment of Torture,<sup>82</sup> which is now being reviewed and amended by Congress in accordance with the recommendations made by the Committee against Torture of the United Nations.<sup>83</sup> These offences are covered in either special laws or the Criminal Codes of all the federal entities; 16 states have adopted specific legislation on torture.<sup>84</sup>

83. Between 2007 and 2012, the National Human Rights Commission<sup>85</sup> issued 51 recommendations to the Ministry of Defence, 8 to the Ministry of Naval Affairs, 5 to the then Federal Ministry of Public Security and 1 to the Office of the Attorney General. All 65 recommendations were accepted and progress is being made in implementing them. Between February and July 2013, the Office of the Attorney General opened 99 inquiries into possible cases of torture on the basis of testimony provided by defendants in federal court proceedings.

84. In order to reaffirm the prohibition of torture, on 1 December 2012, the President of Mexico issued a directive addressed to all units, offices and facilities of the Army and Air Force which prohibits the use of torture, cruel, inhuman and/or degrading treatment at all times and which underscores the obligation to act in a way that upholds human rights.

85. In May 2013, the National Conference of State Attorneys General<sup>86</sup> of the National Public Security System<sup>87</sup> decided that all the federal entities' prosecutors' offices would apply the Istanbul Protocol and would take steps to further the ongoing implementation of the National Training Programme.

86. The crime of enforced disappearance is defined in article 215A of the Federal Criminal Code under the heading "legal or illegal detention", which outlines the distinction between the two.<sup>88</sup> Enforced disappearance is currently defined as an offence in its own right in the laws of 15 federal entities.<sup>89</sup> A number of bills are before Congress that would align the definition of this offence with the standards established in the international convention on this subject. These bills will be taken up in the near future by the joint justice, national defence and legislative studies committees of the Senate.

87. The Office for Victims of Crime (PROVICTIMA) was established in September 2011 as a decentralized federal agency to provide services to victims and to family members of disappeared or missing persons. In November 2012, PROVICTIMA issued a protocol on immediate searches for disappeared or missing persons.<sup>90</sup>

88. In April 2012, the Missing or Disappeared Persons Registry Act entered into force. This registry will provide the National Public Security System with a means of pooling information on missing or disappeared persons and on unidentified persons being housed in treatment or other custodial facilities. This information can then be used to further investigative attempts to locate these persons, their family members and places of residence.<sup>91</sup> The Registry will become fully operational once its implementing regulations have been promulgated.

89. In July 2012, an agreement was signed for the launch of a protocol for the coordination of actions to be taken by federal, state and municipal authorities to search for and assist women or girls who are reported missing in the Municipality of Ciudad Juárez. These extensive procedures are known as the Alba Protocol.<sup>92</sup>

90. In November 2012, the National Conference of State Attorneys General approved the Forensic Identification Protocol, which was developed by the forensic medical and expert services of all the federal entities with advisory assistance from the Red Cross.

91. In line with the Government's policy on combating this problem, the Missing Persons Search Unit has been established. The Unit is attached to the Office of the Attorney General<sup>93</sup> and is staffed by personnel from that Office and specialists in the treatment of victims.<sup>94</sup>

## **E. Freedom of expression, human rights defenders and journalists**

**(Recommendations set forth in paragraph 93 – 23, 52, 53, 54, 56, 57, 58, 59, 60, 61)**

92. The Special Prosecutor's Office for Crimes against Freedom of Expression was established in July 2010 to direct, coordinate and supervise the investigation and prosecution of crimes committed against journalists.

93. The Human Rights Defenders and Journalists Protection Act entered into force in June 2012. This law provides for the cooperative use by the federal and state governments of preventive and protective mechanisms designed to safeguard the lives, well-being, liberty and security of persons who are at risk as a consequence of their activities as human rights defenders or journalists.

94. This law provided for the creation of the Human Rights Defenders and Journalists Protection Mechanism.<sup>95</sup> The nationwide call for nominations for the Consultative Council was issued in July 2012, and the Governing Board for the Mechanism was established in

November 2012.<sup>96</sup> Representatives of journalists and human rights defenders nominated by civil society organizations sit on both the Council and the Board.

95. In June 2012 an amendment to the Constitution was introduced which authorizes the federal courts to hear cases involving ordinary offences when they are related to offences committed against journalists, other persons or facilities which seek to undermine freedom of expression or the right to information.<sup>97</sup>

96. In November 2012, the Special Prosecutor's Office for Crimes against Freedom of Expression launched an early warning system designed to trigger rapid preventive and protective action to shield human rights defenders and journalists from threatened attacks.

97. Between the time of its creation in November 2012 and June 2013, the Mechanism has received 87 applications (35 from journalists and 52 from human rights defenders). The Governing Board has met 12 times and has approved a model text for cooperation agreements with federal entities,<sup>98</sup> protocols for protective action and for risk assessments, and the operating rules for the Human Rights Defenders and Journalists Protection Mechanism Fund.

**(Recommendation set forth in paragraph 93 – 55)**

98. On 11 June 2013, constitutional amendments dealing with telecommunications were promulgated<sup>99</sup> which will promote greater competition in the radio, television and telephony services industries. These amendments provide for the establishment of the Federal Telecommunications Institute and authorize that body to investigate monopolistic practices, identify and penalize companies that are dominating the market, monitor service quality and charges, and grant exclusive concessions.<sup>100</sup> They also provide for the establishment of specialized courts and for the creation of new national television networks which will then be put up for tender.

## **VI. Right to equality and non-discrimination and rights of specific groups**

99. All forms of discrimination are expressly prohibited in Mexico under article 1 of the Constitution.<sup>101</sup> The Federal Act on the Prevention and Elimination of Discrimination provides for affirmative action and compensatory measures to be taken by public bodies and federal authorities to promote equal opportunities for historically vulnerable groups. Discrimination was classed as a federal offence in April 2012.

100. A number of federal entities have incorporated anti-discrimination provisions into their legal framework under the terms of article 1 of the Constitution. At present, the constitutions of 19 states expressly prohibit discrimination,<sup>102</sup> and 21 state laws against discrimination have been passed.<sup>103</sup>

101. With a view to harmonizing state laws with federal laws and international treaties, the National Council for the Prevention of Discrimination (CONAPRED) developed the Model Law for the Prevention and Elimination of Discrimination. This step is designed to pave the way for the creation of a lead agency for efforts to combat discrimination at the state level. The National Programme for the Prevention and Elimination of Discrimination was also introduced in 2012 to promote a culture of non-discrimination and to ensure that this principle guides the actions of the federal administration.

102. The Council designed the National Survey on Discrimination in Mexico in 2010 in order to arrive at an extensive qualitative and quantitative appraisal of the different types of discrimination that occur by analysing data from geographic regions, metropolitan areas and border regions. The survey provided data disaggregated by gender, age, socioeconomic

status and educational level. The information collected has afforded the Council an insight into public opinion on what divides society, the extent of economic inequality, the importance given to skin colour and the many faces of intolerance, in addition to how political parties are viewed by the public.

## A. Rights of migrants

### (Recommendations set forth in paragraph 93 – 63, 75, 79, 80, 81)

103. Mexico has achieved a series of significant advances in this area which have been made possible by a paradigm shift that sets migration fully within a human rights framework.

104. The Migration Act, which entered into force in May 2011, serves as a specific legal framework for migration-related matters. In addition, various provisions of the Population Act, the Federal Criminal Code, the Federal Code of Criminal Procedure and other statutes have been amended in order to ensure that migrants' rights are respected.

105. The Migration Act decriminalizes undocumented immigration and provides guarantees for the rights and safety of foreign migrants. The Act also guarantees access to justice, education, health care and civil status certificates and incorporates the guiding principles of the best interests of children and family unity, regardless of migration status.

106. A manual on migration standards and procedures was published by the National Institute of Migration in 2010 for use in the regularization of migration status and the issuance of leave to remain for humanitarian reasons for foreigners who have been victims of or witnesses to an offence. The manual also includes provisions on the Visiting Frontier Worker Card<sup>104</sup> and the Regional Visitor Card,<sup>105</sup> which permit frontier workers and local Guatemalan and Belizean visitors to stay legally in the states located along the southern border of Mexico.

