

**Obstacles and priorities in the implementation of the Recommendations for Mexico from the
Universal Periodic Review (UPR) 2013-2014**

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Signatory Organizations:

ARTICLE 19

- Legal Assistance on Human Rights (*Asistencia Legal por los Derechos Humanos*) (ASILEGAL)**
Catholics for the Right to Decide (*Católicas por el Derecho a Decidir*)
Center for Human Rights Fray Francisco de Vitoria, O.P. A.C.
Center for Human Rights Fray Matías de Córdoba
Center for Human Rights Miguel Agustín Pro Juárez (Centro Prodh)
Center for Human Rights de la Montaña Tlachinollan
Center for Women’s Human Rights (CEDEHM)
Center for Human Rights Paso del Norte
Mexican Center for Environmental Law (CEMDA)
Regional Center for Human Rights Bartolomé Carrasco Briseño, A.C. (BARCADH)
Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH)
Communication and Information on Women, A.C. (CIMAC)
**Forum for Permanent Dialogue and Equality (*Consortio para el Diálogo Parlamentario y la
Equidad Oaxaca, A.C.*)**
Commission for Solidarity and Human Rights Defense (Cosyddhac)
Committee for Integral Defense of Human Rights, Gobixha, A.C.
DECA Equipo Pueblo, A.C.
Disability Rights International
**Documentation, analysis and action for Social Justice (*Documenta, análisis y acción para la
justicia social A.C.*)**
Coordination Group on Economic, Social and Cultural Rights (Espacio DESC)
**Foundation for Justice and a Democratic Rule of Law (*Fundación para la Justicia y el Estado
Democrático de Derecho*)**
**Group for Information on Planned Reproduction (*Grupo de Información en Reproducción
Elegida, A.C. (GIRE)*)**
**Initiatives for the Development of Oaxaqueñan women *Iniciativas para el Desarrollo de la
Mujer Oaxaqueña A.C. (IDEMO)***
Institute for Human Rights Ignacio Ellacuría S.J. Universidad Iberoamericana Puebla
JASS (Asociadas por lo Justo)
**Mexican League for Human Rights Liga Mexicana por la Defensa de los Derechos Humanos,
A.C. (Limeddh)**
**Project for Economic, Social and Cultural Rights (*Proyecto de Derechos Económicos,
Sociales y Culturales, A.C. (ProDESC)*)**
Network on Child Rights in Mexico (*Red por los Derechos de la Infancia en México (REDIM)*)
Mesa Women’s Network (*Red Mesa de Mujeres de Ciudad Juárez*)
Alternative Education Services (*Servicios para una Educación Alternativa (EDUCA)*)
**National Network of Civil Human Rights Organizations “All Rights for All” (comprised of 74
organizations in 22 states of Mexico)**

Agenda LGBT (Estado de México), Asistencia Legal por los Derechos Humanos, A.C. (Distrito Federal); Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (Guadalajara, Jal.); Asociación para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo", A.C. (Jacala, Hgo.); Bowerasa, A.C. "Haciendo Camino". (Chihuahua, Chih.); Casa del Migrante Saltillo (Coahuila) Católicas por el Derecho a Decidir, A.C. (Distrito Federal); Centro "Fray Julián Garcés" Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlax.); Centro de Apoyo al Trabajador, A.C. (Puebla, Pue.); Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A. C. (San Cristóbal de Las Casas, Chis); Centro de Derechos Humanos Digna Ochoa A.C; Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A. C. (Distrito Federal); Centro de Derechos Humanos Miguel Agustín Pro Juárez", A. C. (Distrito Federal); Centro de Derechos Humanos "Don Sergio" (Jiutepec, Mor.); Centro de Derechos Humanos "Fray Matías de Córdoba". A.C. (Tapachula, Chis); Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Gro.); Centro de Derechos Humanos de las Mujeres (Chihuahua), Centro de Derechos Humanos de los Pueblos del Sur de Veracruz "Bety Cariño" A.C. (Tatahuicapan de Juárez, Ver.) Centro de Derechos Humanos, Juan Gerardi", A. C. (Torreón, Coah.); Centro de Derechos Humanos Paso del Norte (Cd. Juárez, Chihuahua); Centro de Derechos Humanos Victoria Diez, A.C. (León, Gto.); Centro de Derechos Indígenas "Flor y Canto", A. C. (Oaxaca, Oax.); Centro de Derechos Humanos Toaltepeyolo (Orizaba, Veracruz); Centro de Derechos Indígenas A. C. (Bachajón, Chis.); Centro de los Derechos del Migrante (Distrito Federal); Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jal.); Centro de Reflexión y Acción Laboral (CEREAL-DF) (Distrito Federal); Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jal.); Centro Diocesano para los Derechos Humanos "Fray Juan de Larios", A.C. (Saltillo, Coah.); Centro Juvenil Generando Dignidad (Comalcalco, Tabasco); Centro Hermanas Mirabal de Derechos Humanos (León, Gto.), Centro Mexicano de Derecho Ambiental (Distrito Federal), Centro Mujeres (La Paz, BCS.), Centro Regional de Defensa de DDHH José María Morelos y Pavón, A.C. (Chilapa, Gro.); Centro Regional de Derechos Humanos Bartolomé Carrasco", A.C. (Oaxaca, Oax.); Ciencia Social Alternativa, A.C. – KOOKAY (Mérida, Yuc.); Ciudadanía Lagunera por los Derechos Humanos, A.C. (CILADHAC) (Torreón, Coah.); Colectivo Educación para la Paz y los Derechos Humanos, A.C. (San Cristóbal de Las Casas, Chis.); Colectivo contra la Tortura y la Impunidad (Distrito Federal); Comité Cerezo (Distrito Federal); Comisión de Derechos Humanos y Laborales del Valle de Tehuacán, A.C. (Tehuacan, Pue.); Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (Chihuahua, Chih.); Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Mor.); Comisión Intercongregacional "Justicia, Paz y Vida" (Distrito Federal); Comisión Regional de Derechos Humanos "Mahatma Gandhi", A. C. (Tuxtpec, Oax.); Comité de Defensa Integral de Derechos Humanos Gobixha A.C. (Oaxaca, Oax.); Comité de Defensa de las Libertades Indígenas (Palenque, Chis.); Comité de Derechos Humanos Ajusco (Distrito Federal); Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada", A. C. (Ocosingo, Chis.); Comité de Derechos Humanos "Sierra Norte de Veracruz", A. C. (Huayacocotla, Ver.); Comité de Derechos Humanos de Colima, A. C. (Colima, Col.); Comité de Derechos Humanos de Comalcalco, A. C. (Comalcalco, Tab); Comité de Derechos Humanos de Tabasco, A. C. (Villahermosa, Tab); Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Gto.); Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo A.C. (Tulancingo, Hgo.); El Caracol A.C (Distrito Federal); Estancia del Migrante González y Martínez, A.C. (Querétaro, Qro.); Frente Cívico Sinaloense. Secretaría de Derechos Humanos. (Culiacán, Sin.); Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Mérida, Yuc.); Iniciativas para la Identidad y la Inclusión A.C. (San Cristóbal de Las Casas, Chis.); Instituto de Derechos Humanos Ignacio Ellacuría, S.J. Universidad Iberoamericana- Puebla; Instituto Guerrerense de Derechos Humanos, A. C. (Chilpancingo, Gro.); Instituto Mexicano de Derechos

Humanos y Democracia (Distrito Federal); Instituto Mexicano para el Desarrollo Comunitario, A. C. (IMDEC), (Guadalajara, Jal.); Instituto Tecnológico y de Estudios Superiores de Occidente, – Programa Institucional de Derechos Humanos y Paz. (Guadalajara, Jal.); Oficina de Defensoría de los Derechos de la Infancia A.C. (Distrito Federal), Programa Universitario de Derechos Humanos. UIA –León (León, Gto.); Proyecto de Derechos Económicos, Sociales Y Culturales (Distrito Federal); Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER) (Distrito Federal); Promoción de los Derechos Económicos, Sociales y Culturales (Estado de México); Respuesta Alternativa, A. C. Servicio de Derechos Humanos y Desarrollo Comunitario (San Luis Potosí); Servicio, Paz y Justicia de Tabasco, A.C. (Villahermosa, Tab.); Servicios de Inclusión Integral, A.C. (Pachuca, Hidalgo); Taller Universitario de Derechos Humanos, A. C. (Distrito Federal); Tequio Jurídico A.C. (Oaxaca, Oax.)

Introduction

In the framework of the Second Universal Periodical Review (UPR) conducted on the Mexican State in March 2013, a group of 33 Mexican human rights organizations presented a report identifying some of the most relevant challenges in the country regarding human rights.¹ Most of the issues included in this report were retaken by the member Countries of the Human Rights Council in the final recommendations issued to the Mexican State during the UPR in March 2014.² A large majority of these recommendations were accepted by the Mexican State.

In order to promote the prompt and effective implementation of the recommendations, we, the 31 organizations and networks that are signatories, present in this document an executive diagnosis regarding some of the obstacles to their fulfillment and we propose a number of priority actions to implement the recommendations and achieve advances in the enjoyment of the human rights pertaining to the diverse themes reviewed in the UPR. The proposed actions represent an overview and a common agenda between the many human rights organizations that took part in the UPR, and are a basic framework for the implementation of the recommendations.

It is important to note that the diagnosis and the proposals of this report should not be taken as an exhaustive analysis from the variety of circumstances taking place throughout the country in the areas examined under the UPR mechanism, neither a list of all the necessary actions to correct these problems. This document is intended to present some of the obstacles acknowledged through our work on defense and promotion of human rights, and identify actions as a starting point to advance on the many issues of the recommendations.

¹ *Informe conjunto presentado por organizaciones de la sociedad civil mexicana para la segunda ronda del Examen Periódico Universal a México*, 4 de marzo de 2013, disponible en: <http://epumexico.files.wordpress.com/2013/07/informe-conjunto-presentado-por-organizaciones-de-la-sociedad-civil-mexicana-para-la-segunda-ronda-del-epu-a-mc3a9xico.pdf>.

² Informe del Grupo de Trabajo sobre el Examen Periódico Universal: México, 11 de diciembre de 2013, Doc. A/HRC/25/7, disponible en: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MXSession17.aspx>.

Identified obstacles and priority actions by subject

I. Women's human rights

148.42	Continue and intensify efforts to ensure gender equality and equity (Rwanda);	Rwanda
148.43	Further combat all forms of discrimination against women by running public awareness campaigns on women's rights	Cambodia
148.44	Undertake efforts towards eradication of gender stereotypes that have negative impact on the situation of women, in particular those from the rural areas	Slovenia
148.45	Take steps to counteract forms of discrimination against indigenous women in rural areas	Paraguay
148.66	Enact and enforce laws to reduce incidences of violence against women and girls	Sierra Leone
148.67	Implement the designed public policy and launch a comprehensive awareness-raising campaign to end gender-based violence that includes sexual violence and femicide	Slovenia
148.68	Adopt a comprehensive program to fight violence and discrimination against women, with special attention to indigenous women	Brazil
148.69	Respond to the challenges that prevent the effective implementation of the Gender Alert system	Spain
148.70	Continue to prevent and combat violence against women, guaranteeing women's access to justice and continue to improve support services	State of Palestine
148.71	Ensure investigations of violence against women, and establish victim support programmes for affected women	Maldives

148.72	Continue efforts to prevent and combat all forms of violence against women, and bring the perpetrators to justice, while ensuring women's equal access to justice and improving support services, including for indigenous women	Austria
148.73	Develop a model of care for violence against women and girls especially focused on indigenous population, in accordance with the acknowledgment made in paragraph 139 of the Report	Chile
148.74	Implement in a stringent way on a priority basis the General Act on Women's Access to a Life Free of Violence	Switzerland
148.75	Take concrete measures to prevent and punish violence against women in all of Mexico's 31 states, especially those with high reporting of killings and attacks of women and girls	Denmark
148.76	Make a priority the prevention and punishment of all forms of violence against women	France
148.77	Consider intensifying the implementation of its programmes and policies aimed at combating violence against women (Philippines)/Continue strengthening its actions on the elimination of violence against women (Argentina);	Various
148.78	Ensure full and effective implementation of the existing legislation and policies combating violence against women and adopt effective measures to reduce violence and impunity	Lithuania
148.79	Continue to take the necessary measures to prevent violence against women, particularly migrant women and penalise those who commit these acts of violence	Nicaragua

148.80	Adopt inclusive solutions at the state and local levels involving local enforcement agents, judiciary, community organisations and schools; end tolerance of and impunity for gender-based violence against women and girls, and that solutions include the situation of women in prisons	New Zealand
148.102	Reinforce training of police and justice officials on the issue of violence against women in order to improve the response by the Mexican authorities	Portugal
148.111	Install soon additional 'Centros de Justicia para las Mujeres' to improve access to justice for women throughout the national territory	Italy
148.112	Keep ensuring women's access to justice and improving support services	Egypt
148.138	Implement the CEDAW recommendations in implementing measures that will enable and encourage more women's participation in state and municipal political life	Bosnia and Herzegovina
148.139	Increase measures to guarantee equal opportunities for women and men in the labour market and provide the General Inspection of Labour with necessary human and financial resources requested to supervise and sanction discriminatory practices against women in the field of labour	Uruguay
148.153	Strengthen sexual and reproductive health services to ensure that women who qualify for legal abortion services are able to access safe, timely, quality and free services in all Mexican states	Netherlands
148.154	Intensify efforts to guarantee universal access to health services, information and education on health and sexual and reproductive rights, particularly for adolescents	Uruguay

148.155	Increase efforts to reduce the maternal mortality rate, in particular by adopting a broad strategy on safe maternity, in which priority is given to access to prenatal, postnatal and obstetric quality health services	Uruguay
148.157	Implement the CERD and the CEDAW recommendations on adequate and accessible health services in order to lower the high maternal and infant mortality among the indigenous population	Bosnia and Herzegovina

Obstacles and priorities:

Women's human rights are amongst the most relevant issues between the member states that participated in the Second UPR to Mexico. Besides the specific recommendations regarding women's human rights listed above, it is important to acknowledge that other recommendations include the differentiated situation for women, such as migrants, indigenous population, journalists, etc. In general, all of the UPR recommendations must be read from a gender perspective, guaranteeing equity, visibility of women's situations and attention to the impacts and differentiated solutions regarding women.

In the areas of prevention and eradication of discrimination and violence against women, there is a **lack of effective mechanisms within public policy evaluation and programs** at the federal and state level for the prevention, attention, sentencing and eradication of gender-based violence, **and a deficient coordination between the authorities in charge of attending and protecting female victims of violence and responsible for sentencing the perpetrators**. There is also a lack of earmarked **budget and of professional staff in order to effectively address gender-based violence**, particularly in the states, municipalities, rural and indigenous communities. Among others, there is little budget for **Institutes for Women in Mexican states**. In this context, while the Mexican State has advanced with the establishment of a number of agencies to eradicate gender-based violence, in reality there are many challenges to their operational functioning, which results in inadequate attention for women.

