

## Responses to Recommendations

### MEXICO

Review in the Working Group: 10 February 2009

Adoption in the Plenary: 11 June 2009

#### Mexico's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
83 REC accepted; 8 pending	Out of the 8 pending, 3 REC are rejected and 6 are commented but with no clear position	The delegation considers that REC n° 1, 3, 4, 1 <sup>st</sup> part of 6 and 8 § 94 "either no longer apply or have been resolved".	None	Accepted: 83 Rejected: 3 No clear position: 6 Pending: 0

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/27:

**"93. The recommendations listed below have been examined by Mexico and enjoy the support of Mexico**

- 1. Continue to promote the ratification of the International Convention on the Rights of Migrant Workers and Member of Their Families (Morocco)
- 2. Consider progressively withdrawing its reservations to international human rights instruments (Brazil)
- 3. Pursue with reforms initiated to ensure the full enjoyment of human rights and fundamental freedoms to its citizens, in particular the harmonization of domestic legislation with its international commitments (Morocco)
- 4. Complete its institutional efforts ensuring that international human rights norms adopted by Mexico have constitutional status and are applied as supreme law in courts proceedings (Spain)
- 5. Effectively incorporate the provisions of the international human rights instruments into national legislation (Azerbaijan)

- 6. Harmonize federal and state laws with international human rights instruments (Bolivia, Guatemala, Spain, Turkey, Uruguay), in order to ensure their effective implementation (Turkey), and equal protection and guarantees (Spain), at federal and state levels (Spain, Turkey).
- 7. Ensure concrete implementation of international human rights standards at all levels (Canada, Switzerland), through the adoption of policies, laws and other measures at the federal and state levels and through regular consultations with key stakeholders, including states, civil society organizations and others (Canada)
- 8. Harmonize national and regional legislation in order to avoid discriminatory practices against women and indigenous peoples (Brazil) and eliminate all discriminatory elements still present in some state laws (Chile)
- 9. Further strengthen the mechanisms for the effective implementation of the National Human Rights Programme at all levels of government (Austria), in particular strengthen the publicity, implementation and monitoring of the Programme and step-up dialogue with civil society in this regard (Germany)
- 10. Do everything within its reach to minimize income inequalities between different social classes and geographical regions (Cuba)
- 11. Take further steps to address discrimination against, protect and provide assistance to women and vulnerable groups including children, minorities and indigenous peoples (United Kingdom)
- 12. Address discrimination and violence against women through education and specific legislation both in the public and private sectors; and develop affirmative programmes to uplift the living standards of women and ensure their presence in decision-making positions (Pakistan)
- 13. Conduct a time-bound review of legislation at state level which discriminates against women; commit to promptly repealing such legislation, with priority attention paid to family law that results in real or de facto discrimination against women and girls, and to legislation that prevents women's access to justice, particularly in respect of the reporting and prosecution of family violence; and from the federal level, provide guidance to all states on the adoption of practical measures to ensure the implementation of these legislative changes at the local level (New Zealand)
- 14. Effectively implement across the country (Turkey) and as soon as possible (Japan) the Comprehensive Program to Prevent, Address, Punish and Eliminate Violence against Women (Japan, Turkey).
- 15. Bring state laws and federal legislation in line with the framework established by the General Law for Women's Access to a Life Free of Violence (Netherlands); undertake the Law's implementation by all relevant authorities, at the federal, state and municipal levels, including in the prevention and eradication of violence against women, as well as care for victims (Chile); and assist and encourage the Federal state's authorities to implement it as a matter of urgency, and where it has been incorporated in states' legislation, ensure that appropriate regulations are elaborated to ensure its effective implementation (Ireland)
- 16. Continue efforts to eradicate and address cases of violence against women (Indonesia, Sweden), domestic violence (Algeria) and child abuse (Algeria, Indonesia)
- 17. Take effective measures to combat violence and discrimination against women, including cases of murder and disappearances (Azerbaijan)
- 18. Maintain its priority to end impunity for perpetrators of all forms of acts of violence against women, whatever their social condition; give more information on progress to prevent such violations (Panama); and bolster the Office of the Federal Special Prosecutor on violence against women so that it may better investigate cases, and that cases falling within local jurisdiction be investigated with due diligence. (Finland)