107. The sixth programme for migration regularization was carried out between 2008–2011 and benefited more than 10,000 foreign nationals who had settled in Mexican territory without the required documentation.

108. The Humane Repatriation Programme and the Mexican Interior Repatriation Programme have assisted Mexicans who have been repatriated from the United States of America to re-enter Mexican society in a manner that preserves their human dignity and provides them with opportunities for further development. There are currently nine repatriation units along the northern border of Mexico.

109. The Compatriots Programme provides a set of standing policies and strategies, undertakes preventive actions and furnishes guidance for the benefit of Mexicans living abroad. It is intended to uphold these people's rights, to ensure their safety and well-being and to make certain that they have full knowledge of their obligations during their entry into, transit of and departure from the country.<sup>106</sup>

110. The Programme for Agricultural Day Labourers assists day labourers and their families by providing financial support and by helping to arrange for meal services, health care, schooling and improvements in infrastructure. In 2012, this programme benefited more than 700,000 family members of migrant day labourers.

111. Migrant Protection Groups have been established under the terms set out in the Migration Act. The aim of these units, which are also referred to as "Beta Groups", is to protect and defend the rights of migrants transiting Mexico, regardless of their migration status, and to provide them with guidance, humanitarian aid, rescue services and legal

assistance.<sup>107</sup> Between 2009 and January 2013, the Beta Groups provided services to over 2.5 million migrants.<sup>108</sup>

112. Child Protection Officers are federal migration officials who work to uphold the rights of child migrants (especially those who are unaccompanied), to safeguard their physical and mental integrity, provide them with first-response services and help them get in touch with their families.<sup>109</sup> This service model, which has proven to be successful, has been shared with the countries of Central America.

113. The Network of Transit Units and Shelters, which is run by the System for the Comprehensive Development of the Family at the state and/or municipal level, and other shelters run by civil society organizations under the terms of cooperation agreements provided social welfare services<sup>110</sup> to some 16,650 Mexican and other migrant children and adolescents, on average, each year between 2009 and 2012. They also helped these minors to rejoin their families and communities.

114. In 2010, a comprehensive strategy for preventing and combating the abduction of migrants was established and a framework cooperation agreement for this effort was entered into by a number of federal government institutions<sup>111</sup> and the National Human Rights Commission. The aim is to put a halt to criminal activity targeting migrants on Mexican territory by concluding special agreements with stakeholders, providing training, distributing information, carrying out preventive action and furnishing assistance.

115. In September 2011, a strategic alliance for preventing and combating migrant smuggling was established by the United Nations Office on Drugs and Crime (UNODC) and the Government of Mexico in order to put a stop to this type of criminal activity at the national and regional levels. In 2009–2012, a total of 3,793 persons were charged and bound over for trial for the crime of migrant smuggling. During this same period, 1,367 verdicts (1,201 convictions and 166 acquittals) regarding this offence were handed down.

## **B. Refugees**

116. The Refugees and Subsidiary Protection Act entered into force in January 2011. This law lays the foundations for refugee protection and assistance efforts in Mexico and safeguards to ensure that their human rights will be respected. It establishes such principles as those of non-refoulement, confidentiality, the centrality of the family unit, non-discrimination and the best interests of the child and the tenet that migrants should not be punished for having entered the country without proper documentation.<sup>112</sup> The Office of the United Nations High Commissioner for Refugees (UNHCR) has stated that this law reflects good practices in this area.<sup>113</sup>

117. The legal concept of subsidiary protection refers to a broader range of options in terms of granting protection to foreign nationals who do not qualify for refugee status but who could be subjected to torture or inhuman treatment if they were to be returned to their country of origin.

118. In April 2013, the State of Chiapas and UNHCR signed a framework cooperation agreement for the coordination of services for asylum seekers and persons applying for refugee status in locations along the country's southern border. In May 2013, the Government of Mexico and UNHCR issued a report on sociodemographic profiles and social integration which provides additional information on the situation and needs of refugees.<sup>114</sup> In June 2013, the Ministry of the Interior and the government of the Federal District signed an inter-agency agreement on the coordination of refugee services in Mexico and the development of public policies in support of refugee services in Mexico.



## C. Rights of indigenous peoples and Afro-descendants

### (Recommendations set forth in paragraph 93 – 8, 49, 75, 76, 77, 78)

119. There are an estimated 15.7 million indigenous persons<sup>115</sup> in Mexico and 68 indigenous peoples. Most of these people live in rural areas, but one out of every four indigenous persons reside in a metropolitan area. Indigenous persons represent 14.86 per cent of the Mexican population and are spread out among 64,000 different localities. This sector of the population lags significantly behind the national average in terms of the exercise of the right to food, health, education and access to justice.

120. The commitment to adopt a policy aimed at ensuring that indigenous peoples can actually avail themselves of the same rights and have the same opportunities as the rest of the population is set forth in the Pact for Mexico.

121. The Federal Public Defender Institute, the Council of the Federal Judiciary and the National Institute for Indigenous Languages have entered into agreements and launched training programmes leading to the certification of bilingual defence attorneys and official translators of indigenous languages. A national list of qualified interpreters and translators of indigenous languages has also been established.

122. The National Commission for the Development of Indigenous Peoples (CDI) runs a programme to promote the establishment of agreements that will help indigenous peoples and their members gain access to justice on both an individual and a collective basis by providing funding for community projects and projects undertaken by indigenous and non-indigenous social and civil organizations.

123. The Commission for Dialogue with the Indigenous Peoples of Mexico was set up in February 2013 for the purpose of upholding indigenous peoples' human rights and their right to autonomous self-determination. The Ministry of the Environment and Natural Resources has developed a work plan for ensuring that the right of indigenous peoples and communities to be consulted and the principle of free, prior and informed consent in matters relating to environmental issues are upheld in accordance with ILO Convention No. 169. This workplan focuses on providing training to civil servants and developing specific mechanisms for ensuring that consultations are held and carried out properly.<sup>116</sup>

124. While a great deal of progress has been made and there are a large number of programmes being carried forward, the consolidation of a coherent national legal framework for the protection of indigenous peoples' rights remains a challenge which must be met in order to ensure that indigenous communities and peoples are able to exercise their rights in all spheres of the country's political, social and economic affairs.<sup>117</sup>

### Rights of Afro-descendants

125. Challenges remain to be met in Mexico in terms of the recognition and visibility of the Afro-descendant population, since the country's statistical measurement tools have not included this sector as a separate category. In order to address this situation, National Council for the Prevention of Discrimination (CONAPRED) and the National Statistical and Geographic Institute have designed a specific heading for Afro-descendants which is to be incorporated into the design of the 2015 Population and Housing Census.

126. The National Forum of Afro-descendant Populations, held in 2012, recognized that this population group has been the victim of official, structural racial discrimination and began to put together a working agenda for meeting the challenges that exist in this regard.<sup>118</sup>

127. In addition, the guidelines for public action in respect of Afro-descendant population groups in Mexico developed by CONAPRED and the National Movement for Cultural

Diversity in Mexico include recommendations concerning the design of public policies for promoting the interests of Afro-descendants.<sup>119</sup>

#### **D. Women's rights**

**(Recommendations set forth in paragraph 93 – 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 48)**

128. The General Act for Equality between Women and Men and the General Act on Women's Access to a Life Free of Violence provide Mexico with a legal framework for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Programmes, policies and strategies dealing with women's rights are designed within this framework.<sup>120</sup> The National Women's Institute and the 32 women's institutes existing at the state level coordinate national and local policies aimed at achieving full gender equality.

129. As of now, 30 of the country's 32 states have a gender equality law and all have a law on women's access to a life free of violence. There are 17 Systems for Equality between Women and Men and 32 Systems for Preventing, Countering, Punishing and Eradicating Violence at the state level. In addition, 1,250 municipalities (over half of all municipalities in the country) have set up municipal women's units.

130. In all, 27 federal entities<sup>121</sup> have defined the crime of femicide as a specific offence in their Criminal Codes; this crime was included in the Federal Criminal Code in June 2012.