Regarding the implementation of the General Law for Women's Access to a Life free from Violence (148.66, 148.74, 148.78, among other recommendations), we note the following concrete obstacles:

- Lack of incorporation in the Federal Criminal Code and state criminal codes of the **proper definitions for criminal offenses and modalities relating to violence against women as established in the General Law**.
- The inexistence of complete and disaggregated **databases** that reflect the real situation of

- femicidal violence in the country and the inexistence of databases on disappeared women
- The lack of operationalization of **BANAVIM** and in turn the absence of information regarding the authority in charge of its functioning
 - The absence of **mechanisms with measurable indicators for the implementation of the General Law**
 - **The absence in the majority of states of criminal investigation and sentencing protocols** for the crime of femicide, sexual violence and human trafficking as well as mechanisms for their evaluation and implementation. Also, existing investigation protocols are usually substandard and are not implemented properly.
 - **A lack of clear and efficient mechanisms for the prompt issuing of protection orders.** Protection orders are usually not accessible for persons that do not have accompaniment of an NGO or expert representative; and even if they are issued, on many occasions they consist of minimal measures that end up putting women at greater risk.
 - The political interference and lack of political will related to declarations of **gender alerts** (148.69) and the lack of understanding of the mechanism
 - Even when **justice centers for women** (148.111) are established, they lack sufficient staff that are qualified for the job including cultural sensitivity and a gender perspective, as well as lacking adequate funding.
 - **Lack of refuges** with resources and trained staff to attend to women that live through violence and victims of trafficking within municipalities and states. This situation means that this kind of work falls on privately owned refuges that are not supervised, and may not comply with minimum standards.
 - **Lack of budgetary resources for the implementation of the Integral Programme of the General Law** and of the interinstitutional programmes of the laws relating to women's rights to a life free from violence in each state.

Regarding awareness raising on gender equality and the right of women to a life free from violence (148.43, 148.67), obstacles such as the following exist:

- The lack of courses to foster sensitivity on women's, girls' and children's rights and gendered perspectives within the school and academic curriculum
- Campaigns designed to raise awareness on violence against women lack adequate design, key messages and necessary reach
- **Lack of convictions for violence against women committed by State agents**, which sends a public message of permissibility

On the issue of access to justice for women, we highlight the following:

- The prevalence of **discriminatory sociocultural patterns** towards women and a culture of legitimization of violence against women, that produces a stereotyped approach in the law

enforcement and justice system

- Mistreatment, **revictimization** and discrimination towards women victims of gender-based violence as well as the use of discriminatory criteria based on sexist stereotypes in the investigation and sentencing of perpetrators
- **The absence of a gender perspective** and of specialized units for carrying out investigations effectively and transparently
- A lack of **specifically assigned resources that are sufficient** to guarantee access to justice and sentencing of those responsible
- A lack of **specialized units to attend to domestic violence** against women, with an intervention model designed for prevention and attention
- **Search mechanisms to recover the lives of disappeared women** are lacking, such as the Alba Protocol, in which elements of forensic anthropology are incorporated to ensure searches in hospitals, refuges, mental hospitals, among others

In relation to the situation of **migrant women** (148.79), we highlight the lack of adequate investigation of crimes committed against this group, the lack of understanding and documentation of the specific needs of migrant women and/or of sensitivity towards the situation of constant acts of sexual violence against migrants in transit through Mexico, as well as the lack of reports being filed on these incidents due to a fear of reprisals and a mistrust of authorities.

In relation to the obstacles faced by **indigenous and rural women**, (148.44, 148.45, 148.73), we highlight the following:

- Public servants lack cultural sensitivity and a gender perspective. Discriminatory sociocultural patterns towards women remain in place including stereotypes based on ethnicity.
- There is an increase in obstetric violence, especially against indigenous women
- Municipal and community authorities lack training in order to attend to women victims of violence in marginalized contexts
- Investigation protocols for cases of sexual violence with a gender-based perspective are lacking, in line with rulings of the Inter American Court of Human Rights

Finally, in relation to access to sexual and reproductive health services in Mexico, (148.153, 148.154, 148.155, 148.157), we observe the following obstacles:

- There is a lack of compliance with the General Victims' Law in cases of women survivors of sexual violence. Despite the fact that abortions are established in the Law as part of medical emergency services in these circumstances, these operations are made conditional on requirements not established in this norm, such as the prior authorization of a public prosecutor or judge
- There is an increase in adolescent pregnancies in Mexico
- Despite the commitments entered into by the State, the rate of maternal mortality has not diminished significantly.

- Access to justice for victims of obstetric violence and maternal mortality is lacking. In the cases in which recommendations from the National Human Rights Commission are obtained, these recommendations do not take on the needs expressed by victims and do not establish measures of integral reparation.

Priority Actions:

- That the Mexican State implement evaluation methodologies with measurable indicators for the variety of gender violence prevention and awareness programs that exist, and a coordinated system for actions aimed at eradicating gender violence to cover the executive, legislative and judicial powers at the federal, state and municipality levels.
- That the Mexican state implement a training system at all levels to prevent and deal with violence against women and children, directed at public authorities, especially to those in charge of justice administration and personnel in charge of health services, including an evaluation and sanction system aimed at any authorities that commit discriminatory actions against women and children.

General Law for Women's Access to a Life Free from Violence:

- That the state's legislative powers harmonize the General Law with the Federal Criminal Code and with the Criminal Codes, establishing codified definitions of violence within diverse domains.
- That federal and state governments implement state databases including a unified register in all entities with gender, ethnic and age indicators, registering feminicides, violence against women and disappearances of women.
- That the Mexican state establishes an evaluation mechanism for the General Law with measurable indicators.
- That federal and state governments implement harmonized and efficient investigation protocols for the crimes of femicide, sexual violence, trafficking as well as evaluation mechanisms for their implementation.
- That the Federal Government and the states define clear mechanisms to issue protection orders for children and women victims of violence in which expert civil society organizations should have active participation.
- That gender alerts are immediately declared within the states in which they have been requested.
- That the legislative branch in all entities approve sufficient budget to implement justice centers in all 32 states.
- That these justice centers implement differentiated models for women due to the characteristics and specific needs of the women, regarding their age, schooling and ethnicity, among others factors

- That the State hire capable staff trained to be able to consider gender perspectives and cultural sensibility for women's centers for justice, that their performance is evaluated and that staff turnover is avoided in these centers.
- That the Federal Government and the state governments create shelters with sufficient funds and trained staff attending women and children suffering violence.
- That the Federal Government and the state governments create shelters for women and girls victims of trafficking, with trained staff and sufficient funds for their operation.

Prevention and awareness-raising

- That the Ministry of Education (SEP) incorporate at all levels specific courses regarding gender perspectives, children's and women's rights.
- That the Federal Government and state governments develop and evaluate educational programs regarding violence against women, accessible to all men in a voluntary fashion, as well as to male aggressors found guilty within criminal processes of committing violence against women.
- That the Federal Government and state governments implement awareness-raising campaigns regarding gender violence, including participation of civil society organizations, directed at the general population with a special focus on youth and the indigenous population.
- That the Mexican State removes those authorities that commit any act of violence against girls and women, including any act of omission related to their responsibilities that affect or violate the rights of women and/or children.
- That the Federal Government and state governments impose administrative, or where appropriate criminal, sanctions against those authorities that discriminate against women.

Access to Justice

- That the Judicial Branch train and evaluate the criminal justice system authorities to preside over trials from a gender perspective.
- That the Judicial Branch coordinate with the health services to ensure holistic attention to women complainants of violence.
- That the Legislative Branch approve sufficient funds to strengthen justice agencies responsible for the investigation and punishment of gender violence, particularly prosecutors of gender-based crime.
- That the Legislative Branch codify the crime of femicide within all entities, in line with international human rights standards.
- That the Mexican State, particularly the federal government, establish a system of evaluation including indicators and follow-up mechanisms for the new criminal justice system,

specifically monitoring discrimination against women, which takes into account all kinds of discrimination, ethnicity, sexual preference, etc.

- That the federal government and state governments implement protocols to search and recover the lives of disappeared women, including forensic anthropological information.
- That state governments must create specialized agencies with the municipality police forces to prevent, assist and follow-up claims of family violence, particularly against women. That these agencies have a model for intervention, prevention and attention to complaints that are registered in the municipality, as well as follow up and monitoring systems.
- That police agencies create protocols for the investigation of sexual violence cases, from a gendered and ethnicity perspective, according to the sentences issued by the Inter-American Court of Human Rights.

Migrant women (see also “Migrants” below)

- That the federal government implement a documentation system on violations of migrant women’s rights with a view to developing holistic strategies for prevention, attention to victims and sanction of perpetrators
- That the federal government implement a training programme with a gender perspective and with indicators and follow up mechanisms directed at public servants that deal with migrants

Indigenous and rural women (see also “Rights of indigenous peoples and People of African Descent” below)

- That the State at all levels train and evaluate public servants so that they provide quality services, with a gender and multicultural perspective. Of particular need is training for municipal and community authorities for the attention to indigenous women, with approaches that take into account the membership of an indigenous group.
- That the State provide clear data on maternal mortality and life expectancy in indigenous communities and those of African descent

Sexual and reproductive health

- That health authorities comply with the General Victims’ Law and provide abortion services for women victims of rape, as requested by these women and without the need for other requirements
- That the State strengthens the monitoring and accounting mechanisms related to policies and programmes on maternal health, with emphasis on the identification of patterns and structural failures.
- That the National Human Rights Commission (CNDH) takes into consideration the needs expressed by victims of obstetric violence and maternal mortality in forming its

recommendations, and that its reparation measures are in line with international standards on integral reparation

II. Ratification of international instruments, harmonization and enforcement of the domestic regulatory framework and strengthening of institutions and human rights policies

148.1	Continue reviewing all reservations made to international human rights instruments with a view to withdrawing them	Guatemala
148.2	Sign and ratify the Optional Protocol to the ICESCR	Bosnia and Herzegovina
148.3	Sign and ratify the Optional Protocol to CRC on a communications procedure	Portugal
148.4	Consider its position with regard to Article 22.4 and Article 76 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Bangladesh
148.5	Recognize the competence of the Committee on Enforced Disappearances (CED), ensure the integration of the Convention in the domestic legal framework and create an official register of disappeared persons (France)/Accept the competence of CED to receive individual petitions (Spain);/Recognise the competence of CED in conformity with articles 31 and 32 (Uruguay);	Various
148.6	Accede to Additional Protocol II of the 1949 Geneva Conventions	Estonia
148.7	Ratify the 1961 Convention on the Reduction of Statelessness	Paraguay
148.8	Consider ratifying the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers	Rwanda
148.9	Ratify the ILO Convention 189 on Decent Work for Domestic Workers	Uruguay
148.10	Consider ratifying the Convention against Discrimination in Education	Sri Lanka

148.11	Continue with its efforts and initiatives to enact the necessary legislation to protect human rights and promote them and to ensure economic development and a higher standard of living	Omán
148.12	Work towards the swift incorporation in the federal legislation and legislation of state the provisions of international instruments, including the Rome Statute	Túnez
148.13	Continue efforts aimed at harmonization of national criminal justice system and legislation with the constitutional reforms	Ukraine
148.14	Pursue constitutional reforms with a view to elaborate coherent criminal legislation at federal level	Slovakia
148.15	Accelerate efforts with the Joint Senate Committees on Justice, National Defence and Legislative Studies regarding the early adoption of the reform to bring the criminal offence of enforced disappearance in conformity with standards established by the International Convention on the matter, in accordance with paragraph 86 of the Report	Chile
148.16	Fully align its national legislation with the obligations arising from the Rome Statute	Estonia
148.17	Review provisions regarding lengthy pre-trial detention without court and investigation decisions	Russian Federation
148.18	Implement effectively the Victims Act, by harmonizing existing legislation. Include the provisions of the act in the new Penal Procedure Code. Ensure that the law is applied at all levels.	France
148.19	That the legal framework against torture conforms to international human rights standards and that the Istanbul Protocol be applied in all federal states. Persons responsible for torture should be convicted accordingly in order to prevent the future use of torture	Germany

148.20	Follow-up on the recommendations of CAT by ensuring that the definition of torture under all federal and state legislation is fully aligned with international and regional standards and by providing for the inadmissibility in court proceedings of evidence obtained under torture	Hungary
148.21	Step up its attention and develop programmes for the social protection of citizens that suffer discrimination and social inequalities and eliminate all discriminatory provisions in legislation in some states	Russian Federation
148.22	Introduce legal provisions effectively guaranteeing the safety of human rights defenders	Poland
148.23	Harmonize the General Act on Women's Access to a Life Free of Violence and pertinent federal legislation	Spain
148.24	Unify, on the basis of objective criteria, the various definitions of femicide in the different Criminal Codes of the country	Paraguay
148.25	Unify, both at federal and state level, the criminalization of offenses related to trafficking in persons	Paraguay
148.26	Consider adopting a framework law for the full realization of the right to food	Egypt
148.27	Harmonize Mexican law with the Convention on the Rights of Persons with Disabilities	Paraguay
148.28	Take necessary measures to adopt or improve subsidiary laws in the alignment of constitutional and legal amendments related to human rights' improvement	Thailand
148.29	Consider appropriate steps to ensure that the National Human Rights Commission functions in an independent and impartial manner (India)/Continue its efforts for ensuring the autonomy of national institutions responsible for the protection of human rights (Serbia);	Various

148.30	Continue to strengthen and develop the National Human Rights Program 2013-2018	Pakistan
148.31	Ensure that the national human rights programme for 2013-2018 takes full account of recommendations accepted by the Government at the 2nd UPR cycle	Ukraine
148.32	Continue its efforts to achieve social development and, in line with its national plan 2013-2018, as highlighted in the 4th Chapter in the Report	United Arab Emirates
148.33	Continue its efforts to ensure that the new legal framework is effectively applied by all of the country's authorities with the aim that all citizens are able to effectively exercise their rights	Montenegro
148.34	Adopt the announced national human rights programme which will serve to define and measure courses of action for ensuring compliance with the constitutional principles relating to human rights	Montenegro
148.35	Continue its efforts to strengthen and promote human rights	Yemen
148.36	Consider intensifying its efforts for human rights education across the spectrum of the Mexican establishment and organisations for a proper dissemination and implementation of the bold measures announced in its National Report	Mauritius
148.38	Continue efforts regarding measures taken and legislation adopted for the effective application of the new constitutional provisions	Marroco
148.40	Ensure the implementation of gender equality laws, specifically the General Act for Equality between men and women, in all 32 states	Maldives
148.115	Ensure the effective implementation of the amendment to article 24 of the Constitution relating to freedom of religion	Holy See

Most of the recommendations regarding harmonization and strengthening the institutional framework's implementation are related to central issues in the human rights agenda in Mexico. These include the implementation of the criminal justice system reform of 2008 and the constitutional

reforms on human rights of 2011; the fight against torture and the correct implementation of the Istanbul protocol, as well as the sanction and eradication of femicide and other forms of violence against women. The obstacles and priority actions identified in these issues are addressed in their respective chapters.