- 19. Ensure effective investigation and punishment of the crimes of murder of women, and adopt additional measures to combat this phenomenon and raise awareness about such threat (Ukraine)
- 20. Ensure that murder of women in Ciudad Juarez are fully clarified, that those responsible and their accomplices, including civil servants who might have not conducted investigations, are brought to justice and that effective measures are taken to prevent such crimes in Ciudad Juarez (Italy)
- 21. Tackle incidences of domestic violence and femicide through a multi-pronged approach, including effective legal measures and social awareness programmes (Bangladesh)
- 22. Provide adequate funding for investigations of violence against women, victim support programmes for affected women, and special training for the police to sensitize them to the problem of violence against women (Austria)
- 23. Set up structural measures to address systematically violence and violation of fundamental rights, of which women and human rights defenders are victims. (Belgium)
- 24. Continue promoting the bill on enforced disappearances (Colombia)
- 25. Extend to other federative entities, the categorization of the crime of “forced disappearance” and the full compensation mechanism for victims and members of their families (Uruguay)
- 26. Take all necessary measures to ensure the effective application of the Federal Act to prevent and punish Torture (Algeria, Portugal)
- 27. Take the necessary measures to prevent/prohibit the use of torture / ill-treatment (Japan, Uzbekistan); in particular by security forces in prisons, as noted by a number of special rapporteurs (France)
- 28. Ensure the timely, effective, and impartial investigations of all allegations concerning torture (Uzbekistan) and combat impunity in this regard (France, Japan)
- 29. Improve living conditions in prisons (France), and continue to develop measures to improve the situation in prisons and the training of prison officials. (Portugal)
- 30. Curb prevalence of corporal punishment on children, in keeping with Mexico’s international advocacy against such offences (Bangladesh), and take measures to ensure that children are fully protected from corporal punishment and other forms of violence or exploitation (Sweden)
- 31. Address the problems of street children by providing them state protection and vocational training (Pakistan)
- 32. Take measures to include the crime of trafficking in persons in all parts of the federation and strengthen the resource basis for the protection of victims (Belarus), and strengthen measures to protect and provide assistance to victims, with special emphasis on children victims (Philippines)
- 33. Continue efforts to eradicate sexual exploitation of children (Belarus); and to address prostitution, pornography and trafficking of children and adolescents for the purpose of sexual exploitation (Syrian Arab Republic)
- 34. Promote the implementation of the police and the judiciary reforms (Canada)
- 35. Continue the Public Security and the Criminal Justice System reforms (Turkey) and ensure that it is being implemented quickly to ensure that human rights violations by the security forces are systematically investigated, perpetrators are brought to justice and victims are compensated (Austria)
- 36. Review the Code of Military Justice in order to align it more closely with international human rights obligations (Ireland)

- 37. Recognize the centrality of human rights and the rule of law in its approach to improving public security (New Zealand)
- 38. Ensure that the rights of detainees are respected (New Zealand)
- 39. Evaluate the use of “arraigo” (Ireland)
- 40. Carry out a prompt implementation of the judicial reform to ensure that complaints in cases of torture, arbitrary detention and forced disappearances are exhaustively investigated (Peru), in strict conformity with international human rights standards and adequately involve civil society in this process (Italy)
- 41. Continue working towards the professionalization and the modernization of the judicial system in all areas, including law enforcement and administration of justice (Palestine)
- 42. Allocate sufficient financial and human resources for the implementation of the new system of public security and criminal justice, including adequate dissemination of information for users as well as the respective training of judges and lawyers (Chile); devote sufficient resources to the criminal justice and prison systems in an effort to reduce the sentencing backlog (Ireland)
- 43. Fully investigate all allegations of human rights violations committed by elements of the military and security forces, including the adoption of recommendations made by Mexico National Human Rights Commission (Canada)
- 44. Fully investigate abuses and human rights violations by law enforcement officials in prisons and ensure that perpetrators are duly punished (Portugal); investigate all allegations of human rights violations particularly in relation to persons who were detained during police operations and ensure that perpetrators are properly brought to justice and punished (Uzbekistan)
- 45. Combat impunity as one of the Government’s priorities (Belgium), and make a concerted effort to tackle it nationwide (United Kingdom)
- 46. Investigate and prevent impunity in cases of human rights violations committed by law enforcement officials, throughout the national territory (Cuba); seriously deal with the allegation of systematic and excessive use of force and torture by law enforcing agencies, to end the culture of impunity (Bangladesh); Investigate the alleged cases of torture and other human rights abuses committed by police, military and security personnel and put an end to the climate of impunity (Azerbaijan); step up efforts to halt torture and ill-treatment, eradicate impunity for such acts and ensure that alleged perpetrators are brought to justice (Denmark)
- 47. Take firm action to eliminate corruption and impunity in the judicial, security and executive branches (Pakistan); redouble efforts in combating corruption at all levels (Cuba); strengthen measures against corruption and police excesses (Italy); and continue to develop and ensure an effective policy in combating organized crime and corruption (Belarus)
- 48. Adopt necessary measures to eradicate impunity for human rights violations, particularly against women and indigenous population (Bolivia) and journalists. (Sweden)
- 49. Place high on the agenda the human rights of indigenous peoples when addressing questions of impunity; and improve access to justice for indigenous peoples, including by strengthening public defense for indigenous peoples and providing better translation services (Finland)
- 50. Fight against organized crime through effective policies (Turkey); and strengthen and share with countries of the region the Government’s policies and strategies to combat organized crime at the regional level, and continue regional workshops to share experience for the transfer of knowledge in systems of public security and criminal justice (Honduras)
- 51. Include human rights aspects in all training programmes and extend them to all police units (Italy); Ensure proper training on human rights to members of armed forces, the police, and prison staff and court staff (Switzerland)