131. Institutional measures have been adopted in each of the three branches of government in self-governing agencies to further the promotion and protection of women's rights and to support substantive equality between women and men. The country's three main judicial bodies — the Supreme Court, the Council of the Federal Judiciary and the Federal Electoral Tribunal — have special offices devoted to gender equity and equality. Between 2009 and 2012, 17 different ministries and the Office of the Attorney General introduced programmes that use benchmarks and indicators as aids in implementing international instruments on women's rights and in gender mainstreaming in policy design. The Federal Electoral Institute contributes to training in this subject area and conducts information activities that promote political leadership roles for women.

132. In 2011 and 2012, a national planning effort was pursued on the basis of the principle of equality between women and men, and a gender perspective was incorporated into the budget process. Budget allocations under the heading of gender equality amount to 18.76 billion pesos,<sup>122</sup> which represents an increase of 157 per cent since 2008.<sup>123</sup>

133. In the realm of political participation, compliance with gender quotas has been achieved thanks to the courts' rigorous interpretations of the law and the decisions taken by election officials.<sup>124</sup> The Chamber of Deputies now includes 189 women (37.8 of the seats) – the largest number in history. In the Senate, 44 of the 128 seats (34.4 per cent) are held by women. In addition, political parties are required to invest at least 2 per cent of their budgetary funds in political leadership training, promotion and development activities for women.

134. In 2011, among women over 15 years of age, partner violence in the most recent relationship occurred in 47 per cent of all cases. When disaggregated by type of violence, the percentages are as follows: emotional violence, 43.1 per cent; economic violence, 24.5 per cent; physical violence, 14 per cent; and sexual violence, 7.3 per cent. Overall, the level of partner violence rose from 43.2 per cent in 2006 to 46.1 per cent in 2011. This increase is

accounted for by the higher indices of emotional and economic violence; but, significantly, decreases were seen in the levels of physical violence (-5.7 per cent) and sexual violence (-1.6 per cent).

135. A number of specialized agencies work to prevent and eradicate violence against women, including the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking, the National Commission for the Prevention and Elimination of Violence against Women and the Office for Victims of Crime (PROVICTIMA). At the national level, there are also 166 specialized judicial agencies and 66 shelters (34 of these shelters are run by civil society organizations while the other 32 are operated by state and municipal governments).<sup>125</sup>

136. The National Centre for Gender Equality and Reproductive and Sexual Health<sup>126</sup> continues to provide women with specialized health services, including services relating to the prevention of domestic and gender violence and the treatment of victims of these types of violence.<sup>127</sup> The Centre's budget was increased for 2013,<sup>128</sup> and specialized health services were provided to 189,000 women.

137. The Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women was launched in 2009 and tasked with taking the lead in the design of public policy on violence against women.

138. In 2011, Women's Justice Centres were developed as a way of pooling the efforts of governmental, judicial and civil society bodies to assist women victims of violence. Based on this model, five Centres are now up and running and another four will be opening in the near future.

139. Stronger law enforcement and continued alignment at the local (and especially municipal) level is an ongoing task. In order to eradicate violence, a model for services designed to counter violence against women and girls must be developed. This model should be tailored to the indigenous population and be based on an intercultural human rights approach so that indigenous women can make use of these services.

## **E. Rights of children and adolescents**

### **(Recommendations set forth in paragraph 93 – 30, 31, 33)**

140. In October 2011, an amendment to article 4 of the Constitution was promulgated which strengthens the rights of children, recognizes them as subjects of law and establishes the obligation of the State to safeguard the best interests of children and to uphold the principle of the best interests of the child in its decisions and actions.<sup>129</sup>

141. In December 2012, the Federal Justice for Adolescents Act was promulgated. This law is intended to ensure that adolescents charged with or convicted of a criminal offence enjoy the rights set forth in the Constitution and in international treaties.

142. The System for the Comprehensive Development of the Family (SNDIF) is making progress in setting up state committees to monitor the application of the Convention on the Rights of the Child.<sup>130</sup> SNDIF also fosters a violence-free family environment through its use of the Peaceful Resolution of Family Conflict Model and engages children and adolescents as active participants in the promotion of their rights and the dissemination of information about those rights through the work of the Programme for Child Protection and Integral Development.

143. In order to uphold the human right of children to have a name and a nationality, to establish family, cultural and national ties and to have an identity, in April 2013, SNDIF, in coordination with the Ministry of the Interior, UNICEF and civil registries at the state level,

signed a cooperation agreement for the implementation of the National Campaign for Universal and Timely Birth Registration.

144. SNDIF funds and supports specialized assistance programmes and scholarships for street children as a means of contributing to their learning experience and helping them to go back to school, supporting their emotional health, helping them to re-establish family ties and addressing delinquency and drug use. An average of 14,900 children and adolescents benefit from these initiatives each year.<sup>131</sup>

145. In 25 states where the risk of child sexual exploitation is considered to be high, SNDIF has worked to combat this type of exploitation by helping 649,409 children and adolescents to develop self-protection skills, providing treatment to 2,627 child victims of sexual exploitation and assisting another 90,072 at-risk children.

146. In July 2012, the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking set up a unit that specializes in investigating and combating cybercrime, including child pornography, sexual tourism and the corruption of minors.<sup>132</sup>

147. AMBER Alert – Mexico promote cooperation among the federal, state municipal governments, media, the private sector and civil society organizations to relay state, national and international alerts leading to searches for and the location and rescue of children and adolescents in imminent danger of serious assaults in connection with their absence, disappearance, loss, illegal deprivation of liberty or any other circumstance where foul play is suspected. A total of 88 alerts<sup>133</sup> have been issued in the country and, as of June 2013, this programme was up and running in 26 states.

148. The Inter-Agency Agreement on Assistance for Children and Adolescents Involved in Organized Crime Scenes. This agreement has served as a basis for the development of protocols for the protection of the human rights of children and adolescents involved in organized crime scenes.<sup>134</sup>

## **F. Rights of persons with disabilities**

149. The results of the 2010 Population and Housing Census indicate that 5,739,270 people (5.1 per cent of the population) who have some sort of disability are living in Mexico. The census results provide information on the obstacles faced by this group in gaining equal access to quality-of-life improvements in all spheres.

150. The General Persons with Disabilities Inclusion Act<sup>135</sup> entered into force in May 2011. The chief aim of this law is to achieve the full inclusion of persons with disabilities within a framework of equality and equalization of opportunities. The National Council for the Development and Inclusion of Persons with Disabilities (CONADIS)<sup>136</sup> was established under the terms set out in this law. It also provides for the alignment of the country's legal framework with the Convention on the Rights of Persons with Disabilities.

151. CONADIS works to ensure that the Convention is implemented in Mexico. In February 2011, the institutional group responsible for overseeing its implementation was designated. This group is made up of the National Human Rights Commission and the 33 public agencies tasked with protecting and defending human rights.

152. With the exception of the State of Baja California Sur and the State of Mexico, which have a regulatory framework in place, all the other federal entities have local laws governing issues of concern to persons with disabilities.

153. In order to eradicate discriminatory practices in the delivery of State services, CONAPRED issues decisions for action by the authorities in which it proposes awareness-

raising actions and measures to ensure that a given act is not repeated. Decisions of this type have been issued in discrimination cases in which children with disabilities have not been accepted in childcare facilities and cases in which persons with disabilities have been discriminated against by airlines.

154. These advances notwithstanding, further action is needed in order to achieve the full implementation of public policies designed to meet the specific needs of persons with disabilities and thereby ensure that they enjoy living conditions and opportunities for development on an equal footing with others.

## **G. Rights of older adults**

155. Older adults make up 8.95 per cent of the Mexican population.<sup>137</sup> Public policies on services for the population aged 60 and over are coordinated by the National Institute for Older Adults. These policies foster an approach based on an understanding of the life cycle and a gender, ethnic and human-rights perspective in the delivery of services to this sector.<sup>138</sup>

156. Under the Pension Programme for Older Adults, the Federal Government provides economic assistance and social insurance coverage to all persons over the age of 65 who do not receive contributory retirement pensions. The number of recipients has increased considerably, since, up until 2012, people had to be over 70 years of age in order to qualify for these pensions.