We emphasize the urgent priority to ensure the full and effective implementation of the **Victim's Law** (*Ley de Víctimas*) in the whole country (recommendation 148.18) through coordinated and concrete actions carried out by trained authorities and institutions with sufficient funds to comply with the law. We have documented the manner in which revictimization continues to occur in relation to access to justice for victims, especially relating to women, which is why it is important to implement adequate protocols for attention to victims at all levels of government. In this respect, it is concerning to note that final regulations associated with this law have not been published and the latest proposals contradict the spirit of the law in the sense that they have only a federal focus, they restrict the definition of victim, among other issues.

In addition, we highlight the importance of **codifying the crime of enforced disappearance in line with international standards** (148.15).

In relation to ratifications, beyond exhorting the State to ratify the international instruments mentioned and to withdraw any existing reservations, we place emphasis on the **ratification of optional protocols** as a priority measure in the current context, in which the majority of cases of human rights violations have not found access to justice and reparation within State institutions, which demonstrates the need for the analysis of specialized international bodies in order to identify structural solutions that allow for advances in the enjoyment of human rights drawing from a limited number of individual cases.

It is worth noting that Mexico accepted the recommendations regarding the signature and ratification of the **Optional Protocols to the International Covenant on Economic, Social and Cultural Rights (OP – ICESCR) and to the Convention on the Rights of the Child (CROC)**. We welcome the acceptance of these recommendations, whose fulfillment will complement the access to international justice available for victims of human rights violations. However, we must highlight that in the case of the OP- ICESCR the delay can no longer be justified, as it is an instrument whose promotion, drafting and negotiation was taken up actively by the Mexican State, alongside substantive contributions from civil society; Mexico also was co-sponsor of the resolution of the Human Rights Council that exhorted countries to sign it from the opening ceremony in September 2009. In 2012, the Ministry of Foreign Affairs announced that it had received 19,000 signatures demanding a defense and protection mechanism for these rights, and that the consultation process within the federal public service had concluded and that the instrument would be signed before the end of the year. In addition, between 2011 and 2013 the federal Senate promoted six resolutions calling on the Federal Executive branch to sign the OP - ICESCR without delay and forward it to the Senate for its ratification.

For another part, we regret that the State has not accepted recommendation 148.5 which refers to the recognition of the mandate of the **Committee on Enforced Disappearances** to review individual and interstate complaints, especially given the important role that Mexico played in the adoption of the Convention on Enforced Disappearances that created the Committee, as well as given the impunity and obstructions to justice in cases of enforced disappearance within the domestic context.

In relation to the recommendation 148.16, although the State announced that between 2010 and 2012 the Interministerial Commission on International Humanitarian Law drafted a bill for reforms to federal criminal legislation to harmonize it with the crimes enshrined in the **Rome Statute**, the legal framework has yet to be reformed. The incorporation into criminal codes within the country of all the crimes against humanity as serious offences subject to mandatory prosecution ex-officio, is crucial. These offenses need to be exempt from statutes of limitations and not subject to amnesties, and exempt from the right to immunity or asylum for the perpetrators.

In relation to recommendation 148.9, domestic work is currently regulated to some extent by the Federal Labor Law. Nevertheless, there are no monitoring mechanisms so that the Federal Ministry of Labor can carry out monitoring in private residences and to ensure access to social security outlined in the law, among other obstacles.

Regarding recommendation 148.4 relating to migrants' rights, despite the fact that Article 33 of the Mexican constitution was amended, relating to the power of the Federal Executive to expel foreigners from Mexican territory, there is no clarity regarding the **procedure available to a migrant in the case that he or she is ordered to abandon the country**. In addition it is not clear how this procedure will ensure the protection of the rights of the migrant in line with Article 1 of the constitution.

In addition it is important to highlight the concern regarding the **constitutional and legal reforms that are contrary to recommendation 148.11** which promotes necessary legislation to protect and promote human rights and guarantee economic development and better living standards. These reforms refer to the actions carried out by the Federal Executive and federal legislators which have passed a number of energy reforms which give preference to the exploration and exploitation of hydrocarbons above any other use of the territory and open the way for private national and international investment for the extraction of gas, shale gas/oil. These substances can only be obtained through the technique of hydraulic fracturing or *fracking*, which carries an irreversible environmental and social impact and threatens the enjoyment of human rights in our country. In addition, in line with the recommendation 148.28, it is worrying to see the omissions of the Mexican State in relation to the approval of secondary laws relating to the promotion of human rights, particularly in relation to economic, social, cultural and environmental rights as indicated in the corresponding section below.

Regarding recommendation 148.27, in the efforts carried out to harmonize the **Convention on the Rights of Persons with Disabilities (CRPD)** with Mexican legislation, it is noted that neither civil society nor persons with disabilities have been included in these efforts, contravening Article 4.3 of this Convention. In addition, the Mexican State has not established a mechanism to promote, protect and supervise the application of the CRPD according to that established by article 33.2 of the Convention.

The primary obstacle to the independence of public human rights organisms is the **interference on the part of Executive Branches** in the work of these bodies. This lack of independence added to the lack of accountability mechanisms for public human rights organisms has a negative effect on the rights of victims, giving rise to situations such as the following:

- Victims and their representatives do not have access to complaint files and copies of the investigation results that document torture (Istanbul Protocol), which can be critical to defend their rights
- There are no qualified personnel experts in the human rights commissions of each state for the implementation of the Istanbul Protocol
- Complaints are not analysed in depth, are classified as less serious crimes in the complaint or files are closed, although there is clear evidence of human rights violations
- Re-victimizing treatment of the complainant is common
- Exaggerated delays in issuing recommendations
- No appropriate follow-up for recommendations; cases are concluded without the victim receiving adequate compensation
- The citizen advisory council for the National Human Rights Commission (CNDH), for example, is not capable of receiving information about irregularities from applicants or representatives of victims

Priority Actions:

- That the State give priority to the full implementation of the Victims' Law in the country, in particular through regulations according to national assessments in line with the object and spirit of the law and through effective and efficient work of the Executive Committee for Victims (CEAV).
- Establish a treatment protocol for victims without re-victimization that is implemented in the prosecutors/prosecution offices of each state and federal level and in which a gender perspective is established.
- That the Senate and state legislatures criminalize enforced disappearance according to international standards contained in the Universal and Inter-American Conventions on the matter.

- That the Federal Government does not delay in signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and turns to the Senate for ratification.
- The Federal Executive sign and the Senate approves the ratification of the Optional Protocol to the Convention on the Rights of the Child and expedite publication of the Law for the Protection of the Rights of Children and Adolescents that operates the National Guarantee System for Children and Adolescent Rights
- That the State reconsiders its stance on recommendation 148.5 concerning the Committee on Enforced Disappearances and the Senate approve the ratification of the Optional Protocol thereto, so that the Committee can hear individual cases.
- That the Congress harmonizes criminal law with the list of crimes contained in the Rome Statute.
- The Senate approves the ratification of ILO Convention 189 and the relevant legislation to ensure compliance and full protection and guarantee of the human rights of domestic workers, including by conducting labor inspections by the Labor Ministry to monitor working conditions. The policy designed and implemented in this area should consider factors such as nationality, ethnicity and age of the population engaged in this activity, in order to have an inclusive policy for men, women and children.
- Clearly establish the procedure for Article 33 of the Constitution, ensuring that it respects international standards in this area, both under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their families as well as under other treaties ratified by the Mexican State applicable to migrants.
- That the State establishes the mechanism to promote, protect and monitor implementation of the CRPD provisions of Article 33.2 of the Convention.
- That Congress approves the General Act to Prohibit Hydraulic Fracturing (which has two bills signed by deputies and senators of various parties and turned over to committees of both houses since April 2014) based on the precautionary principle and according to their constitutional obligation to protect human rights
- That the State carries out the necessary legislative reforms to harmonize its legislation with the CRPD regarding legal capacity (and the creation of support mechanisms in decision making) and the right to live independently in the community
- That the State establish a performance evaluation mechanism of the Ombudsman system that focuses on indicators and results on behalf of the victims, taking into account the deficiencies noted above and incorporating interviews with a representative sample of the complainants to public agencies. Besides analysing the experience of the victims, it should be noted if the Ombudsman system is succeeding in changing patterns of human rights violations in the country. The results of the assessment should guide reforms of the Ombudsman system.

III. Follow up the recommendations in the UPR

148.39	Carry out follow-up mechanisms on UPR recommendations that enable to verify the implementation and impact of norms and measures adopted to promote equal rights and non-discrimination for all citizens, particularly vulnerable groups such as women, children , ethnic minorities and LGBT communities, among others	Colombia
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Obstacles and priorities:

In addition to endorsing the importance of establishing mechanisms for monitoring and specific indicators to measure progress in the field of equality and non-discrimination in general, **it is essential to follow up and establish indicators for all UPR recommendations.**

Historically, monitoring international recommendations has been done through inter-institutional roundtable discussions and within the framework of the Committee on Government Policy on Human Rights which has been hampered by the lack of involvement of authorities empowered to take decisions and / or because of the failure to achieve effective consultations in an atmosphere of mutual trust. The mechanisms for monitoring and measuring the UPR will have to overcome these obstacles to be effective, especially considering that the subjects of the UPR recommendations cover both issues that have already been analyzed and have some relevant legal framework and public policy, as lesser known or developed national framework issues.

Priority actions:

- That follow-up mechanisms to monitor the recommendations be created jointly by civil society and government, which establish specific indicators to measure the implementation of the recommendations and involving people with decision making ability.
- That the National Commission on Discrimination (CONAPRED) takes an active role in monitoring and measuring progress in the UPR recommendations.
- That the UPR recommendations are reflected not only in the National Human Rights Programme (PNDH) but also in the human rights programs in each state as well as in the various sectorial and special programs, taking into account that human rights should be a crosscutting issue in the government's public policies.

IV. Citizen security, strengthening the rule of law and fighting against violence and impunity

148.90	Provide sufficient resources and capacity building for the Citizens Relations Unit to address dangers of a heavy military presence on the streets designed to curb organised crime	Sierra Leone
148.91	Increase efforts in the war on drugs at all levels	Cuba
148.97	Adopt and implement appropriate measures, enabling an effective functioning of public security forces subject to civilian control	Poland
148.98	Continue efforts to ensure transparent adjudication of members of the security forces for human rights abuses, and continue efforts to reform the civilian police	United States of America
148.101	Strengthen the state of law and good governance, with more focus on capacity building for federal and local public officers for better law enforcement and human rights promotion and protection	Vietnam
148.104	Continue the fight against impunity, especially regarding violence against women, children, human rights defenders, journalists and all other vulnerable groups (Estonia)/Fight against impunity through conducting exhaustive investigations of all allegations of human rights violations (France);	Various
148.105	Consider fully utilizing the constitutional amendments more effectively to prevent and investigate human rights violations, punish human rights violators, and provide effective redress and remedy to human rights victims (Philippines);	Philippines
148.106	Reinforce its efforts to tackle impunity and corruption nationwide via the creation of a federal anti-corruption institution with the ability to prosecute; and through the allocation of adequate resources to investigate and prosecute crimes against women and children (United Kingdom of Great Britain and Northern Ireland);	United Kingdom
148.107	Continue and intensify its efforts to fight corruption at all levels of public administration (Cyprus)/Continue its efforts in fighting corruption at all levels (Cuba);	Various

148.108	Continue to further strengthen the rule of law to provide a safe and stable living environment for its people (Singapore);	Singapore
148.109	Expedite the process of amending Article 57 of the Code of Military Justice to ensure that human rights violations committed by armed forces against civilians are tried in civilian courts (Sierra Leone) /Promote the completion of existing initiatives to reform national legislation so that cases of alleged violation of human rights by the armed forces are considered in civilian courts (Peru) /Revise relevant legal provisions to ensure that all offences committed against human rights by military forces are submitted to civil courts (Brazil) /Undertake all necessary measures to ensure that Article 57 of the Code of Military Justice conforms with the Mexican constitution (Canada) /Launch a reform of the Code of Military Justice, so that the military cannot claim jurisdiction over human rights violations' cases (Czech Republic) /Complete without delay the reform aiming to restrict the jurisdiction of military courts (Italy) /Provide its civilian courts with jurisdiction over human rights violations committed against civilians by members of the armed security forces to ensure accountability (Australia) /Ensure that all those responsible for human rights violations are brought to justice before civilian jurisdiction (France) /Continue to make every effort to end impunity, especially for armed forces' human rights violations (Republic of Korea);	Various

Obstacles and priorities:

As is clear from this group of recommendations, **impunity** remains one of the main obstacles to the consolidation of rule of law in Mexico. When such impunity prevails in criminal offenses, the result is insecurity and mistrust in institutions. When it comes to a human rights violation, impunity lays the groundwork for the repetition of such abuses, abuse of power and repression of the civilian population.

In general, measures taken by the State to combat drug trafficking have intensified violence in the country and failed to fight drug trafficking. From within this framework, we agree with the recommendations that identify **the militarization of citizen security** as a policy with negative consequences on the enjoyment of human rights and highlight the importance of ensuring that security forces operate under civilian control and to guarantee **that all cases of human rights violations are investigated and tried in civilian courts**. In this regard, we welcome the recent reform of the Military Code of Justice to provide that all cases of abuses by soldiers against civilians be investigated and made public at the federal level, which represents a significant step towards the fulfilment of the recommendation 148.09 and the rulings of the Inter-American Court of Human Rights. At the same time, we note that it does not fully comply with international standards on the accused and there is still the risk of a lack of independence and impartiality in the investigation of cases.

At the same time, the reform itself will not end impunity, since it is necessary to transform institutional practices and culture at all levels in the country to build technical capacity and political will that will bring light to both criminal offenses and human rights violations. In this process, as well as improving **the performance and accountability of federal and state police forces** (148.98, 148 101) and tackling **corruption**, it will play a key role in successfully implementing the new oral and accusatory criminal justice system. Therefore, **the obstacles identified in the implementation of the new penal system** (a topic developed in a chapter below), such as the reproduction in the new system of the inherent flaws in the inquisitorial system and the reluctance of some law enforcement and justice officials to change their working methods, are relevant obstacles to the consolidation of the rule of law and to combat impunity.