- 52. Publicly recognise the important role of human rights defenders and NGOs in the protection of human rights in Mexico (United Kingdom)
- 53. Invite NGOs working on press freedom to a constructive dialogue on how Mexico can stop the violence against journalists and ensure press freedom (Norway)
- 54. Strengthen the rights of journalists and free media; the state as well as the municipal governments should fulfill their responsibility to protect a free media (Germany)
- 55. Undertake legal reforms to ensure openness and transparency of the media in the country (Russian Federation); review legislation governing radio, television and communication and follow-up on the Supreme Court's ruling for a new legal framework permitting diversity in the media (Netherlands)
- 56. Put into place more effective measures to tackle violence against journalists and media personnel (United Kingdom); provide greater guarantees to them (Peru); guarantee their safety and security (Bangladesh, Denmark, Peru), when they are discharging their professional duties (Bangladesh), in particular those that investigate and report cases of drug trafficking and corruption (Peru)
- 57. Create the proper legal framework that gives the Special Prosecutor for Crimes Against Journalists sufficient jurisdiction to investigate and indict perpetrators with greater independence (Netherlands)
- 58. Investigate cases of attacks / violence and threats against journalists and human rights defenders (Azerbaijan, Germany), in order to bring the perpetrators to justice (Germany); and step up efforts to ensure that investigation of attacks on voices for freedom of expression become a federal issue (Denmark)
- 59. Ensure that crimes and violations against human rights defenders, journalists and lawyers are effectively investigated and prosecuted; that those responsible are punished; that complaints of threats, harassment and intimidation of human right defenders, journalists and lawyers receive a prompt response and that adequate measures for their safety are taken (Norway)
- 60. Increase the effectiveness of the "precautionary measures" to protect human rights defenders (Germany), including through adopting effective and comprehensive prevention strategies, at central and local levels, to prevent attacks and protect the life and physical integrity of human rights defenders and journalists, and ensure that such programs are backed by a strong political commitment and provided with adequate resources (Norway)
- 61. Take measures to guarantee freedom of demonstration and ensure protection of demonstrators (France)
- 62. Continue to strengthen programmes aimed at creating growth and employment (Canada)
- 63. Continue enhancing the working conditions of temporary agricultural labourers and strengthen the work of labour inspection authorities (Guatemala)
- 64. Take more concrete measures to eliminate employment and wage gaps, to increase school enrolment rates of indigenous children, and review the justice system (Japan)
- 65. Combat (Algeria, Honduras) and continue efforts to eradicate (Holy See) extreme poverty (Algeria, Holy See, Honduras).
- 66. Strengthen efforts / programmes to fight against poverty (Brazil, Canada) and put more financial resources to eradicate it, especially in rural areas (Azerbaijan).