## **VII. Links with the international system**

### **(Recommendations set forth in paragraph 93 – 1, 2)**

157. In recent years the Government of Mexico has withdrawn its interpretive declarations regarding the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The withdrawal of reservations to other international instruments remains a challenge, although a commitment has been made to review those reservations in order to determine whether it will be possible to do so.

158. Mexico continues to promote the rights of migrants through initiatives in the Human Rights Council, the General Assembly of the United Nations and regional forums. It also promotes the rights of women, indigenous peoples and persons with disabilities. It has, in addition, advocated the adoption of a human rights perspective in the deliberations of the Security Council.<sup>139</sup>

159. At the regional level, Mexico is a committed participant in the Inter-American human rights system. It has taken action to fully comply with the six decisions handed down by the Inter-American Court of Human Rights which concern Mexico.<sup>140</sup> It has also taken action to strengthen this system's political, legal and financial dimensions. The Mexican State is irrevocably committed to creating the necessary conditions for the fulfilment of its obligation to the international community to uphold the right to have access to justice.

160. In the furtherance of democracy, Mexico supports international initiatives for the promotion of democratic values within the framework of the International Institute for Democracy and Electoral Assistance, the Community of Democracies and the Open Government Partnership.

*Notes*

- <sup>1</sup> Through the Human Rights Commissions within the Senate and the Chamber of Deputies.
- <sup>2</sup> Through the Supreme Court of Justice, the Federal Judiciary Council, and the Federal Electoral Tribunal.
- <sup>3</sup> The subjects of these forums were chosen, taking into account the recommendations received by Mexico in 2009.
- <sup>4</sup> 12 networks and non-governmental organizations sent contributions for the report through the email address [mepu\\_dgdh@sre.gob.mx](mailto:mepu_dgdh@sre.gob.mx) enabled for such purpose. For further information on the drafting process, see: <http://www.sre.gob.mx/index.php/dgdhd/>
- <sup>5</sup> A multidimensional measurement indicates that, currently, 52 million people live in poverty. According to the 2010 Census carried out by the National Institute of Statistics and Geography, the total population of Mexico is 112,336,538 people.
- <sup>6</sup> From the Report on Mexico of the Working Group on the Universal Periodic Review (A/HRC/11/27).
- <sup>7</sup> Articles 1, 3, 11, 15, 18, 29, 33, 89, 97, 102 and 105 of the Constitution, reform available in: [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5194486&fecha=10/06/2011](http://www.dof.gob.mx/nota_detalle.php?codigo=5194486&fecha=10/06/2011)
- <sup>8</sup> Other relevant aspects of the reform include: the interpretation of human rights norms in accordance with the Constitution and international treaties, favoring the widest possible protection for the human person (*pro personae* principle); the prohibition of discrimination based on “sexual preferences”; the respect for human rights as a basic principle of public education, and as the basis of the organization of the penitentiary system; the right of every person to seek asylum for political motives and to seek refuge for humanitarian reasons; the prohibition of the suspension of a human rights catalogue in a state of emergency, in conformity with Mexico’s international obligations; the respect of the right of foreigners to a hearing and to guarantees against their arbitrary expulsion; and the promotion and protection of human rights as a guiding principle of foreign policy.
- <sup>9</sup> Additionally, provisions were included to improve procedural celerity and judicial efficiency, as well as to ensure the uniformity and consistency of judicial criteria. The reform also includes different measures to avoid non-compliance with judicial decisions resulting from *amparo* trials (judicial appeals for constitutional protection) and the repetition of challenged acts of authority.
- <sup>10</sup> The Law provides for a priority procedure when the challenged acts could imply the deprivation of life, attacks against personal liberty, incommunicado detention, deportation, repatriation or expulsion, banishment or extradition. In such cases where there is suspicion that an enforced disappearance has occurred, a special 24 hour term is established for granting legal protection, ordering the suspension of challenged acts of authority, and ordering authorities to provide any information that could prove useful to search, locate, and rescue the probable victim.
- <sup>11</sup> In December 2011, the Law of the CNDH was amended to include means to protect claimants’ procedural rights.
- <sup>12</sup> In the fulfillment of its objectives, the PND contemplates three cross-cutting priorities: the democratization of productivity; a modern and approachable government; and gender perspective.
- <sup>13</sup> Consultations took place from February 28 until May 9th, 2013, with input from 228,949 sources. The process took place through 4 modalities: i) an internet poll, in which 129,299 citizens participated; ii) polling stations set up physically and electronically, which received 37,871 documents; iii) 44 forums, that, along with 231 discussion panels, made up 275 consultative actions in which 48,527 people participated; and iv) thematic discussion tables in which 13,252 people participated, whose input was used not only for the preparation of the National Development Plan, but also contributes to the elaboration of Sector-specific, Institutional and Special Programs. Further information about this process can be found in: <http://National Development Plan.gob.mx/>
- <sup>14</sup> The Sub-commission included a Technical Committee for the Follow-up of Public Policy and the Definition of Additional Indicators. The PNDH’s objectives were: (i) the strengthening of a human rights perspective within public policy making; (ii) the strengthening and creation of judicial and administrative human rights protection mechanisms; (iii) the consolidation of a human rights culture; and (iv) the strengthening of Mexico’s compliance with its international human rights obligations, and the promotion of such compliance within the three branches and levels of government.
- <sup>15</sup> Through the General Direction for Human Rights Public Policy, that was expressly created for the definition of this State policy.
- <sup>16</sup> The General Law on Social Development confers to the Council two main functions: coordination of the evaluation of social development public policy, and the creation of indicators and criteria for the definition, identification and measurement of poverty under a multidimensional perspective. A person

- is in a situation of multidimensional poverty when he or she does not have guaranteed access to at least one of the social development rights, and if income is insufficient to acquire such goods and services required to satisfy basic needs. A person is in a situation of extreme poverty when he or she has three or more social deprivations and an income lower than the value of basic foodstuffs.
- <sup>17</sup> (i) Per capita income; (ii) average educational lag per household; (iii) access to health services; (iv) access to social security; (v) quality and spaciousness of households; (vi) access to basic household services; (vii) access to food; and (viii) degree of social cohesion. Further information can be found in the 2012 “Report on Poverty in Mexico. Country, State and Municipal Levels”, by the National Council for the Evaluation of Social Development Policy.
- <sup>18</sup> Population in rural areas presents higher proportions of poverty, increasing from 62.4% to 64.9%; while in urban areas, the increase was from 39.1% to 40.5%. For population that speaks an indigenous language, poverty increased from 75.9% to 79.3%; poverty for non-indigenous language speakers increased from 42.4% to 44.1%.
- <sup>19</sup> In accordance with the General Law on Social Development, the federal budget for social spending cannot be lower than that for the previous year, and it must increase proportionally to the expected growth in the internal gross product. The budget for the reduction of poverty totaled, in 2012, 317,076.8 million pesos, approximately 23,948.4 million United States dollars (USD), which represented an 8.9% increase from 2011.
- <sup>20</sup> The lack of access to health services decreased from 40.8% to 31.8%; the lack of access to social security decreased from 65.0% to 60.7%; lack of basic housing services decreased from 19.2% to 16.5%; the percentage of the population with needs related to the quality and spaciousness of housing diminished from 17.7% to 15.2%; and academic lag decreased from 21.9% to 20.6%.
- <sup>21</sup> The lack of access to food increased from 21.7% to 24.9%.
- <sup>22</sup> By the end of 2012, the Program served 5,845,056 families, distributed throughout the entire country. 60.6% of these families live in rural areas, 18.8% in semi-urban areas and 20.6% in urban areas.
- <sup>23</sup> CDI is a decentralized federal organ in charge of promoting and coordinating the actions undertaken by public institutions to foster the integral and sustainable development of indigenous peoples and communities. The CDI operates an Indigenous Information System which supports the definition, creation, execution and evaluation of governmental programs, projects and actions, and includes specific indicators for indigenous population.
- <sup>24</sup> Approximately 221.3 million USD, exchange rate of 26 June 2013.
- <sup>25</sup> Through the Mexican Institute for Social Security (IMSS) and the Institute for Social Security and Services of State Workers.
- <sup>26</sup> The *People’s Health Insurance (Seguro Popular)* is part of the Social Health Protection System, and, through a public and voluntary insurance, grants access to health services to those people who are not employed or are self-employed, and thus lack access to social security institutions.
- <sup>27</sup> The *People’s Health Insurance* has a *Universal Health Catalogue* which includes 284 medical and surgical interventions and covers 95% of the main health ailments. The remaining 5% corresponds to low-incidence and high-complexity diseases and ailments, that are financed through a *Protection Fund against Catastrophic Expenditures*. Those affiliated to the *People’s Health Insurance* receive the medication they require without cost.
- <sup>28</sup> By December 2012, 13.9 million people who were in the *Opportunities Program* were also incorporated into the *People’s Health Insurance*. Additionally, affiliation in those places where the indigenous language-speaking population supersedes 40% increased to 4,588,655 people. With regard to older persons, by December 2012, 3,181,770 people 65 years of age, or older, were affiliated.
- <sup>29</sup> Approximately 113.3 million USD.
- <sup>30</sup> The *Health Caravans* program provides health services to the population living in highly impoverished regions, with a high geographic dispersion rate and a low human development index, through itinerant medical teams.
- <sup>31</sup> Maternal mortality in Mexico diminished from 1990 to 2011 in 51.3%, since it decreased from 89 to 42.2 deaths per 100,000 births, which does not reflect the expected rate.
- <sup>32</sup> This strategy enabled the affiliation of more than 1.8 million pregnant women to the *People’s Health Insurance*.
- <sup>33</sup> The *Centers* are part of the *IMSS-Opportunities* program; 39 centers are operating in 2013. Between 2008 and 2012, the program provided training regarding prenatal care, identification of alarm signs and clean births, to 7,026 midwives who volunteer in rural areas of difficult access.