Priority actions:

- That the federal government address the issue of drugs not primarily from the perspective of militarization and "direct combat" using the police, but from a comprehensive, human rights and public health approach.
- That the federal government prioritizes the removal of the Armed Forces in public security operations and tasks, guaranteeing that security actions are carried out by civilian bodies duly subject to internal and external controls to ensure accountability
- That Police and the attorneys general/ prosecutors' offices suspend any member denounced in a criminal complaint for acts of human rights violations during the course of an investigation
- That Congress amend Section 57 of the Code of Military Justice to ensure that no human rights violation be investigated or judged by the military justice system
- That the State as a whole, particularly the judiciary and law enforcement authorities and the federal government in its role of inter-agency coordination, ensure correct implementation of the new oral and accusatory criminal justice system (see next section)

V. Criminal Justice System

148.92	Continue to enhance efforts to further strengthen the judicial institutions	Kenya
148.93	Take measures to ensure the effective and timely implementation of the constitutionally mandated judicial reforms and police professionalization by providing integrated training and capacity building to stakeholders involved in the delivery of justice, including judges, prosecutors, lawyers, police and criminal investigations	Canada
148.94	Accelerate the implementation of the 2008 constitutional criminal justice reforms to enhance transparency and provide procedural rights for accused persons (Australia)/ Fully implement the reform of the criminal justice system in all Mexican states as soon as possible (Denmark);	Denmark
148.95	Strengthen the criminal justice system in the country, to promptly and effectively investigate all alleged cases of enforced disappearances, disproportionate use of force, attacks, threats, harassments against human rights defenders, and ensure that perpetrators are brought to justice and victims receive reparations	Azerbaiján
148.96	Continue to further strengthen the criminal justice system, including through capacity-building of judicial actors and law enforcement institutions so that its measures against organized crime be taken with due consideration paid to the rule of law and human rights and with an emphasis on due process	Japan
148.99	Continue approving the necessary secondary legislation, regarding the constitutional reform, harmonizing it at state and federal level, and that training of judicial officers to ensure its effective application at both levels be conducted	Spain
148.100	Continue the public security and judicial reforms and ensure their implementation	Turkey

Obstacles and priorities:

The recommendations in this section make clear that the transition to the new accusatory system is essential to guarantee both the human rights of persons accused (148.94) as to improve the quality of criminal investigations and thereby provide access to justice for the victims of crime, including among others, those constituting serious human rights violations (148.95).

In this area, beyond fully endorsing the importance of moving to the new system by 2016, we have detected through cases documented and accompanied by our organizations in the states **where the new system is to be used, many of the same practices that characterized the old system still exist and in which they are intended to overcome** precisely by transforming the criminal justice system ordered in the constitutional reform of 2008. In particular we highlight **the practice of admitting illegally obtained evidence**, assigning to the alleged victim of coercion the burden of proof to show the wrongfulness of the prosecution's evidence, for example. Also, the entry into force of the new system has not automatically translated into better criminal investigations; **arbitrary arrests continue in order to 'frame the accused'**.

These obstacles must be overcome by complying with the form and spirit of the 2008 criminal justice reform, complemented by the constitutional reform in human rights in 2011. However, the lack of conventionality control in many criminal sentences remains the most important challenge in strengthening the criminal justice system (148.99).

It is important to remember that the implementation of constitutional reforms in the criminal justice system includes monitoring and training, not only of justice officials, but also of police authorities, law enforcement, experts, advocates and public defenders (who continue to face adverse working conditions in terms of workload, inadequate training and lack of independence).

Finally, we note that not all provisions of the 2008 criminal justice reform are positive: this same reform includes, among others, **the constitutionalization of extended pre-charge detention (arraigo)**, a figure violating human rights and counterproductive in criminal investigations (subject to its own group of recommendations in the UPR).

Priority Actions:

- That the State as a whole, in particular the judiciary and law enforcement authorities as well as the federal government in its role of interagency coordination, guarantee the correct implementation of the new oral and accusatory criminal justice system:
 - Given the huge investment in time and resources in training in the new criminal justice system for legal practitioners and other actors currently in progress at the federal and state levels, monitoring mechanisms must be established to measure the effectiveness of these and to what extent the content of the trainings is reflected in the practices of

trained authorities. Such training should also include all relevant actors, including advocates and public defenders.

- That the judiciary prioritizes the training of judicial actors not only in the procedures of the oral and accusatory system, but also emphasizes the obligation for conventionality control. In this sense, it is necessary to train and strengthen the role of judges to guarantee that the criteria incorporate the accusatory system as well as the constitutional reform on human rights in 2011.
- That authorities at all levels reiterate the prohibition of admitting illegally obtained evidence, which is a human rights violation
- That law enforcement authorities investigate and record arbitrary detention cases committed by members of the security forces, with a view to ending this practice which violates human rights and is counterproductive in the fight against insecurity in the country.
- That the State remove extended pre-charge detention from law and practice

VI. The prison system

148.65	Continue efforts to improve prison conditions (Egypt)/Implement a comprehensive rights-based criminal and prison policy as well as policies designed to eradicate prison violence	Various
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Obstacles and priorities

The main obstacles that directly impact the conditions of the prison system (148.65) are the overuse of pre-trial detentions and the increase of crimes punishable by imprisonment at the state and federal level (list of serious crimes). This is due to a criminal policy proposing higher levels of incarceration as a solution to the problems of citizen security. In relation to this reform, the second paragraph of Article 19 of the Constitution has established a list of crimes in which preventive detention is automatically ordered (ex officio detention), without reference to the obligation to prove the rational necessity of the measure, causing a greater number of people to enter prison. In addition, the National Code of Criminal Procedures establishes this framework in Article 167.

The excessive use of preventive detention has resulted in a little less than half of the prison population awaiting judgment. This has generated high levels of prison overcrowding and serious effects on the human rights situations in prison.

Starting from the constitutional reforms of 2008, new prison rules were established based on human rights, work and vocational training, sports and health (Art. 18°). A special judge position was also established to enforce sentencing (Art 21 °); however, in certain cases it still has no supervisory

powers in relation to detention conditions, transfers and the revision of the duration of sanctions within the centers. Given this structural change, the transitory provisions of the decree of the reform established that within three years a national law on sentencing terms would be published, a term which expired in 2011. However, until 2014 the Congress has not approved this specific regulatory framework which includes people in the process and sentenced subjects with gender and human rights approach.

Moreover, since 2008 there has not been an updated evaluation on the conditions of the prison system and its population that would establish a new penal strategy and thus ensure a comprehensive public policy to guarantee that the prison system becomes socially reintegrated. Another obstacle is the absence of a national prison information system including the classification of the population by sex, age, ethnicity, nationality, legal status, sentence count, among other things, enabling the proper separation of the population. In addition, limited financial and human resources (administrative, custodial and supervisory) are compounded by the lack of guidelines for establishing budgets and expenditure patterns. In terms of infrastructure, there is no corrective and preventive program for maintenance of centers.

Another difficulty in establishing formal education, health (including sexual and reproductive health), work and training programs has been the lack of interagency coordination to provide these services. Added to this, some federal prisons have decided to allow public-private investment with negative consequences, such as poor food quality provided in these centers.

One of the obstacles related to violence and corruption in prisons is due to the lack of a career for penitentiary civil servants with decent well paid working conditions. Furthermore, the absence of suitable protocols for the minimum use of force, transfers, sanctions and visitor revisions have been recorded. All these obstacles have added to the lack of coordination and control mechanisms from the Interior Ministry and its ability to strengthen and improve the performance of the Administrative Authority of Prevention and Social Rehabilitation.

In this area, we note in particular the situation of **women prisoners**. The absence of a comprehensive program for women is due to living in mixed prisons, which lack adequate space to allow an effective separation of the female population, coupled with the lack of female security personnel and specialized medical services. The situation is worsened because there is a significant female prison population with daughters and sons in prison without adequate and comprehensive care.

Priority Actions

- That the relevant judicial authorities exercise proper scrutiny of arrests and analyze any request for precautionary measures according to international standards. In this context, priority is given to freedom or the application of alternative precautionary measures.

- That the State demands that the judicial authority monitor the duration and reasons for the preventive detentions imposed.
- That Congress approves and includes in national legislation provisions on prison sentences for those prosecuted and convicted, with a gender and human rights perspective.
- That the Mexican State allocates a sufficient budget for training and sensitizing judicial authorities responsible for the enforcement of the sentencing stage.
- That the Mexican State establishes effective control and enforcement mechanisms that include civil society to monitor the living conditions in prisons.
- That the Mexican State establishes a National Prison Plan focused on gender and human rights.
- That the State strengthens mechanisms for monitoring conditions in detention centers, using in particular (1) unannounced visits and (2) representative sample surveys of relatives of detainees in these centers. In case of any problem detected, establish (1) a binding order to the prison authority to correct the problem, (2) monitoring and evaluation through the same mechanisms mentioned, to verify compliance with the orders and (3) penalties for failure to comply with appropriate measures. Taking into account the ineffectiveness of the current National Mechanism for the Prevention of Torture in these areas, a redesign is proposed to include the participation of experts from civil society.
- That the State creates a national program to eradicate violence in prisons using prevention and intervention models that take into account repeated problems reported to human rights organisms and international institutions.
- That the federal government and state governments increase the proportion between custodial staff and number of individuals deprived of their liberty in order to reduce levels of violence in the prison system without resorting to repressive measures, and that annual training programs of prison staff are established and assessment.
- That prison authorities have an effective system to collect data about the population, allowing for an adequate separation of detainees by category (age, status, sex, children deprived of their liberty with their mothers, etc.)

Women in prison:

- That the federal government and state governments implement comprehensive public policies to address the situation of women in prison and programs that promote respect for women's rights and the eradication of gender-based violence, in particular looking at the situation of women with daughters /sons within the prison system
- That the federal government and state governments implement health care programs for women in prison, particularly with regard to sexual and reproductive rights
- That the federal government and state governments develop training processes and social reintegration awareness from a human rights and gender perspective for prison staff and monitor the effectiveness of these.

VII. Torture

148.49	Implement the recommendations from CAT, as well as promote the use of the Istanbul protocol to determine cases of torture and to educate forensic experts	Sweden
148.50	Ensure that investigations of alleged torture are not carried out by the same authority accused of committing acts of torture	Sweden
148.51	That the implementation of the existing legislation to prevent and punish torture, both at federal and state level, remains a top priority	Portugal
148.52	Pursue efforts to ensure that complaints in cases of torture, arbitrary detention and disappearances are duly investigated	Turkey
148.53	Set up a system for receiving and investigating torture or ill-treatment complaints and suspend from duty suspects of torture, as well as amend its legislation and the definition of torture at the State level in accordance with the United Nations Convention against Torture	Azerbaiján
148.103	Further pursue the full investigation of alleged incidents of human rights violations by the police force, especially within detention centres	Cyprus

Obstacles and priorities

Among the main factors that encourage torture is the **admission of evidence obtained under torture in criminal proceedings**, which encourages acts of torture in the first moments of detention in order to obtain an incriminating statement (see 148.103). Although the Constitution prohibits the admission of evidence obtained under torture, it is common that the court **transfers the burden of proof to the alleged torture victim to conclusively demonstrate acts of abuse**, in violation of international human rights law, particularly the United Nations Convention against Torture. On the other hand, if the judicial authority orders an investigation, **the authority conducting the relevant medical and psychological examinations is usually the same institution the person allegedly tortured is claiming criminal charges against, for this reason it lacks independence for a review under the Istanbul Protocol** (148.50).

Even if the person tortured has a medical-psychological examination by a public human rights organization or a Protocol trained independent expert, **the judicial authority does not commonly**

give the evidential value as given by an examination or a certificate performed by a doctor of the prosecutorial authority. This is particularly serious since many national and international human rights organizations have documented falsification of medical certificates by ministry officials and security forces in order to conceal torture. It is worth noting, according to public information requests, of the 181 examinations allegedly made following the Istanbul Protocol by the Attorney General's Office between January and November of 2013, only 9 (5%) proved positive.

Finally, within and outside the context of criminal trials, torture is a crime that **remains almost universally unpunished**, encouraging its systematic repetition at all levels.

Priority Actions:

- That the State as a whole, particularly the judiciary, adheres to international law on illegal evidence, guaranteeing the following:
 - o When a person accused reports acts of torture, the judicial authority is obliged to order an immediate investigation and the contested evidence is inadmissible while the allegation is being investigated.
 - o Such evidence shall be admissible only if the prosecution (public prosecutor / office of the prosecutor) shows that it was lawfully obtained, having the burden of proof to demonstrate this fact. That is, the burden of proof never lies with the alleged victim to prove torture; from the time of the alleged torture, the contested evidence is presumptively inadmissible.
 - o Judges have an obligation to accept and evaluate any evidence tending to show torture, including medical and/or psychological examinations by independent experts, public human rights organizations, and other testimonial evidence. The fact that the prosecution presents a medical or psychological examination that does not detect signs of torture does not automatically guarantee that there was no torture. It is the duty of the judge to assess all the evidence submitted, including the lone statement of the alleged victim of torture, and if there is doubt about the legality of the contested evidence, it shall be inadmissible.
 - o Medical certificates are instruments designed to document torture. The ideal tool to document signs of torture is the Istanbul Protocol. A review under the Istanbul Protocol should be based on an interview, physical and psychological examination and any additional studies on the individual, in such a way that the findings are not limited to what they see in the authorities' medical certificates who have had custody over the person previously.
- That the State guarantees the right of anyone complaining about torture to a prompt and effective investigation, including a review by independent experts. The experts pertaining to the prosecutors do not have structural independence in the case of torture victims facing criminal proceedings. In this sense we must evaluate the recent recommendation of the UN

Special Rapporteur on Extrajudicial Executions of creating an independent National Forensic Institute. 3

- That the relevant authorities, including law enforcement, prosecutors' offices, detention centers of various kinds and human rights organizations, guarantee that every time an exam, revision, certificate, report, opinion, or expert opinion is carried out, a copy is delivered to the person examined, and ensures that it complies with the individual's informed consent.
- That the State guarantees that survivors of torture are beneficiaries of the General Victims' Law and that the respective resources are allocated so that they can perform all legal actions and other relevant documentation of torture
- That the federal government and state governments scale up their efforts and achieve concrete results in the investigation and punishment of torture. Any authority accused of torture should be suspended from duty while the facts (148.53) are clarified.

VIII. Enforced and Involuntary Disappearances

148.54	Develop a national protocol for searching for reportedly disappeared persons and to investigate allegations of human rights violations and ensure that perpetrators are brought to justice and victims have received reparations	Iran
148.55	Take adequate institutional and legal measures to effectively respond to the problem of enforced disappearances and unpunished intentional homicides	Uzbekistán
148.56	Implement the outstanding recommendations contained in the December 2011 report of the Working Group on Enforced or Involuntary Disappearances	Ireland
148.57	Carry out an in-depth and systematic investigation into all allegations of enforced disappearances, bring perpetrators to justice and guarantee reparations to all victims, in particular to the families of the disappeared persons	Switzerland
148.58	Create a database of disappeared and missing migrants, and that all authorities cooperate to prevent and punish crimes against this group	Norway

3 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns: Addendum: Mission to Mexico, April 28, 2014, A / HRC / 26/36 / Add.1, para. Available in 98 <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Pages/ListReports.aspx>.

148.59	Strengthen its efforts with regard to the fighting against enforced disappearances (Argentina)/Continue adopting measures to effectively address the phenomena of enforced disappearance (Spain);)	Various
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Obstacles and priorities:

Among the obstacles in this area is **the lack of a single national registry** that includes all disappeared persons; motive, date and place of their disappearance; specifying if Amber Alert was issued or if Alba Protocol was activated; and the results thereof; the individuals likely responsible and the actions taken to locate them; among other issues. This registry must be continually updated and accessible to the general public.