- 67. Pay special attention to the situation of indigenous people in programmes/strategies to reduce/eradicate poverty (Algeria, Azerbaijan, Philippines) and take measures to reduce that the problem of extreme poverty affecting them (Honduras)
- 68. Put more efforts and financial resources to eradicate high level mortality and malnutrition rates, especially in rural areas and among indigenous peoples (Azerbaijan)
- 69. Continue to extend and strengthen the system of primary healthcare and improve the quality of such services (Honduras); and redouble efforts to reduce the number of maternal deaths by training birth attendants and establishing more obstetric clinics (Holy See), with particular attention to indigenous women and peoples (Holy See, Honduras).
- 70. Continue efforts and take further steps / strengthen the national programme to ensure the right to food (Vietnam), to health (Saudi Arabia, Vietnam), and to education (Saudi Arabia), particularly for the vulnerable groups living in extreme poverty, including indigenous people (Vietnam)
- 71. Fully implement the Rural Food Support and Supply Programme, the Social Milk Programme, the Living Better Food Supplement Programme and the Comprehensive Food Aid Strategy, with a view to meeting the food requirements of the most vulnerable sections of society (Malaysia)
- 72. Continue efforts aimed at providing adequate financing for housing to the poorest segments of the population (Malaysia)
- 73. Ensure the effective access of all children to education, in particular migrant and indigenous children, and take effective measures to combat their exclusion from the education system (Algeria)
- 74. Seek to improve the enrolment rate of girls in primary and secondary schools (Philippines)
- 75. Increase efforts to improve the whole system with regard to the indigenous peoples (Azerbaijan); and persevere efforts to build a truly inclusive democracy by fully recognizing the rights of indigenous peoples (Panama); and undertake measures to redress marginalization of indigenous and migrant populations, in line with the prominent role of Mexico in the international scene (Bangladesh)
- 76. Continue addressing the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (Guatemala) and invite the relevant special rapporteurs to visit Mexico and make necessary recommendations to uplift the lot of indigenous communities, in line with its commitments and relevant international instruments (Pakistan)
- 77. Adopt appropriate legislation in full conformity with international standards on the rights of indigenous peoples (Argentina); and take necessary measures to ensure the right of indigenous peoples / other marginalized communities affected by planned economic or development projects to be adequately and fairly consulted (Bolivia, Denmark), in accordance with the commitments undertaken by ratifying ILO Convention No. 169 concerning Indigenous and Tribal Peoples (Bolivia)
- 78. Strengthen efforts at the federal level to raise awareness of indigenous rights, language and customs, by providing guidance and training to military and local officials, including the police, judiciary, and members of the legal community, particularly in rural areas (New Zealand)
- 79. Ensure the full realization of the rights of migrants on its territory by enacting legislation and providing training to concerned officials (Pakistan)
- 80. Give priority to the recommendations made by the Special Rapporteur on the human rights of migrants (Guatemala)
- 81. Take all necessary measures to protect the rights of migrant workers and members of their families, particularly by ensuring their access to justice (Uzbekistan) / their access to an effective remedy before a competent authority for the protection of their rights (Guatemala); and prosecute and punish civil servants responsible for acts of ill-treatment and offences against them (Guatemala)
- 82. Establish an effective and inclusive process to follow up on the UPR recommendations

(Norway); increase dialogue and consultations with civil society organizations in the design of follow-up measures and implementation of the UPR towards strengthening the impact of the human rights policies, as set out in Resolution 5/1 of the Council (Panama)

- 83. Disseminate the report presented by the Mexican Government, as well as the observations and final recommendations resulting from the UPR, at the national level (Honduras)

**“94. The following recommendations will be examined by Mexico which will provide responses in due time. The response of Mexico to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session.**

- 1. Enact a definition of organized crime consistent with the United Nations Convention against Transnational Organized Crime (Portugal)

- 2. Abolish the practice of “arraigo” (New Zealand, Switzerland) as soon as possible (New Zealand)

- 3. Ensure that the primacy of the civil legal system prevail over military judicial process across the entire territory (Bangladesh)

- 4. Extend the jurisdiction of civil courts in cases involving violations of human rights by the military (Ireland)

- 5. Follow-up on the recommendations of Committee against Torture and OHCHR to empower civil courts to try offences against human rights, in particular torture and cruel, inhuman or degrading treatment committed by military personnel, even when it is claimed that they were service-related (Portugal)

- 6. Grant jurisdiction to its civil authorities/courts over the acts/human rights violations committed by members of armed forces when performing law enforcement functions (Republic of Korea, Russian Federation);

- if the military involvement in combating organized crimes is necessary, the expanded role of the military must be counterbalanced by measures to reinforce the protection of human rights (Republic of Korea)

- 7. Review the relevant legal provisions to ensure that all offences committed against human rights by military forces may also be submitted to civil courts (Peru, Uruguay)

- 8. Re-establish the Special Prosecutor’s office for past-political and social movements or create a similar office, which would be a strong signal towards combating impunity for victims and their families (Belgium).

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