- <sup>34</sup> The *21<sup>st</sup> Century Healthcare Program* is part of the *People's Health Insurance*, and its goal is to afford comprehensive medical attention to children born since December 1<sup>st</sup>, 2006, who do not have access to any other kind of social security.
- <sup>35</sup> Between 2006 and 2012, mortality for children under five years of age decreased from 19.2 to 15.7.
- <sup>36</sup> With regard to access to antiretroviral medication, access has been at around 80% since 2008. The number of people who require such treatment and do not have access to it is expected to diminish, since the *People's Health Insurance* offers free antiretroviral medication.
- <sup>37</sup> The IMSS attained this goal since 2005, registering a mortality rate of 3.34 deaths per 100,000 social security right-holders, a tendency that has been maintained in subsequent years.
- <sup>38</sup> The National Trust for Public Housing Projects granted 823 thousand subsidies in this period through programs such as *Your House* and *Rural Housing*, mainly for the improvement and enlargement of homes, both in rural and urban areas.
- <sup>39</sup> In its first stage, this strategy will focus on those counties and districts that have the highest poverty index in the country, 212 of which are considered indigenous, and highly marginalized, in order to benefit more than 3,410,598 indigenous persons, who represent 46% of beneficiaries. For further information, the *National Crusade Against Hunger* webpage can be consulted: <http://cruzadacontraelhambre.gob.mx/#cruzada>
- <sup>40</sup> The *Crusade's* objectives are: i) to guarantee zero hunger for the target population through adequate food and nutrition ii) to eliminate acute malnutrition among children and the improvement of growth indicators in early childhood; iii) to increase the production and income of agricultural workers and small agricultural producers; iv) to minimize post-crop loss and food loss during storage, transportation, distribution and commercialization; and v) to promote community participation against hunger.
- <sup>41</sup> By 2012, the *Rural Supply Program* had a network of 25,121 rural shops where basic products are offered at lowered prices, and the *Social Milk Supply Program LICONSA* provided subsidized and enriched milk to nearly 6 million people.
- <sup>42</sup> 29.4% of families who are part of the program live in rural areas, 17.2% in semi urban areas and 53.4% in urban areas.
- <sup>43</sup> As regards mandatory upper-secondary education (high school and professional technical education), its achievement will be approached gradually starting from 2012–2013 until full coverage in all modalities is attained by 2021-2022.
- <sup>44</sup> As a basis for comparison, primary school attendance (6 to 11 years old) in 2010 was 96.9% among girls and 96.5% among boys.
- <sup>45</sup> As an autonomous, public organ, with legal personality and its own assets.
- <sup>46</sup> The reform also establishes an Education Information and Management System with the objective of having organized data for the planning and operation of the education system; it strengthens the managerial autonomy of schools in order to improve their infrastructure; and the supply of nutritious food is boosted in order to improve the health of students.
- <sup>47</sup> Scholarship holders are given a monthly stipend that varies from 165 to 1,055 pesos (approximately 12.5 to 79.7 USD) according to the grade they are enrolled in. Once they reach secondary education, the stipend depends on grade, as well as gender (since women tend to leave school at a younger age than men, their stipend is slightly larger).
- <sup>48</sup> 83.6% of these scholarships are for basic education and 16.4% for upper-secondary education; 49.8% were granted to women and 50.2% were granted to men.
- <sup>49</sup> This Program has 1,066 boardinghouses in 21 states within the country.
- <sup>50</sup> Additionally, in order to improve labor practices with regard to men and women, the *Official Mexican Norm for Employment Equality between Men and Women* was published in 2009. By 2012, 1,081 labor centers and 139 government offices had been certified in accordance with the *Norm*.
- <sup>51</sup> The PAE operates through four subprograms that registered the following progress between 2008 and 2012: i) *Scholarship Subprogram*, which supports further education and training of job-seekers or people already employed (it benefitted 1,171,313 people, and contributed to allocating and maintaining employment for 805,031 workers); ii) *Fostering Self-employment*, which provides furnishing, machinery, material, tools or a stipend to jobseekers (this subprogram helped 57,825 people); iii) *Employment Mobility*, which operates in the agricultural or industrial and services sectors (341,829 y 22,161 people were granted jobs, respectively); and iv) *Repatriates Working*, a subprogram directed to helping repatriated Mexicans who do not intend to cross the border into the