A key obstacle in finding disappeared persons alive is **the lack of coordination between different levels of government in the search for disappeared persons under a clear and appropriate protocol and with guidelines to provide for prompt searches to recover the lives of the disappeared.** The protocol should include guidelines designed specifically to respond to alleged cases of enforced or involuntary disappearance. In such cases it is necessary for the investigating authority to know the *modus operandi* of authorities and the individuals who often commit the crime of enforced disappearance (patterns of action, places of operation, chain of command, etc.) to give urgent follow-up information on perpetrators and to find the place where the victim of disappearance is being kept, rather than just a research profile and life history of the victim. Therefore, intelligence work should be prioritized to document and dismantle the networks of enforced and involuntary disappearance in various regions of the country.

The protocol called **Amber Alert** is not standardized in all states.

Furthermore, we highlight the lack of a **genetic database** at the federal level which is shared and compatible with the states, guaranteeing that the information is confidential and stored in the best way.

Often enforced disappearance is investigated under an inadequate and less serious offense. Undoubtedly, the main legal obstacle is that **the disappearance is not defined**, so the vast majority of cases of disappearance are not formally investigated from the beginning following specific lines of inquiry but merely create a kind of social work in which the exchange of reports are passed between authorities requesting information on the disappeared person. Such a pattern persists in many cases even in states in which the disappearance occurs.

Another obstacle has to do with those people who have disappeared without the situation being linked to a crime, as if there is no evidence of it (kidnapping, enforced disappearance, etc.) but only

the data of a missing person. In these cases a missing persons report is started, which does not lead to the institutions conducting a thorough search for the person.

The Specialized Search for Disappeared Persons Unit of the Federal Attorney General (PGR) has **insufficient staff and resources** due to the enormity of disappearances in the country. This situation is similar in the state prosecutor's offices, where not only the lack of resources is a concern but also lack the relevant expertise in the field (with exceptions).

With regard to the consequences of disappearance for the families, there is an obsolete and inadequate legal framework for civil legislation on disappeared persons. **The procedures for declaring absence or the presumption of death are bureaucratic and costly for families.**

Similarly, it is urgent to address **the psychosocial and humanitarian consequences of having a disappearance in families** who need specialized care and financial support to continue with their lives. In this regard, current support under the General Victims' Law does not usually apply to family members.

In terms of the **disappearance of women**, protocols are non-existent or non-standardized (such as the Alba Protocol) which implement an immediate, coordinated search and are not linked to a given time period. Also, agents of the Public Prosecutor's Office and the judicial police continue to criminalize or judge the missing woman, resulting in victimization for their families. In cases such as Chihuahua, it is the family who continues to search for them. Also, there is a justified suspicion about the DNA results, and because of this it remains important to guarantee the rights of families to request an independent specialist expert in the field.

The federal government has recognized several of the obstacles mentioned above and provides for actions to address them; however, at present these actions are not yet in force, which is why we must continue to refer to the identified obstacles.

Priority actions:

- State creation of a unified, public and accessible, national registry of missing and disappeared persons. This registry must be broken down by gender, age, place of disappearance, search actions deployed by particular institutions as well as search efforts in coordination, genetic information and migrant status, among others
- State creation of a search protocol to search for disappeared persons, taking into account international standards on this issue and the modus operandi of enforced disappearance, among others, in order to find victims of enforced or involuntary disappearances alive and lead to their rescue
- Prioritization of intelligence activities by investigative law enforcement and justice authorities in order to document the actions of groups and state agents who often perpetrate enforced

and involuntary disappearances, in order to dismantle these groups and improve the immediate search of suspected disappeared persons

- State creation of a unified national database, coordinated by the federal government, of all disappeared persons and the genetic profiles of disappeared persons' relatives, including relatives from countries with migration flow through Mexico. Cross referencing of genetic information between the national bank of genetic profiles of disappeared persons' relatives with the genetic profiles of persons located deceased should be conducted periodically
- State creation of more specialized genetic profiling laboratories in states such as those in Chihuahua, with specialized personnel, technology and resources, which ensure proper and effective personnel training to avoid distrust in the identification of remains
- Notwithstanding the above, the right of family members to request the assistance of independent experts in the identification of remains must be guaranteed
- That the State ensures that in every case, in addition to the immediate search, a formal investigation is initiated with due diligence, gender perspective and family involvement
- Strengthening of the Specialized Search for Disappeared Persons Unit of the Federal Attorney General and with clear guidelines in the competency areas of the multiple circumstances that could determine the disappearance, absence, abduction or deprivation of liberty to avoid fragmented investigations
- Enforced disappearance to be adequately criminally codified by Federal Congress and state legislatures
- That the Federal Congress and state legislatures create or adapt laws for relatives to access the special declaration of absence due to disappearance under international standards on this matter to ensure the rights of the missing person and their family
- State installment of a formal mechanism to track the recommendations of the Working Group on Enforced or Involuntary Disappearances derived from its most recent visit to the country in 2011

IX. Rights of children and adolescents

148.37	Always protect the rights of children	Djibouti
148.81	Set up a comprehensive system to protect children's rights and develop a national strategy to prevent and address all forms of violence	Iran
148.82	Ensure a better protection for children and adolescents against violence related to organized crime	Algeria
148.83	Enhance the dissemination of information and figures regarding children and young persons who fall victims to the struggle against drug-trafficking	Italy

148.110	Continue its efforts to ensure the protection of children's rights, including by fully implementing the 2012 federal justice for adolescents act and considering implementing of restorative justice system	Indonesia
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Obstacles and priorities:

The protection of children is difficult in light of the **lack of regulatory frameworks, public policies and institutions at the national level to ensure the rights of this population** and the lack of ratification of some relevant instruments such as the Iberoamerican Convention on the Rights of Youth. In addition to protecting children and young people against violence (148.82), we highlight the gaps in the protection of young people, for example in labor matters (this is a population with the right to work but often without access to labor rights, for example in the context of working in family businesses).

In speaking of employment opportunities for young people, it is necessary to recognize that this is the main population affected by unemployment. The youth population is about one third of the national population, so it is recognized as a "demographic bonus"; however, the lack of opportunities and limited access to professional or higher education for this population represents a major barrier to enter the labor market. Given the employment conditions of the country, young people end up accepting jobs with poor or no labor conditions such as low wages, no social security, the absence of formal contracts or little regard for the workday hours.

Priority actions:

- The Senate approval of the ratification of the Iberoamerican Convention on the Rights of Youth
- State creation of a national institution that protects the rights of children
- State adoption of a regulatory framework and public policies specifically addressed to youth who are sensitive to the diverse forms of being a young person in Mexico

X. Human trafficking

148.84	Consider establishing mechanisms aimed at early identification, referral, assistance and support for victims of trafficking	Egypt
148.85	Increase funding for federal human trafficking prosecutors and take steps to end the impunity for public officials complicit in trafficking	Norway

148.86	Redouble efforts against trafficking in persons (Bolivia (Plurinational State of))/Continue its policies and efforts to combat human trafficking especially those of women and children (Singapore)/ Continue efforts to combat human trafficking both through the introduction of relevant legislation as through national and state programs and plans for its implementation (Costa Rica);	Costa Rica
148.87	Standardise the criminalization of trafficking in persons at federal and state levels	Trinidad and Tobago
148.88	Continue to implement the 2012 national anti-trafficking law, through efforts to investigate and prosecute trafficking offenses on the federal and state level	United States of America
148.89	Further strengthen measures to combat migrant smuggling and trafficking in persons (Sri Lanka)/Strengthen measures to combat human trafficking, including violence against migrants (Algeria);	Algeria

Obstacles and priorities:

While we recognize the importance of the enactment of the General Law on the Prevention, Punishment and Eradication of Crimes of Trafficking in Persons and the Protection and Assistance to Victims of these Crimes, in practice this has led to **a trend of criminalizing the victims**, for example by threatening them that they will be processed if they do not name their traffickers. In practice, **there is need for a mechanism for integral reparation and life choices for the victims**. In addition, it is necessary to coordinate with the countries of origin of victims of international trafficking in order to specify any necessary protection measures for the family of the victim and to dismantle trafficking networks.

It is not clear to all law enforcement and justice officials about the definition of trafficking, which leads to instances of incorrect application of this offense; ongoing training and evaluation of officials in trafficking and smuggling is necessary, because of the continued **confusion** demonstrated about the definitions and differences between these two.

In the field of law enforcement, it is necessary to **carry out intelligence operations to document and dismantle trafficking networks**, instead of applying the model of conducting raids on nightclubs and ordering people to denounce their traffickers, for example.

Priority actions:

- State training of all authorities involved to raise awareness in the proper treatment of victims of trafficking and ensure they do not criminalize or re-victimize these persons
- That the State, at all levels, offers comprehensive protection and life plan options for victims of trafficking, in addition to investigating and sanctioning those responsible
- State improvement in the training of the definitions of trafficking and smuggling
- Investigative and intelligence operations carried out by law enforcement and justice officials to build solid cases against trafficking network members, so that such efforts do not depend disproportionately on the willingness of victims to come forward and denounce the perpetrators after rescue operations

XI. Human Rights Defenders and Journalists

148.116	Establish effective protections for civil society and journalists, including the prompt and efficient investigation and prosecution of all threats and attacks made against these individuals (Canada)/ Guarantee a safe, free and independent environment for journalists and ensure that all cases of threats, violence, attacks and killings against journalists are investigated by independent and impartial bodies (Austria);	Various
148.117	Strengthen the federal mechanism for the protection of defenders and journalists and provide it with preventive capacity, taking into account the threat posed by organized crime networks against freedom of speech and press	Colombia
148.118	Strengthen both the Mechanism for the Protection of Human Rights Defenders and Journalists as well as the Office of the Special Prosecutor for Crimes Against Freedom of Expression	Netherlands
148.119	Strengthen and expand the Mechanism to Protect Human Rights Defenders and Journalists including by providing it with adequate resources and powers to carry out its work and creating a mechanism for consultation with indigenous and other communities affected by land transactions	United Kingdom

148.120	Continue to improve implementation of the Human Rights Defenders and Journalists Protection Act and the national protection mechanism at the federal and state level	United States of America
148.121	Ensure that adequate attention is dedicated to the effective protection of journalists and human rights defenders	Australia
148.122	Ensure an effective implementation of the protection mechanism for journalists and human rights defenders with properly managed funds and trained human resources and that Mexico investigates and prosecutes reported threats, attacks and disappearances	Norway
148.123	Continue to ensure the budgetary allocations granted to the mechanism for the protection of human rights defenders, and recruit immediately the entire set of specialized staff to guarantee effective work by the mechanism and contribute thus effectively to the protection and security of all human rights defenders (Switzerland)/Provide all necessary support to the Human Rights Defenders and Journalists Protection Mechanism and ensure full cooperation and its implementation at state and municipal levels (Czech Republic)/ Ensure that human rights defenders and journalists are protected and not subject to defamation. The “protection mechanism for human rights defenders and journalists” should be funded appropriately and a clear division of jurisdictional responsibilities between the different levels of government should be achieved (Germany)/Ensure full financial and political support for the Human Rights Defenders and Journalists Protection Mechanism, including by allocating to it necessary resources as well as trained and qualified staff (Hungary)/ Provide real financial and human support for the recent protection mechanisms set up for journalists (Belgium);	Various

148.124	Implement the recommendations by the United Nations Treaty Bodies regarding the protection of human rights defenders and journalists	Finland
148.125	Take appropriate measures to combat violence and harassment against human rights defenders and journalists	France
148.126	Take effective measures to prevent any violence against journalists or human rights defenders	Republic of Korea
148.127	Pursue their efforts to reinforce legislative and institutional guarantees for human rights defenders and journalists exercising their right to freedom of expression and strengthen the fight against impunity in this regard	Slovakia
148.128	Seek the guidance of special procedures in further enhancing the safety of all human rights defenders in the country by inviting the Special Rapporteur on the situation of human rights defenders to visit the country	Hungary
148.129	Strengthen the Special Prosecutor for Attention to Crimes against Freedom of Expression (FEADLE), and ensure reparation for the victims, as well as provide the mechanism for the protection of human rights defenders with the necessary support to fulfil its mandate	Sweden
148.130	Step up its efforts to guarantee security of human rights defenders and journalists, and to put an end to all impunity in this area	Tunisia
148.131	Ensure the effective implementation of the Protection Mechanism, under the Human Rights Defenders and Journalists Protection Act, to reduce impunity, especially the crimes against defenders of the human rights of migrants	Spain
148.132	Improve the implementation of the existing framework in order to ensure the protection of human rights defenders and journalists	Romania
148.133	Put an end to threats, attacks and deaths of journalists by allowing for comprehensive and impartial investigations	Belgium

148.134	Strengthen measures to effectively prevent the violence against journalists and human rights defenders and impunity	Japan
148.135	Fully and effectively implement the recently adopted laws in order to end threats, attacks and killings of human rights defenders and journalists and ensure prompt and effective investigation to bring those responsible to justice	Lithuania
148.136	Integrate gender perspective when addressing impunity and lack of safety of journalists and human rights defenders	Slovenia
148.137	Develop an investigation protocol with gender and ethnicity perspectives that can be used by the offices of Attorneys General of States in all cases where women human rights defenders report threats or attacks	Ireland

Obstacles and priorities:

In this category we identify the following major obstacles:

- **Inexistence of mechanisms to prevent violence against human rights defenders and journalists with a gender perspective.**
- **Lack of access to justice for HR defenders and journalists** victims of attacks (due to deficient investigations of such attacks or investigations without taking seriously into account the work of the person as a defender or journalist)
- **Lack of effective implementation** of precautionary measures ordered by national and international bodies
- Lack of institutional and legal safeguards for human rights defenders and journalists through the **recent passage of legislation in 4 states in Mexico (Chiapas, Mexico City, Puebla and Quintana Roo) seeking to inhibit public demonstrations by favoring the arbitrary and disproportionate use of security forces** against demonstrators, defenders monitoring the protest and journalists documenting the events
- **Challenges in the Protection Mechanism for Human Rights Defenders and Journalists**, including among others:
 - inadequate coordination for the implementation of protective measures between states and the federal government
 - the backlog of cases and risk analysis
 - the protection perspective based on physical and police measures and not necessarily on the care of individuals or prevention and non-recurrence

- constant changes in personnel
- the nonexistence of a Unit for Prevention, Monitoring and Evaluation
- lack of adequate and sufficient consultation with the HRD to implement protective measures based on their own context
- lack of care, risk analysis and protection measures with a gender perspective
- lack of models to meet collective cases, e.g. indigenous communities opposed to megaprojects (148.119)
- lack of mechanisms to disaggregate the information on attacks against human rights defenders by sex and ethnicity
- the Mechanism has no investigative powers and has not generated clear coordination mechanisms with states to know and monitor the measures taken regarding federal and state level investigations
- **Lack of public recognition of the work of defenders**, aggravated in cases of community defenders, migrant defenders and defenders of Central American advocates for the rights of migrant populations.

Regarding violence against women human rights defenders and journalists, the specific obstacles include the following:

- There are continued reports of violence against journalists and human rights defenders in which **most cases have been perpetrated by State agents**, and in which appropriate measures have not been taken to prevent, investigate, indict and prosecute those responsible
- Lack of **trained and sensitized authorities in the gender perspective** for attention to women HR defenders and journalists at risk, including even authorities placing doubt on claims of perceived risk by HR defenders and journalists
- Lack of recognition and understanding of the specific needs and attacks against women HR defenders and journalists; as **well as protection schemes and differentiated reparations**. The Law for the Protection of Human Rights Defenders and Journalists does not propose specific mechanisms to identify and respond to situations of risk taking into account the particular needs of women defenders and journalists.

Another population in conditions of extreme vulnerability and violence are community and rural defenders, as well as members of community radio and other community media. Some of the specific obstacles faced by this population are:

- The lack of acknowledgment of activists who are not necessarily collaborators in an NGO as human rights defenders

- The lack of recognition and respect for journalism when engaging in community or independent media and the particularities of the risk, recognition and labor conditions that affect safety
- Discrimination, racism and criminalization towards the work of community and indigenous defenders, by public officials

Priority actions:

- That the State undertakes, as public policy and incorporating the gender perspective in the proceedings, the fight against the impunity of violations of the rights of human rights defenders via thorough and independent investigations into the attacks suffered by this population, effecting sanctions on the material and intellectual authors. In this framework it is recommended to establish specialized police units and prosecutors with the necessary resources and adequate training as well as specific investigation protocols (148.137), to act in a coordinated manner and respond with due diligence establishing hypotheses of the crimes and guidelines for their investigation acknowledging the interests that could have been affected by activities carried out by the human rights defender, and to be properly rectified for human rights violations committed.
- That state legislatures repeal laws that aim to inhibit public demonstrations favoring the use of public security force against protesters
- That the Ministry of the Interior reviews the protective measures ordered to date by the Mechanism in order to implement a concept of protection which not only includes physical protection measures but also preventive, non- recurrence, access to justice and that fortifies the psychosocial perspective of HR defenders and journalists, taking into account the gender perspective
- That the Protection Mechanism improve its consultation model for defender and/or the community at risk, and assess the information and requests from these populations in light of the patterns of threats and risks documented in the country
- Dissemination, by the federal and state governments, of an extensive campaign acknowledging the importance of the work of HR defenders and journalists and the need to ensure their safety and the conditions to facilitate their efforts, highlighting the role of women defenders, migrant defenders and community defenders
- Full state government cooperation with the Protection Mechanism implementing the ordered protection measures

Women HR defenders and journalists:

- State creation of mechanisms to prevent violence against human rights defenders, taking into account the particularities and the gender perspective

- That the State, particularly the Ministry of the Interior in its inter-agency coordination role of the Protection Mechanism for Human Rights Defenders and Journalists, develop a training and sensitization program in the gender perspective and recognition of the work and the situation of HR defenders and journalists, with indicators and monitoring mechanisms aimed at members of the Mechanism as well as prosecutors, judges and public officials responsible for the protection of women HR defenders and journalists
- That the state, particularly the Ministry of the Interior in its inter-agency coordination role of the Mechanism, assure the protection and reparation plans take into account the differentiated situation of women HR defenders and journalists

Community defenders and journalists:

- That the state, particularly the Ministry of the Interior and the investigating law enforcement and justice officials, reinforce the definition of human rights defenders and journalists, sensitizing the authorities to the fact that defenders often found in higher risk, are community defenders and/or journalists who work in community media

XII. Rights of indigenous peoples and People of African Descent

148.46	Work more strongly against incitement to racial hatred and racist violence against indigenous persons and persons of African descent	Tunisia
148.47	Take effective measures to prevent racial discrimination and violation of the rights of indigenous peoples	Uzbekistán
148.113	Consider introducing forms of administration of justice that respect the traditional justice systems of indigenous people, seeking differentiated access to justice	Costa Rica
148.166	Ensure full and effective consultation of indigenous peoples on economic and development policies and projects affecting them	Finland
148.167	Promote regional development in indigenous areas and strengthening local economies and improve living conditions to them	Iran

148.168	Continue to work with the Commission for Dialogue with Indigenous Peoples in order to ensure the respect of their human rights, self-determination and autonomy	Bolivia
148.169	Encourage more participation of indigenous peoples through the elaboration of a law that regulates their right to prior consultations	Perú
148.170	Design and strengthen programmes to address human rights inequalities suffered by indigenous communities and afro-	Sierra Leone
148.171	Design and strengthen programmes to address human rights inequalities suffered by indigenous communities and afro-	Norway
148.172	Recognize people of African descent as an ethnic group and promote their rights	Djibouti

Obstacles and priorities:

A constant obstacle for the full realization of human rights by indigenous and Afro-descendent people and communities is **racial discrimination** (148.46, 148.47), a problem that encompasses all areas of life, including relations between these populations and the Mexican State. In the case of Afro-descendent communities, there is an evident deficiency in State **recognition and specific policies** to promote the rights of this population (148.172).

Correspondingly, one of the most serious problems affecting indigenous peoples today is the **lack of respect for human rights in the context of so-called development projects or "mega-projects"**, in particular, the lack of information and appropriate consultation before implementing projects such as mines, dams, inter-basin water transfers, tourism projects, wind projects, exploration and exploitation of oil and gas pipelines, highways and others, as this omission entails violations of the community's self-determination rights, the right to development and the right to free, prior and informed consent, among others. Despite the constitutional recognition of the right to consultation, there is no legislation or a clear consultation mechanism for the peoples and communities affected by various projects. The only existing instrument in Mexico to provide consultation in the development of mega projects and large development projects is the Environmental Impact Analysis Process (EIAP). However, the Secretary of the Environment and Natural Resources (SEMARNAT), responsible for the consultation process, assumes the process as a mere administrative formality and often does not contemplate the indigenous character of the affected population, coupled with the lack of independence that often characterizes the figure of EIAP and the limited scope thereof. Furthermore, in Mexico several projects have not only been authorized that do not meet environmental regulations

and which were not consulted with the peoples and communities affected by or with human rights at risk, but some were even carried out without the Environmental Impact Statement (EIS). On other occasions, the Supreme Court has ordered a government contact to indigenous communities, without such decisions having had the effect of ensuring adequate consultation.

The "consultation" process occurring in other areas is often delayed and carried out by the companies themselves, generally consisting of limited informational presentations rather than consultation, and as a rule the rights holders are not involved in the design of these processes, which are not in the language of the communities or adapted to their internal normative systems.

Therefore, the consultation process fails to meet the minimum standards set out in the international treaties as it is not of a free, prior and informed manner and hence its purpose is not to seek the consent and approval of the community.

The lack of adequate consultation processes with indigenous peoples in this context has triggered a host of social conflicts, forced displacement, breakdown of the social fabric in the affected communities and environmental devastation (we note the missing public policies that respect the biodiversity in Mexican territory and its relation with indigenous peoples). In fact, while megaprojects are especially detrimental to the rights relating to the properties and lands of indigenous communities, ejidos, farming communities or citizen groups, they simultaneously provoke adverse impacts on the economic and political interests of businesses and the State, as well as on the environment and the surroundings, damaging society on the whole. In this sense, many companies are facing lawsuits in courts around the country for human rights violations committed in the development of mega projects, and in addition, many permits issued to these companies by different public institutions have been revoked by the judiciary. This is due in part to the very fact that the projects are generally designed, approved and implemented without information or consultation and participation from the communities, because the current secondary legislation does not provide mechanisms for consultation and the authorities show no political interest in this issue.

Since a large percentage of the country is concessioned to be exploited through such projects, **this obstacle to the survival of indigenous peoples will only be compounded year after year if the State fails to take effective action now to ensure the rights of these peoples**, in compliance with the mandatory provisions of ILO Covenant 169 (148.171). In this regard, we are concerned that the National Infrastructure Program 2014-2018 and the provisions of secondary legislation in the energy sector, promote investment in indigenous territories without providing more tools to strengthen the EIAP, appropriately taking into consideration of the social impact and human rights of this model of development, or ensuring consultation and free, prior and informed consent of the communities. Under the argument of economic development, the economic interests of the companies are given priority over the respect for the rights of indigenous peoples.

In reference to the Energy Reform, as established in transitional article eight of the amendment to the Political Constitution and provided for in the approval of the Hydrocarbons Law, the generation,

transmission and distribution of energy as well as the exploitation, exploration and transportation of hydrocarbons are considered public interest and **shall take precedence over any other activity of the surface or subsurface use of the nation**. This can lead to important affectations that will amount to violations of human rights to individuals or communities who rely on surface use (farmers, ranchers, indigenous peoples and communities, forestry and even urban land use).

Also, the rights to land, territory and natural resources and property are affected, based on the provisions of Articles 96, 97, 98, 99 and 100 of the approval of the Hydrocarbons Law, where it is established that people who own land do not have the option to not sell it and are forced to accept the purchase and sale of their land through mediation and/or court order or possibly, to accept the imposition of a legal easement. The municipal imposition of the obligation to expedite and secure the granting of permits and authorizations also results in violation.

In addition, the Mexican government does not always respect the right of indigenous peoples to **self-determination on measures related to climate change**, such as mitigation and adaptation in their lands and territories.

While there is a wide range of **social programs targeted to indigenous communities**, it is necessary to evaluate the impacts of these with a view to redesign various programs and policies to this population.

Many police, ministerial and judicial authorities still **do not know how to react to cases of possible criminal offenses or disputes between members of indigenous communities, who often have their own justice systems** (148.113), which are valid under international law and are now recognized in the new National Code of Criminal Procedure, among others. Therefore, it is necessary to promote awareness of this issue in order to avoid arrest and prosecution in the federal or state criminal system of people whose situation should be resolved in the traditional system of their community. Moreover, obstacles presently remain for the full possession of the right to self-determination, where the state criminalizes litigates and movements that demand the rights of indigenous peoples to be governed based on their normative and justice systems.

With regards to attention to **indigenous women**, public servants often lack cultural sensitivity and gender perspective. The persistence of discriminatory socio-cultural patterns towards women with stereotypes based on belonging to an indigenous group plays an important role in both omissions and deficient and discriminatory care for this population as well as perpetrating abuses against them, such as obstetric violence against indigenous women. We stress the lack of gender and ethnicity perspective of many municipal and community authorities in services for women who experience violence in marginalized settings.

Priority actions:

- A federal government initiative and incorporation into the Constitution by Mexican Congress and state legislatures of the right to consultation, recognizing that the right to prior, free and informed consultation and consent is essential to secure the rights to a territory, to self-determination and development as well as to the survival of indigenous peoples
- Coordination between the federal and state governments to consult indigenous peoples while present in each entity to reach a consensus with them on legislative project drafting that recognizes, protects and promotes their human rights, including the right to prior free and informed consultation and consent (see 148.169). Harmonization between subsidiary legislation and international law must be ensured, in particular the ILO Covenant 169 and the rulings of the Inter-American Court of Human Rights concerning the rights of indigenous peoples, among others.⁴ Subsequently, the State must perform a wide dissemination of the legislation concerning indigenous peoples at all state institutional levels and train public officials to assume responsibility of their obligation to respect and ensure the rights of indigenous peoples.
- Federal and state government assessment of the federal and state social programs intended for indigenous communities or implemented in them, measuring the impact they have had in indigenous communities and municipalities in the areas of human, economic rights, gender equality , among others, with a view to re-design their programs in consultation with and the participation of the corresponding populations. The objective of the programs should be to generate structural and non-cosmetic changes. There should also be transparency in the allocated budget for social programs to assist indigenous peoples and communities, both for development and for attention to legal processes, law and interculturality.
- Congressional reform on the legal concept of public consultation and the Environmental Impact Assessment Procedure provided for in the General Law of Ecological Balance and Environmental Protection to conform with international human rights standards
- Reform or abolishment by the Mexican Congress and state legislatures of the relevant subsidiary legislation in accordance with international human rights standards on the rights of indigenous peoples and the right to prior, free and informed consultation and consent
- State guarantee of effective mechanisms for notification and access to information for those directly affected by the project sufficiently in advance and through comprehensive diffusion of information, adapting to the customs, languages and lifestyles of the communities
- State guarantee to repair environmental damage by companies or State agents responsible for environmental deterioration, attaining the restoration of the affected site and incorporating

⁴ See in particular the ILO Convention 169 on appropriate free, prior and informed consultation processes (especially Articles 6, 7, 14 and 15); Article 32.2 of the UN Declaration on the Rights of Indigenous Peoples; the International Convention on Biological Diversity, Article 19 on the consultation procedures with prior informed consent and having no adverse effects on conservation; Article 8 of the Nagoya Protocol, which establishes the fair and equitable sharing of benefits arising from the use of resources; among others.

the environmental and social externalities generated by the project or activities in the final cost of thereof.

- Congressional amendment of the current legislation on Collective Actions to ensure full compliance with 1st and 2nd constitutional articles and facilitate access for indigenous and farmer communities to this legal recourse
- Judiciary and prosecutor training at all levels of its members in the limits of the State jurisdiction over indigenous peoples' traditional justice systems and in general to monitor the proceedings of its members in cases involving rights of individuals, communities and indigenous peoples, with indicators and evaluation mechanisms. The foregoing, in order to comply with indigenous rights in all judicial bodies involving indigenous people or communities, and to recognize and respect the competence of the community police, courts and other means of settling disputes in indigenous populations

Indigenous women

- That the State provides, at all levels, sensitization, training and evaluation of public servants to provide quality attention to indigenous women, from the perspective of gender and multiculturalism, including especially intervention in cases of women and girls experiencing gender violence in any of its manifestations
- Implementation, by police forces and prosecutors, of differentiated attention models based on the characteristics and needs of indigenous women

XIII. Migrants

148.173	Seguir trabajando en pro de la protección y defensa de los derechos de los migrantes (Bolivia (Estado Plurinacional de))/Seguir esforzándose por mejorar la situación de los trabajadores migrantes en su territorio (Argentina)	Various
148.174	Continue to work with the countries of the region in special programs that address the situation of criminality against migrants (Nicaragua);	Nicaragua
148.175	Effectively protect and guarantee the safety and human rights of migrants, especially women and children, including those that are in transit in the national territory, ensuring their access to justice, education, health and civil registry, incorporating the principle of the best interest of the child and the family unit (Holy See);	Holy See

148.176	Maintain the humane policy that ensures the protection of the rights of migrants, and guarantee them access to justice, education and healthcare, regardless of their status (Nigeria).	Nigeria
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Obstacles and priorities:

The **humanitarian crisis that continues to claim thousands of victims in the migrant route** is the main obstacle to human security and human rights of the migrant population. This crisis includes violence by organized crime groups, collusion or lack of investigation and sanctioning by State agents, human rights violations committed directly by State agents and the criminalization of migrants along the migration route, among others.