- United States again (jobs were found for 13,732 people, out of a total 121,022 who were given assistance).
- <sup>52</sup> The SNE includes actions taken by the Formal Employment Subprogram, the Subprogram for the Compensation of Temporary Work, the Subprogram for Temporarily Suspended Workers, the Program for the Support of Former Workers of the extinct decentralized organ Central Light and Power Company, and the Program of Emergent Support for Workers in the Service Sector.
- <sup>53</sup> Mexico has surpassed the Millennium Development Goals for access to sustainable water and sanitation, and significant advances have been made in the rehabilitation of sites that pose a high health risk.
- <sup>54</sup> Article 180 of the General Law on Ecological Balance and Environment Protection. It incorporates the right to challenge administrative acts, as well as to demand that necessary actions be taken to ensure full respect of the legal provisions on the subject.
- <sup>55</sup> This represents nearly 84% of all cases that reach the Federal Electoral Tribunal (TEPJF).
- <sup>56</sup> During the term 2010-2011, 17 international instruments were quoted in 115 judicial decisions; and in the 2011-2012 tenure, 22 international instruments were referred to in 811 judicial decisions.
- <sup>57</sup> Between 2009 and 2012, the High Chamber of the Federal Electoral Tribunal has issued five jurisprudential theses and 12 relevant criteria related to the usages and customs of indigenous communities, which are found in at least 40 judicial decisions.
- <sup>58</sup> It is part of the Federal Judiciary Council, and its work also comprises the training of public servants and activities of dissemination of information on the reforms. As part of the efforts towards the implementation of the reforms, within the Judicial Branch, more than 5,781 public servants have been trained, and more than 3,500 public servants were certified in the *Human Rights in the Federal Judiciary* program. Further information can be found in the webpage [www.cjf.gob.mx/Reformas](http://www.cjf.gob.mx/Reformas).
- <sup>59</sup> Chihuahua, Estado de México and Morelos.
- <sup>60</sup> Baja California, Chiapas, Durango, Guanajuato, Nuevo León, Oaxaca, Puebla, Tabasco, Yucatán and Zacatecas.
- <sup>61</sup> Coahuila, Michoacán, San Luis Potosí, Tamaulipas, Tlaxcala and Veracruz.
- <sup>62</sup> Aguascalientes, Baja California Sur, Campeche, Colima, Distrito Federal (Federal District), Guerrero, Hidalgo, Jalisco, Nayarit, Querétaro, Quintana Roo, Sinaloa and Sonora.
- <sup>63</sup> In November 2012, the CJF and the National Banking and Trade Commission signed a collaboration agreement in order to Exchange information regarding the bank accounts and financial activity of judges and public servants working in the judicial branch.
- <sup>64</sup> *Amparo* trial (appeal for constitutional protection) 806/2011-I (Access to justice for persons with disabilities); *Amparo* trial 1196/2011 (Provisional alimony and child support); *Amparo* trial 352/2011 (*pro personae* and equality principles); *Amparo* trial 601/2011 (human right to health); *Amparo* trial 21/2011 (noncompliance with child support); Revision appeal 435/2011 (human right to health); Complaint 4/2012 (entry into force of the new criminal system); *Amparo* trial 67/2012 (right to due process); *Amparo* trial 1278/2011 (fundamental right to equality, non-discrimination and social security); *Amparo* trial 1157/2007 (human right to health); *Amparo* trial 181/2011 (principle of the best interest of the child and a minor's right to be defended at court); *Amparo* trial 237/2012 (right of access to justice); *Amparo* trial 526/2011 (human right to a simple, effective and speedy remedy); *Amparo* trial 1060/2008 (control of conventionality); *Amparo* trial 1138/2012 (preventive imprisonment of minors in the new criminal system and the fundamental right of legality); *Amparo* trial 742/2012 (ex officio control of conventionality concerning *arraigo*; the right to personal freedom, judicial guarantees and freedom of movement); Revision appeal 743/2011 (legitimate interest and the rights to human dignity, to life, adequate housing and personal integrity); Criminal case 48/2011 (right to the presumption of innocence); *Amparo* trial 1494/2011 (justiciability of economic, social and cultural rights); *Amparo* trial 895/2011 (human right to honor, dignity, privacy and protection of personal data); *Amparo* trial 76/2012-III (collision of rights: freedom of expression vs. non-discrimination and honor); *Amparo* trial 614/2012 (equality, legality certainty and *pro personae* principles); *Amparo* trial 377/2012 (control of conventionality); *Amparo* trial 736/2012 (right to consular assistance, notification and communication); Appeal 215/2012 (human right to personal freedom).
- <sup>65</sup> As Mexico reported in its June 2009 complementary response to the Universal Periodic Review, the General Investigation Coordination within the PGR has continued the investigations and processes related to social and political movements of the past. At the same time, SEGOB launched a program

designed to provide attention to the individuals referred to in recommendation 026/2001 issued by the CNDH, regarding specific facts concerning human rights violations that took place during the sixties, seventies and early eighties. This program includes the payment of compensation, guarantees of non-repetition, the acknowledgement of State responsibility, as well as comprehensive attention for victims and their families.

<sup>66</sup> September 1<sup>st</sup> to December 15, 2013.

<sup>67</sup> The proposed reform intends to reduce the permitted time frame for the use of this figure, and to establish further requisites for its application.

<sup>68</sup> As Mexico reported in its June 2009 complementary response to the Universal Periodic Review, the General Investigation Coordination within the PGR has continued the investigations and processes related to social and political movements of the past. At the same time, SEGOB launched a program designed to provide attention to the individuals referred to in recommendation 026/2001 issued by the CNDH, regarding specific facts concerning human rights violations that took place during the sixties, seventies and early eighties. This program includes the payment of compensation, guarantees of non-repetition, the acknowledgement of State responsibility, as well as comprehensive attention for victims and their families.

<sup>69</sup> The Unit was created in June 2010, and is comprised of military personnel with knowledge and experience in the field of human rights, public policy and community outreach, and of civilian personnel with the same set of skills, to collaborate in the furtherance of its functions.

<sup>70</sup> Celebrated between SEGOB, SEDENA, SEMAR, the former Ministry of Public Security (SSP) and PGR.

<sup>71</sup> The General Law of Victims establishes that comprehensive reparation includes restitution, rehabilitation, compensation, satisfaction, and guarantees of non-repetition both for victims of crimes and of human rights violations.

<sup>72</sup> From 2009 to 2012, 149 judgments were issued regarding the crimes of abuse of authority, abusive use of public functions and irregular use of public functions; 116 of those judgments were condemnatory, while 33 were acquittals.

<sup>73</sup> Approximately 556.65 million USD.

<sup>74</sup> Approximately 815.7 million USD; in 2006 it was of 1,100 million pesos (approximately 83.08 million USD).

<sup>75</sup> SEGOB is currently working in the corresponding regulatory legislation.

<sup>76</sup> Baja California, Chiapas, Coahuila, Colima, Distrito Federal (Federal District), Durango, Guerrero, Hidalgo, Jalisco, Michoacán, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz and Yucatán.

<sup>77</sup> Baja California Sur, Campeche, Chihuahua, Guanajuato, Estado de México, Morelos and Quintana Roo.

<sup>78</sup> From 2011 to 2012, the PGR began 141 investigations, and it has arrested 35 people related to the crime of human trafficking.

<sup>79</sup> During 2012, FEVIMTRA undertook 69 academic activities to promote education and the open exchange of experiences regarding violence against women, to consolidate cooperation and collaboration mechanisms in the area of attention to victims of violence and trafficking, and to facilitate access to various tools that contribute to the prevention and investigation of such crimes, taking into account a gender and human rights perspective and the comprehensive protection of the rights of the child. These activities benefited 5,114 people working in the justice system, in specialized institutions for the attention and assistance of victims of crime, in organizations dedicated to the empowerment of women, academic institutions and non-governmental organizations.

<sup>80</sup> In 2012, nearly 8,978 services were provided, 7,613 of which correspond to the Specialized Shelter, including: legal support, emotional support, social work, social anthropology, workshops, health services and child services.

<sup>81</sup> The main objective of this study is to contribute to the knowledge on how human trafficking operates in Mexico, where and through which main corridors it takes place, as well as the identification of particularly vulnerable sectors of the population, and possible causes and means of exploitation, in order to strengthen public policy for the prevention and elimination of human trafficking. The study is currently under review.

<sup>82</sup> The Federal Act specifies in its article 3 that “*torture is committed by the public servant that, on account of his or her attributions, inflicts grave pain or suffering against a person, whether physical*

or psychological, in order to obtain, either from the person being tortured or from a third party, information or a confession, or to punish such person for an act committed or suspected to have been committed, or to coerce such person into doing or refraining from doing something.” Additionally, this Act establishes that the crime of torture must be enshrined in the law of all federal entities, either by the enactment of particular laws or through their criminal codes.