On the issue of **enforced or involuntary disappearances of migrants** in Mexico, there is an absence of guarantees and tracking capabilities for the families of missing persons, due to factors such as limitations to enter Mexico and the negligence by various authorities in the handling of reported information, in the recovery of remains and in the treatment of the victims' families of, to whom the burden to investigate is often shifted.

The human tragedy that exists in the migrant route and criminalization of migrants in general, has not been a priority for the Mexican State public policy regarding migration issues, nor for the budget to operate said program, for example in the sectorial plans of the Ministry for Foreign Affairs, Interior Ministry and annual work plans of all agencies, such as the National Institute for Migration (INM). Since 2009 there have been numerous new legislations passed on migration issues, brought on by the aggravation of violations committed against migrants. However, **the new legislation in this issue and its implementation by public servants and control authorities are viewing migration as a national security matter rather than a social phenomenon that requires integrated policies with a human rights perspective.** The detrimental consequences of this are seen in the migrant route, as a result of the increasing application of more and more immigration control measures, the demand for and hence, cost of trafficking services grows proportionately, escalating migrant vulnerability together with the profits of organized crime.

The **endemic corruption among INM agents** is a constant factor in the abuses committed against the migrant population, including the most vulnerable sectors. As the Child Protection Officers (OPI), the Beta Groups and/or those stipulated in Article 71 of the Migration Act of the fourth chapter of the regulation are composed by staff of the INM itself, and so often lend themselves to being executor and judge of the acts committed against migrants. The processes of professionalization and evaluation of this staff are carried out by the Interior Ministry, through the INM.

Child Protection Officers (OPI), although being trained in child rights, are immigration officers and so are not empowered to decide the best interests of children and adolescents. In the best of cases, they are limited to conducting interviews of these subjects in order to collect the information needed for repatriation. In this way, neither Child Protection Officials, nor any other body, prepares an opinion or reasoned decision that justifies, based on the circumstances of each case, repatriation. This ensures that the decision is arbitrary and contrary to the obligations established under the Convention on the Rights of the Child and the guidelines set by the Committee which monitors treaty compliance. This situation is compounded, in turn, because of the deprivation of liberty that migrant children are subjected to and the absence of policies ensuring the basic guarantees of due process.

Migrants mainly arrested by migration agents, including children, suffer extortion by agents to be released or the deprivation of their liberty in detention centers authorized for this purpose. In these places violations of due process and fundamental rights have been documented, such as a lack of access to physical and psychological health and food, among others. The detention can be for an unlimited time, if a migrant decides to exercise their right to access to justice.

As regards the **border workers visa**, it is worth noting that this mechanism serves to regulate and control the temporary stay of migrants, but it does not mean there is access to labor rights and / or fair and equitable conditions. This demonstrates that immigration policy is focused on the control and management of migration flow and not on attention from a human rights perspective. Furthermore, the Migration Law stipulates that an offer of work as a reason for applying for legal stay in the country should be from a formal employer, leaving out for example the possibility of **female domestic workers** having a legal residence document from a job offer.

There is currently no information available about the number of beneficiaries of the Interior Repatriation Process of Mexico (PRIM) nor what integral development options have been given to **repatriated people**; neither is there qualitative information to identify the impact of these actions.

Despite some signs of progress in securing rights for the immigrant population in Mexico, reflected in the Migration Law, it can be identified that there are absences like the necessary and support from State ministries that are imminently fundamental to the protection of the rights of the migrant population, such as public education, labor and social welfare authorities.

As for the rights of temporary migrant laborers, while programs such as **Care for Agricultural Laborers (STRAW)** of the SEDESOL Ministry include financial contributions for health care, education and infrastructure, the program lacks mechanisms for **the supervision of living conditions of laborers**, a responsibility that is not taken up by the Labor Ministry either, nor are serious violations of the labor rights of laborers addressed, 90% of whom do not have formal contracts.

Moreover, **we note that the migrant workers who migrate to the United States under the H2 scheme suffer as many systematic violations in Mexico (during recruitment), as in the United**

States. Among the human rights violated are rights to work and for work which is freely chosen or accepted, liberty to form trade unions, job stability and favorable work conditions. Other systematic violations include improper charges to gain employment, fraud, threats, extortion and discrimination. In Mexico, there are no comprehensive mechanisms to implement the provisions in Article 28 of the Federal Labor Law; the lack of bi-national and comprehensive regulation of the recruitment and hiring of temporary workers contributes to a situation of vulnerability. Nor is there adequate cooperation between the governments of Mexico and the United States to promote, protect, respect and ensure the human rights of temporary workers.

Finally, although the Refugees and Complementary Protection Law sets best practices for persons seeking refugee status, some situations have been detected that endanger the physical and psychological integrity of **asylum seekers and refugees**, among others:

- Imprisonment throughout the refugee process in INM migratory detention centers, spending almost 90 working days in the custody of the INM
- Especially for detainees, no access is allowed to review and know the content of their file.
- Lack of appropriate mechanisms for interview preparation for applicants of refugee status
- Delays in interviews, thereby making applicants exceed the time set or just meet the limit allowed to detainees.
- Lack of financial support for refugees to achieve better integration (access to rights such as health, education, housing, decent, fair and equitable working conditions, etc.)

Priority actions:

- That the federal government designs, implements and evaluates a migration policy unrelated to the issue of national security and focused on human security, providing it with an adequate budget and guaranteeing the rights of all migrants, asylum seekers and refugees, involving civil bodies specialized in the area. Action must be taken in governance and budgetary matters to ensure access to the rights of access to justice, to fair and equal work, to health, education and food, irrespective of immigration status, nationality, gender and age conditions.
- That the Federal Attorney General redoubles efforts in the investigation and punishment of crimes against migrants, remembering that where offenses are being pursued automatically, it is not necessary that the victim ratifies their claim in order that a criminal investigation proceeds.
- That the State treats the problem of violence in the migratory route in an integral manner, coordinating efforts between federal and state jurisdictions, avoiding the division of tasks between various states or that investigations are slowed for issues of mandates.
- That the federal government conducts an assessment and structural reform of the INM, ensuring the reduction of corruption linked to officials.
- That the federal government ensures the removal from office and criminal penalties for those

public servants responsible for abuses against migrants, rather than just moving these people to other states or offices, like what happens at present.

- That the State, regarding the work that is being done on enforced and involuntary disappearances in general, takes into account the nuances and challenges of the fact that the victims are migrants. In these cases, the State must ensure that the family has access to the investigations and reparations under the Victims Law. This implies, as a first step, that the family can enter and remain in the country as the investigation goes on and results are obtained, in hand with comprehensive support for such people, including psychological support.
- That the federal government and state governments guarantee full clarification and sanction of those state agents who commit crimes against the migrant population.
- That the federal government guarantees the rights of due process of detained migrants, including access to organizations who take actions to defend their rights.
- That the federal government establish mechanisms for information, training, monitoring-and, in case of non-compliance, applies sanctions-to ensure due compliance with Section 28 of the Federal Labor Law and consular protection that the SRE is required to provide to Mexicans abroad. That inspection protocols are implemented to safeguard the highest standards of human rights, for the inspection of employment agencies involved in the placement of workers abroad.
- That the Ministry of Foreign Affairs coordinates an inclusive and participatory process to develop a bilateral program between the Mexican state and the United States to generate a process of bi-national regulation of recruitment of Mexican workers who work under the H2 temporary visas scheme. Such a program should consider the joint responsibility of recruitment agencies and employers with respect to actions taken on both sides of the border.
- That the federal government establishes permanent and accessible adjustment programs that enable access to and monitoring of migrants so they can obtain legal documents to stay and that permanent evaluations are made of immigration programs in a joint manner with civil servants specialized in area, taking into account the principle of non-discrimination and accessibility.
- That the State monitors the operating rules and definition of people who will benefit from government social programs; the immigration issue and of refugees should be incorporated.
- That the federal government implements an inter-agency strategy that promotes the integral development of people repatriated from the United States, with particular emphasis on groups in vulnerable situations such as women, children, and adolescents, etc.

Child and adolescent migrants

- That the federal government establishes an inter-agency program aimed at eliminating the practice of detaining children and adolescent migrants, through non detainment methods, aimed at migrant families and unaccompanied minors, involving civil society in the design,

planning and evaluation of the program.

- That the State defines and implements a mechanism for the Procedure for the Determination of the Best Interests of the Child (DIS), which ensures that each decision relating to child migrants will be adopted in the context of due legal process, with the aim of ensuring the protection of their rights through immediate measures of protection and finding durable solutions for their development and for a decent life.

Migrant Women

- That the law enforcement authorities take into account the profiles of migrant women (e.g. domestic workers) to provide meaningful access to justice for this population, and that the authorities who routinely have contact with the migrant population receive comprehensive training in this area.
- That the Special Prosecutor on Violence Against Women and Human Trafficking (FEVIMTRA) coordinates with other relevant authorities at federal and state levels to provide access to justice for migrant women who are victims of violence, without tailoring such care depending on the immigration status of the woman, establishing protocols necessary for that purpose.

Persons seeking refugee status and refugees

- That the federal government establish and practice the non-arrest of persons seeking refugee status and create open-door spaces where education services, shelter, health, and work are provided while their application is being resolved. Also that they review the mechanisms of participation by persons seeking refugee status during the process
- That the federal government designs, implements and evaluates actions in the short, medium and long term to promote the integration of the refugee population and beneficiaries of subsidiary protection and spread these integration programs, taking into account principles such as human security and decentralization.

XIV .People with disabilities

148.164	Review and assess how the rights of persons with disabilities, including mental disabilities, are guaranteed within prisons and establish a comprehensive training programme for law enforcement and prison staff to ensure effective implementation of the rights of persons with disabilities in detention facilities, including persons with mental disabilities (New Zealand);	New Zealand
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148.165	Take the measures required to raise awareness among the population of the rights of persons with disabilities and to guarantee the effective exercise of their rights (Tunisia);	Tunisia
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Obstacles and priorities:

The origin of the conditions of exclusion, rejection and limitations for persons with disabilities throughout the country emerges from **actions and discriminatory practices embedded in society, both in rural and urban areas**. Therefore, the obligation to prohibit all discrimination on the basis of disability and guarantee equal and effective protection for this population requires that people with disabilities are included in national and local legislation, as much in the spheres of public and private life, as well as generating awareness and educational programs for the entire population to transform attitudes of rejection and stigmatization of persons with disabilities (148.165).

In order to meet its commitments to the Convention on the Rights of Persons with Disabilities, the Mexican government approved and published on May 31, 2011 the General Law for the Inclusion of Persons with Disabilities. However, there persists a major challenge that presents itself at the national level, which is **the lack of knowledge and instrumentation in the field of social inclusion of this population group**.

On the other hand, when we refer to people with psychosocial disabilities in prison (148.164) we can distinguish, for analytical purposes, between two groups: individuals who during the imposition of the sentence were found not criminally responsible, i.e., that the illegality of their act when committed was not understood thereof, and those who entered prison as suspects and once inside were diagnosed or developed a disability.

In Mexico there are two specific prisons for people with psychosocial disabilities, the Federal Center for Psychosocial Rehabilitation (CEFEREPSI) with a population of 187 inmates and The Male Center for Psychosocial Rehabilitation (CEVAREPSI) in Mexico City, with a population of about 400 inmates. In November 2011 the number of those not criminally responsible in the prison system of the Federal District was 796 individuals (736 men and 60 women). About 50% of the men were in the CEVAREPSI; however, **the rest were scattered in other prisons where they are less likely to receive treatment and specialized care**.

For women we have statistics of 96 of the 226 prisons that house women in the country. Of these 96 centers, 36 house at least one mentally disabled woman. However, **there is no disaggregated and timely information on the total prison population nationwide who have a mental illness**, even though the World Health Organization (WHO) has reported that approximately 10% of Mexico's population has some disability.

To get a complete picture, to this population we would have to add accused persons with psychosocial disabilities. The information that we could collect points out that the prison system of the Federal District has identified 965 "psychiatric inmates" – a number which includes the criminally responsible. This means that, according to official statistics, there are about 170 people who developed a psychosocial disability whilst being already in prison.

In the legal framework of Mexico there is important progress on the issue of people with mental disabilities, but not about the rights of the population in prison. There is no legal framework to ensure the proper treatment of these people.

The lives of inmates with mental disabilities become even more difficult because prisons are not equipped to treat them. The poor state of the facilities and unsanitary facilities that house inmates with mental disabilities, like the lack of special facilities to accommodate these people and the permanent isolation and inactivity to which they are subjected to at times are irregularities that violate their human right to be treated fairly. **Prisons routinely treat prisoners with mental disabilities according to the same standards as the rest of the prison population and expect them to follow the same rules and routines.** The officers do not understand the nature of mental disabilities and their effect on behavior, and assume that bad behavior is voluntary or manipulative. By this logic, people with mental disabilities can never be subject to conditions for early release because they disobey; they do not obey because "they're sick".

The special report on the right to health of persons detained in the prisons of Mexico City published by the Human Rights Commission of the Federal District (CDHDF) **revealed that the availability of trained psychiatric and psychological staff is far below what is necessary** and acceptable: in most centers there is only one psychiatrist with a very limited time schedule.

Prison being a place where the state has total control over the prisoners, means there is an obligation to provide the prison population with the highest degree of physical and mental health and provide the necessary support for people with psychosocial disabilities to enjoy the same rights and benefits as other inmates. On the other hand, it is necessary to transform the principles that underlie mental health services to incorporate dignity, individual autonomy and freedom in decision-making as central to the care of people with psychosocial disabilities. **To date, the prevailing treatment in the prison system is based on the use of pharmacotherapy- many times against the will of the inmates- and segregation.** Although the importance of providing medications when necessary is recognized, it is essential to allocate sufficient resources for the implementation of comprehensive care programs that include, among other things, individual and group therapies in various fields, including addiction management and the possibility of sports, leisure and cultural activities.

Priority actions:

- That the federal government and state governments design, implement and review awareness programs and campaigns, providing information and awareness, to promote respect and social inclusion of people with disabilities, directed at all sectors of society and government
- That the Mexican State creates a comprehensive strategy for the inclusion of people with disabilities in the community, especially for those with intellectual or psychosocial disabilities and that these should include support programs to assist them in decision-making processes
- That the federal government and state governments create timely and disaggregated official data on the situation of detainees upon entering detention centers, to find out if they arrived with any psychosocial disabilities or if during their internment acquired them.
- That the federal government and state governments increase specialized human resources in prisons and train the operators in the prison system to dispel stigma, lack of knowledge and harmful practices relating to people with disabilities in order to eliminate forms of discrimination and ensure the protection of their human rights. This training should promote a paradigm shift around disability and appropriate responses, to ensure the safety and protection of these people, taking as a fundamental guide the Convention on Human Rights of People with Disabilities.
- That the federal government and state governments ensure appropriate psychosocial health services in prison, including psychological and psychiatric therapies, with support programs to assist people in decision-making processes. These programs also require skilled personnel-general doctors, psychiatrists, psychologists, social workers, nurses and educators- they should have, at least, the following elements: 1) standard protocols in all prisons at the moment of admission for the detection of people with psychosocial disabilities. These protocols would allow the identification of those who are taking any medications and who would require a more comprehensive assessment; 2) monitoring and evaluation mechanisms throughout the period of imprisonment; 3) Special rooms to respond to acute crises or to risks of suicidal behavior; 4) complete, organized and reliable clinical histories, 5) Customized rehabilitation programs and 6) evaluation and transparency systems to ensure quality of care.
- That the Mexican government implements a treatment pilot program in the community of people with psychosocial disabilities as an alternative to incarceration, which implies that these people have access to adequate medical treatment, and have assistance from counselors and health professionals along with peer support.