- <sup>83</sup> The proposed reform intends to broaden the denomination of the Act, to Federal Act to Prevent, Punish and Eradicate Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; to empower the CNDH to undertake visits to and monitor the penitentiary system in order to prevent and denounce any acts of torture therein; to define as torture the application of methods destined to affect the victim’s personality, diminish their physical or mental capacity, even if they do not cause physical pain or psychological anguish; and to sanction any public servant who inflicts grave pain or suffering, whether physical or mental, against any person, in the process of a criminal investigation, as a means of intimidation, as personal punishment, as a preventative measure, or with any other purpose.
- <sup>84</sup> Aguascalientes, Campeche, Chihuahua, Coahuila, Colima, Chiapas, Estado de México, Guerrero, Jalisco, Morelos, Nayarit, Oaxaca, Quintana Roo, Tlaxcala, Veracruz and Yucatán.
- <sup>85</sup> The CNDH is the National Mechanism for the Prevention of Torture, and is entitled to receive any complaints regarding torture, as well as to give the victim comprehensive attention through a specialized team, with the capability to properly apply the Istanbul Protocol.
- <sup>86</sup> The CNPJ is an organ for the promotion and coordination of all state prosecutor offices. It is made up by all state prosecutors and is chaired by the Attorney General; its objective is the formulation of general and coordinated policies within the justice system. The most recent meeting of the National Conference took place on May 30, 2013, and was inaugurated by the President, the Attorney General and the Chief of Government of the Federal District.
- <sup>87</sup> The SNSP is in charge of establishing the bases for coordination and distribution of functions on public security, among the Federation, the states, the Federal District and all municipalities. It operates under the direction of the National Conference for Public Safety, which is the authority in charge of the coordination and definition of public policy on the subject.
- <sup>88</sup> Article 215 A of the Federal Criminal Code states that *“the crime of enforced disappearance of persons is committed by the public servant who, regardless of whether he or she participated in the legal or illegal detention of one or several persons, knowingly keeps such persons hidden under any form of detention.”*
- <sup>89</sup> The states that have codified this crime in their respective Criminal Codes are: Aguascalientes, Baja California, Campeche, Chihuahua, Coahuila, Colima, Distrito Federal (Mexico City), Durango, Oaxaca, Nayarit, Nuevo León, Puebla and Zacatecas. The states of Chiapas and Guerrero have enacted a special law dealing with the matter. Additionally, some states such as Chiapas, Durango, Guerrero, Puebla and Distrito Federal (Federal District) have determined the non-applicability of statutory limitations to the crime of enforced disappearance. The two special state laws on enforced disappearance, in Guerrero and Chiapas, establish the continuous or permanent nature of the crime. Finally, Aguascalientes specifies the gravity of the crime in its criminal code.
- <sup>90</sup> The *Protocol* intends to ensure the consistency of best practices related to investigation and information analysis for locating missing persons. It is implemented through 4 main efforts: i) a broad, immediate and single interview in order to act quickly and not re-victimize; ii) sources for obtaining information; iii) the definition of strategic elements to conduct a search; and, iv) the analysis of available information. Through the application of this protocol, PROVICTIMA contributed to the location of 128 persons who had been reported missing by the end of 2012.
- <sup>91</sup> The collected data includes: age, nationality, habitual residence, ethnic origin, disability and other relevant data. It will operate 24 hours a day, 365 days a year, and will have a special section dedicated to the general public that wishes to consult it, as well as a mailbox for receiving information. In addition, the Act establishes the obligation of administrative or judicial authorities that may have knowledge of a missing person or who receive any reports regarding disappearance, to provide all pertinent information to the National Registry. The Act establishes sanctions and penalties for any public servant or any other person who has access to the Registry and misuses the information contained therein.
- <sup>92</sup> The protocol was amended to comply with international standards on the subject, facilitating coordination among all levels of government, media, and the families of disappeared persons in order to initiate the urgent searching process in Ciudad Juárez, Chihuahua. Further, assistance provided to

- victims, once they are located, was strengthened, and includes medical, psychological and legal services.
- <sup>93</sup> Agreement A/066/13 that provides for the establishment of the Unit, was published on June 21, 2013.
- <sup>94</sup> Additionally, in order to strengthen the investigations related to the disappearance of a person, the PGR will sign an agreement with the ICRC for the installation of a specialized software to operate a database of missing persons, as well as *ante mortem* and *post mortem* data which will help in the search, location and identification of missing persons.
- <sup>95</sup> In November 2012, its regulatory framework was published, in order to establish the functioning, coordination, organization, and the procedures that the organisms and institutions involved in the implementation of the Mechanism must follow.
- <sup>96</sup> The Mechanism's Governing Board is its highest authority, and is constituted by 9 permanent members (2 representatives from SEGOB, one from PGR, SRE, the CNDH and four representatives of the Consulting Council of the Mechanism) as well as by permanent observers (Office of the United Nations High Commissioner for Human Rights, the National Conference of Governors, the Senate and the Chamber of Deputies).
- <sup>97</sup> Congress is currently in the process of reforming regulatory legislation on the subject.
- <sup>98</sup> Currently, 25 states have signed the cooperation agreement with the Mechanism.
- <sup>99</sup> Articles 6, 7, 27, 28, 73, 78, 94 and 105 of the Constitution are amended. The reform outlines a term of 180 days for its full implementation; therefore, the legislature must present all regulatory laws, including a single legal instrument which will regulate the radio electric spectrum, the networks and all telecommunication services through the regime of unique concession. For further information, the following site is available:  
[http://www.dof.gob.mx/nota\\_detalle.php?codigo=5301941&fecha=11/06/2013](http://www.dof.gob.mx/nota_detalle.php?codigo=5301941&fecha=11/06/2013)
- <sup>100</sup> The Federal Institute of Telecommunications shall identify dominant enterprises (with more than 50% of the market) and issue the corresponding regulatory measures, which may be asymmetrical regulations, an order to share infrastructure and to interconnect with the networks of other companies, among others.
- <sup>101</sup> Article 1 prohibits all forms of discrimination motivated by ethnic or national origin, gender, age, disability, social condition, health conditions, religion, opinions, preferences, marriage status or any other reason that harms human dignity and has the purpose of undermining the rights and freedoms of any person. Additionally, through the human rights constitutional reform of 2011, the prohibition of discrimination based on sexual preference was also enshrined in this article.
- <sup>102</sup> Aguascalientes, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Distrito Federal (Federal District), Durango, Estado de México, Guerrero, Hidalgo, Michoacán, Nayarit, Querétaro, San Luis Potosí, Tamaulipas, Yucatán, and Zacatecas.
- <sup>103</sup> Aguascalientes, Baja California, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Distrito Federal (Federal District), Durango, Estado de México, Guerrero, Hidalgo, Michoacán, Nayarit, Querétaro, Quintana Roo, San Luis Potosí, Tamaulipas, Yucatán, and Zacatecas.
- <sup>104</sup> From 2009 to mid-2013, 115,342 Visiting Migrant Worker Cards and 375,023 Regional Visitor Cards had been issued for nationals of Guatemala and Belize.
- <sup>105</sup> For nationals of Guatemala or Belize.
- <sup>106</sup> The 2012 Winter Operation helped more than 400,000 Mexicans through observation stands and attention centers.
- <sup>107</sup> 21 Beta Groups are currently in operation, and they are comprised of 166 public servants from all three levels of government (126 federal level, 10 state level y 30 municipal level) who work mainly in 9 states: Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, Chiapas, Tabasco, Veracruz and Oaxaca.
- <sup>108</sup> During this period 20,184 migrants were rescued; 966,525 migrants received social assistance; 1,146 migrants received legal assistance; 1,092,539 migrants were provided orientation; and 596,221 repatriated migrants were helped.
- <sup>109</sup> The National Institute for Migration currently has 493 Child Protection Officers in 32 Federal Delegations.
- <sup>110</sup> Shelter, clothes, food, rest, and – in some cases – medical, psychological, and legal assistance.
- <sup>111</sup> The Agreement was celebrated between SEGOB, the National Institute for Migration, the SSP, and PGR.
- <sup>112</sup> A regulatory framework for this Law was published in February 2012.