XV. Poverty, marginalized groups and economic, social, cultural and environmental rights (ESCR)

148.41	Continue providing and allocating more financial resources to implement programmes and activities aimed at combating poverty and hunger (Malaysia);	China
148.140	Allocate appropriate financial and human resources to effectively implement its National Development Plan on poverty eradication and access to education (Thailand);	Thailand
148.141	Continue providing and allocating more financial resources to implement programmes and activities aimed at combating poverty and hunger	Malaysia
148.142	Further strengthen its measures aimed at reduction of poverty and hunger for the welfare of Mexican people (Azerbaijan)/ Continue the fight against poverty and hunger (Bangladesh)/ Continue to prioritise the fight against poverty and hunger within the framework of the National Development Plan (Nigeria);	Various
148.143	Continue to prioritize poverty eradication during the implementation of the National Development Program thus laying a more solid material foundation for its people to better enjoy their human rights	China
148.144	Focus on marginalised groups or disadvantaged sections of society. Of particular relevance would be measures to improve health and education	India
148.145	Continue strengthening its social policies with a view of increasing the standard of living of its people, especially the most vulnerable (Venezuela (Bolivarian Republic of))/ Continue addressing constitutional reform especially in relation to combating rural poverty and improving programmes to support the access of low-income families to food (Trinidad and Tobago);	Various

148.146	Further enhance institutions and infrastructure for human rights, policies and measures toward enhancing the social inclusion, gender equality and non-discrimination, favourable conditions for vulnerable groups of women, children, indigenous people, migrants and refugees	Vietnam
148.147	Do everything in the power of Mexico to minimize income inequalities between different social sectors and geographic regions	Cuba
148.148	Consider the possibility of establishing a strategy for affirmative actions for the population in situation of poverty	State of Palestine
148.149	Continue to prioritise public spending on social programmes in order to consolidate the gains made in reducing poverty, increasing access to health services as well as access to social security coverage	Nigeria
148.150	Continue to eradicate poverty and create employment opportunities for youth	Pakistan
148.151	Continue efforts to design housing financing schemes for the care of the population working within the informal market economy	Ecuador
148.152	Ensure that agricultural policies make a more effective contribution to combating rural poverty	Egypt
148.156	Expand and reinforce its work in the health and education sectors, particularly to protect the rights of vulnerable sectors, including indigenous peoples, women and children	Australia
148.158	Work to ensure executing the constitutional reform that aims at improving the level of compulsory education in order to ensure that education will contribute in the promotion of the principles of cultural diversity, equality in enjoying rights, and the importance of the family and others	Lebanon
148.159	Ensure that the education contributes to cultural diversity, equal rights and the dignity of the person	State of Palestine

148.160	Continue improving the quality of education for all, including indigenous children, through the provision of more infrastructure, educational materials and learning tools	Malaysia
148.161	Continue working on the design of public policies to ensure access and continuance of children and adolescents in the different educational levels, especially children belonging to indigenous peoples and who are poor	Ecuador
148.162	Further strengthen efforts in the field of the right of education, including by increasing the national budget allocation for education and promoting multi-cultural education	Indonesia
148.163	Allocate more resources to education for vulnerable students and the disabled	South Sudan

Obstacles and priorities:

With regard to economic, social, cultural and environmental (ESCR) rights there is a need for greater **legislative harmonization**, in line with the recommendations of 148.11 enacting necessary legislation to protect and promote human rights and ensure economic development and a better standard of life, and 148.28, cited in the paragraph regarding legislative harmonization above. Also urgent is **effective mainstreaming of human rights in sectorial policies and programs about health, social security, food, shelter, water and sanitation, employment, education, culture, attention to groups in situations of discrimination and vulnerability, poverty and exclusion**, among others, where people and communities are not treated as beneficiaries of social programs but as subjects of rights. Moreover, methodological advances in the measurement of poverty with a multidimensional approach are not translating into comprehensive public policies that address the interdependence of rights, so that labor, economic, agricultural policies etc., are disjointed.

Moreover, in practice **there are no effective mechanisms for citizen participation, access to information and accessible and effective legal resources** for the majority of the population to defend their rights. Even when a person or group wins a legal process, it is common that the judgment is not fulfilled in the sense of protecting the right violated, therefore impunity regarding violations of ESC rights is as serious as impunity regarding civil and political rights.

In particular, these are understood by the ESCR to be common rights, meaning that traditional legal resources are not suitable for their defense. Yet there is still a major limitation in the use of the "Class Actions", mentioned in the Federal Code of Civil Procedure. Being a relatively new remedy, both advocates and judges do not understand it, and in another way this means that there lacks a consumer relationship between a product and the people who will undertake these actions.

The **employment status of all Mexicans and the lack of benefits** limit the access and enjoyment of other rights. Those with employment (formal or informal) lack a decent living wage, and inadequate and ineffective inspection in work centers, both in urban and rural areas, mean that conditions of abuse, exploitation and worker insecurity, remain unresolved, . While this year Congress approved a constitutional amendment to increase from 14 to 15 years the age for admission to work, it is still pending that the state sign and ratify the ILO Convention 138 on the minimum age for employment. Nor has convention 98 ILO about trade unions and collective bargaining been ratified.

Moreover, the State has not been able to secure the **rights to food, education, health and housing** for 57.7 million people without sufficient income to support themselves. Marginalized communities lack basic services such as electricity and drainage; almost 10% of households nationwide have no water. There are difficulties in accessing housing loans (148.151), unemployment benefits and pensions.

In this context, **the package of structural reforms introduced by the Federal government since late 2012 has put in increased risk the exercise of various labor rights**. The Labor Reform enshrines the concept of "outsourcing", which releases the employer from its obligations to the worker and generates opacity in the justiciability of labor rights. The Tax Reform, while increasing and creating new taxes, signals that pensions and unemployment benefits depend on savings that workers make, minimizing the State's obligations towards the population.

The right to food, which is not simply the right to be fed, but the right to feed oneself in dignity, to have all the means to access food and to produce them, is not being properly guaranteed by the Mexican government through reforms, adequate policies and programs in the field of agriculture, employment and adequate wages, nutrition, health and environmental protection from genetically modified organisms, etc. The Crusade Against Hunger program, which despite being promoted as the main strategy against food poverty, does not have its own budget, and its action space decreased to only 80 municipalities in the first stage, selecting a number of communities in each of these municipalities. Similarly on a discretionary basis, beneficiary families are chosen for various social programs including the aforementioned program, making clear the need to implement comprehensive policies to ensure the fundamental rights of all people and to overcome the current **lack of a clear regulatory framework regarding the right to food**.

The **Energy Reform** signals that the primary use of land will be for the development of exploration and exploitation of hydrocarbons. This will justify the implementation of mega-projects, generating forced displacement of entire communities and change in the use of land for cultivation to extraction or something else, affecting both urban and rural communities, indigenous and non-indigenous. Also priority will be given to projects for the extraction of unconventional hydrocarbons such as shale oil and gas to be extracted through the **fracking** technique already mentioned, whose main impacts will be felt in the ESCR, especially affecting the right to water and the right to health by using millions of

gallons of water mixed with proppants and hundreds of highly toxic chemicals to achieve the fracturing fluid that is injected into the subsurface, hoarding drinking water for this process and contaminating the groundwater, soil, water and air. It will also affect the right to adequate food due to the large tracts of land needed for the drilling and storage fields, as well as the pollution of farmland and pasture, affecting the vital safety of food. Also this will jeopardize the right to adequate housing because it weakens the security of homes against structural and environmental risks, reducing adequate living conditions and affecting their access to services such as drinking water. The communities that will be most directly affected by these projects will be those settled in the states of Chihuahua, Coahuila, Nuevo Leon, Tamaulipas, Veracruz, San Luis Potosi, Puebla, Hidalgo and one end of Oaxaca, but as pollution knows no borders and water can be shipped between basins, other locations and even future generations will be affected.

In education, we find that **education in Mexico does not meet the criteria of availability, acceptability and adaptability**. Bilingual education is not a priority in indigenous communities that promote cultural diversity (148.158, 148.159). Nationally, a third of indigenous school children do not attend school. Furthermore, the lack of resources forces school dropout as age and educational level advances.

The **Educational reform** is really a labor reform for the education sector and establishes a greater control over teachers without mentioning anything related to learning; i.e., it does not address the deep rooted problems inherent in the education system. The National Human Rights Programme (PND) regarding education considers two indicators: the number of failures and the ENLACE school test results, but the ENLACE exam disappears with the education reform.

On the issue of **decent housing**, national housing policy conceives it as a service, not as a right. It includes actions to improve and boost home ownership through traditional governmental agencies such as INFONAVIT, but does not consider actions for those working informally or are too poor to purchase housing, in line with the recommendation 148.151. Other measures within the **PND** will encourage construction and real estate companies to construct more housing, so that the participation of banking institutions is considered vital in the process. Aspects of the Financial Reform seek the protection of these against the risk of investment in mortgage loans issued, without necessarily freeing the person of their debt to the bank. Rural housing strategies should be reviewed and agreed with the due participation of indigenous and peasant communities to which they are aimed at. Independent evaluation of programs such as "Rural Cities", implemented in Chiapas, before replicating programs based on this model, is also necessary.

Priority actions:

- That the federal government examines the articulation of their public policies and their social sectorial and economic programs, ensuring that their redesign is based on the human rights approach, attending to the integrality, universality and interdependence needed to make significant progress both in the care of people living in poverty and extreme poverty, and in

the realization of the economic, social, cultural and environmental rights of all people.

- That additionally to the programs to combat poverty that are occurring, the State increases its investment in the construction of basic health, education, food production and supply infrastructure in localities where such programs do not operate because of the lack of such infrastructure
- That the State strengthens measures to prevent corruption and the operation of social programs for political-electoral use, and does not involve the armed forces in this provision.
- That the State materially strengthens the national health system so that the programs and systems of attention to people are not operating under deficient conditions with respect to infrastructure, equipment, human resources and medicine.
- That the State devises a dietary plan that articulates supply chains in the field of peasant and indigenous agriculture and other local producers, to contribute to economic strengthening activities and healthy supply
- That the State extends the coverage of the drinking water and sanitation infrastructure while intensifying efforts to ensure for the population continuous, adequate, affordable, sustainable and quality services related to these matters.
- That the State reviews the housing finance policy centered on housing produced by development companies only directed at the segments of the population who can afford a loan, and foster solutions that meet the needs of grassroots sectors who earn less than 2.5 minimum wage quotas and those found in the informal sector. And in terms of rural housing, that the strategies and programs are designed with the participation of the rural and indigenous communities to which they are directed at, to overcome the problems associated with the Rural Cities model
- That the State strengthens its capacity for labor inspection and removes the legal restrictions to carry out unannounced visits, particularly on farmland, and informs the workers, including laborers and the trade unions in the agricultural sector of their right to report abuses to the Ministry of Labor and Social Welfare anonymously.
- That the State ratifies ILO Conventions 98 and 138 on unionization and collective bargaining, and the minimum working age, and removes the interpretative declaration on Article 8 of the ICESCR in relation to freedom to unionize.
- That the State adopts effective public policies to combat the high rate of contamination of water bodies and poor air quality, and makes advances in the implementation and effectiveness of environmental regulations, ensures access to justice in the matter, and includes supervision to guarantee full compliance with the judgments of the judiciary in environmental matters.
- That the State invests more in the construction and rehabilitation of educational facilities in urban and rural areas, and addresses the needs of teachers and for teaching materials in remote communities, including the needs for intercultural and bilingual education.
- That the State institutionally strengthens the intercultural bilingual education system, including allocating sufficient resources to accomplish its objectives efficiently.

- That the federal Congress ensures a growing budget for programs and departments in charge of indigenous education and intercultural education.
- That the Congress creates, with social participation, pending regulatory laws under article 4 of the Constitution in relation to human rights to food and to water and sanitation.
- That the State makes legal resources more accessible and effective so that people can access adequate defense arrangements and redress in cases of violation of economic, social, cultural and environmental rights
- That Congress approves the General Ban on Fracking in Mexico based on the precautionary principle and attending to their constitutional obligation to protect human rights
- That the Federal Government does not delay any more in signing the **Optional Protocol of the International Covenant on Economic, Social and Cultural Rights** and passes it to the Senate for ratification.

XVI. Extended pre-charge detention (*Arraigo*)

148.60	Continue improving the quality of education for all, including indigenous children, through the provision of more infrastructure, educational materials and learning tools	Germany
148.61	Continue working on the design of public policies to ensure access and continuance of children and adolescents in the different educational levels, especially children belonging to indigenous peoples and who are poor	Austria
148.62	Further strengthen efforts in the field of the right of education, including by increasing the national budget allocation for education and promoting multi-cultural education	Belgium
148.63	Allocate more resources to education for vulnerable students and the disabled	Belgium
148.64	Review and assess how the rights of persons with disabilities, including mental disabilities, are guaranteed within prisons and establish a comprehensive training programme for law enforcement and prison staff to ensure effective implementation of the rights of persons with disabilities in detention facilities, including persons	Uzbekistán

	with mental disabilities	
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Obstacles and priorities:

We are concerned that the recommendations on *arraigo* were not accepted by the Mexican State. We recall that this practice violates the right to personal liberty (and to not be arbitrarily detailed) and fosters the practice of torture. In addition, *arraigo* has not been effective as a measure to combat insecurity: according to files obtained from freedom of information requests, between January 2008 and October 2012, 8,595 people were put into *arraigo* detention, yet only 3.2% of these received a conviction. Considering that the criminal justice system is characterized by a presumption of culpability and for sentencing people without sufficient proof, it is alarming to see that even in this system which is weighted in favor of public prosecutors, the large majority of persons in *arraigo* detention do not present the most basic criteria to affirm that the person had committed an illegal act.

Priority actions:

- Taking into account that *arraigo* has not had the expected results proposed by the State for the prosecution of justice (instead, it has increased human rights violations such as torture), **we exhort the State to reconsider its position and accept recommendations 148.60-148.64**
- The State should not limit itself to reducing the amount of days of *arraigo* detention; given the fact that this is a practice that violates human rights by its very definition, it is necessary to totally abolish the practice as well as its presence in federal and state legislation.