- <sup>113</sup> <http://www.un.org/spanish/News/story.asp?NewsID=20162#.Ue3iy42G2So>
- <sup>114</sup> Further information can be found in the site: <http://www.acnur.org/t3/noticias/noticia/gobierno-de-mexico-y-acnur-presentan-informe-sobre-perfiles-e-integracion-de-refugiados/>
- <sup>115</sup> According to the 2010 Population and Housing Census. From this number, 6.9 million people speak an indigenous language and 11.1 million live in a household which is considered indigenous.
- <sup>116</sup> The working plan is divided into three phases: the first of these consisting in the creation of guidelines for the consultation of indigenous peoples and communities regarding the environment, for the attainment of free, prior and informed consent, and for the elaboration of terms of mutual agreement with indigenous communities. The plan is currently in its second phase of analysis (by personnel of the Ministry for the Environment at a national level, as well as by representatives of indigenous peoples), in order to achieve a final approved version. Once this phase is complete, new *ad hoc* consulting protocols will be developed for those administrative units and decentralized organs whose decisions may affect land, territory, natural resources, cultural, intellectual, religious or spiritual property of indigenous peoples and communities.
- <sup>117</sup> The State's priorities in this area are: ensuring that indigenous peoples and communities fully exercise the right to food, health, education and basic infrastructure; to guarantee their access to justice and due process, while taking into account indigenous customs, in the framework of a judicial system that is coherent with the multicultural and linguistically diverse nature of Mexico; to promote the incorporation of specific rights of indigenous women and children to federal and local legislation; to strengthen the mechanisms for the consultation and the participation of indigenous peoples and communities in the planning and management of their own social development, ensuring the respect for their rights and way of life; to attain the full recognition of the political and electoral rights of indigenous peoples, among other actions.
- <sup>118</sup> As a result of this Forum, the "Agenda for the inclusion and social wellbeing of afro-descendant and afro-Mexican people in all areas of public life" was published. This Agenda establishes the declaration of a national afro-Mexican day in order to contribute to their visibility and recognition in public policy-making throughout the country; that the mandate of the National Commission for the Development of Indigenous Peoples will be extended, or that a special instance will be created to dedicate itself to the development of afro-Mexican and afro-descendant peoples, in consultation with them; and that a series of initiatives will be implemented in order to promote their cultural heritage and history.
- <sup>119</sup> The proposals that the *Public Action Guide* outlines to fight discrimination and promote the inclusion and rights of the afro-descendant population are divided into eight main courses of action: i) public restitution of the afro-descendant identity; ii) social recognition and sensitivity to the contributions made by the afro-descendant population to the conformation of the country; iii) research and analysis of the afro-descendant population in Mexico in order to design adequate and anti-discriminatory policies; iv) inclusion of afro-descendant people in the development of the country through a State policy that guarantees non-discrimination and equality of treatment and opportunities; v) training for public servants and people working in the judicial branch; vi) fighting discrimination and racism through media and public spaces; vii) promoting civil participation by the afro-descendant community; and viii) promoting the human rights of the afro-descendant population in the international sphere.
- <sup>120</sup> Through the National System for the Equality of Men and Women and the National System to Prevent, Respond, Punish and Eradicate Violence Against Women.
- <sup>121</sup> Aguascalientes, Baja California, Campeche, Chiapas, Coahuila, Colima, Distrito Federal (Federal District), Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Estado de México, Morelos, Nayarit, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán and Zacatecas.
- <sup>122</sup> Approximately 1,416 million USD.
- <sup>123</sup> In 2012 the budget was 16,753 million pesos (approximately 1,265 million USD); in 2011 it was of 14,916 million pesos (approximately 1,126 million USD); in 2010 it was of 10,921 million pesos (approximately 824 million USD); in 2009 it was of 8,982 million pesos (approximately 678 million USD); and in 2008 it was of 7,282 million pesos (approximately 550 million USD).
- <sup>124</sup> Pursuant to article 219 of the Federal Code for Electoral Institutions and Procedures, all candidatures for deputies and senators presented by political parties or coalitions must have at least 40% of the main candidates from one gender, procuring the achievement of full parity.

- <sup>125</sup> The *Inter-institutional Group for the Strengthening of Shelters* links shelters which are operated by non-governmental organizations to those operated by the government, in order to coordinate their work and to push for the creation of public policies that will benefit the women who use them.
- <sup>126</sup> The National Center for Gender Equality and Reproductive and Sexual Health is a decentralized organ of the Health Ministry which, since 2003, has the mission of incorporating gender perspective into health policy and of improving the sexual and reproductive health of the population through various programs, in a framework of social participation and respect for human rights. The Center works through 7 main programs: gender equality in health; prevention and response to violence; breast cancer; cervical-uterine cancer; family planning and birth control; maternal and perinatal health; and sexual and reproductive health for teenagers. The Center collaborates with the United Nations Population Fund in order to increase the availability and quality of birth control methods.
- <sup>127</sup> Services include attention to injuries, diseases commonly associated to violence, emergency birth control, HIV/AIDS prevention and treatment, legal evidence, a psychological attention protocol, among others.
- <sup>128</sup> Funds earmarked for reproductive health and gender equality increased from 1,141.37 million pesos (approximately 86.21 million USD) in 2012, to 1,245.94 million pesos (approximately 94.1 million USD).
- <sup>129</sup> Additionally, the reform establishes that parents, tutors and custodians have an obligation to preserve and respect these rights.
- <sup>130</sup> By the end of 2012, 30 State Committees were in full operation.
- <sup>131</sup> From 2009 to 2012, the strategy was in operation in 8 states: Baja California, Chihuahua, Nuevo León, Jalisco, Puebla, Distrito Federal (Federal District), Guanajuato, and Estado de México, through the collaboration of state and municipal government systems and non-governmental organizations.
- <sup>132</sup> Mexico has also begun a process to join the *Global Alliance Against Child Sexual Abuse Online*, which is focused in uniting world-wide decision-making actors to identify and better assist the victims of this crime and to punish those that commit it.
- <sup>133</sup> As a result of these alerts, 49 children and teenagers were found within the first 72 hours after they went missing.
- <sup>134</sup> The following institutions participated in the agreement: the SSP, SEDENA, Secretariat of the Navy, PGR, PROVICTIMA, the SCJN and CNDH, coordinated by SNDIF.
- <sup>135</sup> In November 2012, the regulatory framework for the Law was published, and it established the obligations of federal offices to promote, protect and ensure the full respect of the rights of persons with disabilities.
- <sup>136</sup> A public, decentralized organ with legal personality and its own assets, with technical and managerial autonomy.
- <sup>137</sup> According to the 2010 Population and Housing Census.
- <sup>138</sup> The National Institute for Older Persons promotes their rights, particularly in order to ensure equality and non-discrimination due to age. The Institute published the “Gerontological Attention Models” in 2012, which establish the creation of specialized attention mechanisms in order to guarantee the basic rights and wellbeing of older persons. That same year, the *Official Mexican Norm NOM-031-SSA3-2012* was published, which outlines the necessary requirements for the operation of any establishment that provides social assistance to older persons at risk or especially vulnerable.
- <sup>139</sup> Mexico supported the establishment of an ombudsperson to promote fair and transparent procedures in the framework of the sanctions regimes against terrorism. Mexico also presided over the Working Group on Children and Armed Conflict, and strengthened its work by adopting resolution 1882 (2009). Moreover, Mexico promoted the integration of a gender perspective, prevention of sexual violence, and an active participation of women in mediation and peace consolidation processes.
- <sup>140</sup> These measures include the publication of judgments, public acts of acknowledgment of State responsibility, payment of compensation to most victims, and several legal reforms and public policies intended to solve the problems evidenced by the judgments, all of which are in the process of being implemented. As regards *Caso Castañeda Gutman vs. México*, the three operative paragraphs on reparations have been complied with. As regards *Caso González Banda y Otras (Campo Algodonero) vs. México*, 8 out of 14 operative paragraphs on reparations have been complied with; the remaining 6 paragraphs are in process of implementation, in so far as a Medical, Psychological and Psychiatric Attention route has been established for the claimants, the National Committee for the Prevention and Eradication of Violence against Women and the government of Chihuahua have signed

a collaboration agreement, the administrative investigations have begun, and the databases on missing women are being updated, among other measures. As regards *Caso Radilla Pacheco vs. México* 4 out of 10 operative paragraphs on reparations have been complied with; the remaining 6 are in process of completion, through investigations on the facts and the responsible parties, and the continued search for Mr. Rosendo Radilla or his remains, and through reform initiatives for the Code of Military Justice and the Criminal Code which are currently under consideration by Congress. As regards *Fernández Ortega vs. México* and *Rosendo Cantú vs. México*, 5 out of 16 operative paragraphs on reparations have been complied with; the 11 remaining paragraphs are in the process of implementation, insofar as investigations concerning the facts that took place continue, medical and psychological attention is being provided to the victims, the Code of Military Justice is in the process of being reformed, and different training, education, support and aid programs are carried out. As regards *Cabrera García y Montiel Flores vs. México*, 3 out of 7 operative paragraphs on reparations have been complied with; the remaining 4 are being addressed, as the facts that occurred are still under investigation, the Code of Military Justice is in process of being reformed, the military and naval forces are being trained on the correct use of public force and the Administrative Registry of Detentions is being strengthened.

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