



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 6 of the provisional agenda

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of issues related to the combined twenty-second to twenty-fourth periodic reports of Mexico

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report.¹ The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Recent and complete disaggregated statistics on the ethnic composition of the population based on the results of the 2020 population and housing census² and compiled through other data collection mechanisms. Information on the socioeconomic situation of the different ethnic groups and groups likely to face racial discrimination, including Indigenous Peoples, persons of African descent, migrants, asylum-seekers and refugees.³

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 4)

3. Amendment of the Federal Act on the Prevention and Elimination of Discrimination and measures taken to ensure that the definitions and prohibitions of racial discrimination⁴ in both federal and state laws include all the elements set out in article 1 of the Convention.

4. Update on the amendment of the Criminal Code with a view to the criminalization of acts of racial discrimination and all acts mentioned in article 4 of the Convention.⁵

5. Strengthening of the National Council for the Prevention of Discrimination and measures taken to ensure that every federative entity has an institution responsible for receiving complaints of racial discrimination and promoting policies aimed at eliminating racial discrimination.⁶

¹ A/65/18, para. 85.

² CERD/C/MEX/CO/18-21, paras. 6 and 7.

³ CERD/C/MEX/22-24, paras. 103–106 and 230–239.

⁴ CERD/C/MEX/CO/18-21, paras. 8 and 9; and CERD/C/MEX/22-24, para. 12.

⁵ CERD/C/MEX/22-24, para. 11; and CERD/C/MEX/CO/18-21, paras. 10 and 11.

⁶ CERD/C/MEX/CO/18-21, paras. 12 and 13.



Situation of Indigenous Peoples (arts. 2 and 5)

6. Amendment of the Political Constitution of the United Mexican States so that it fully guarantees the rights of Indigenous Peoples. Information on the consultation processes carried out with Indigenous Peoples regarding this amendment and how their needs and proposals have been taken into account and incorporated into the amendment.

7. Results achieved through measures to reduce the levels of poverty and inequality among Indigenous Peoples. In particular, the tangible results of the implementation of the Programme for the Holistic Well-Being of Indigenous Peoples⁷ developed by the National Institute of Indigenous Peoples and its effects in terms of enhancing the enjoyment of economic, social and cultural rights by Indigenous Peoples.

8. Progress made in the process of adopting the General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities⁸ and the specific measures taken to ensure respect for the right of Indigenous Peoples to be consulted with a view to obtaining their free, prior and informed consent regarding measures that may have an impact on their rights.⁹

9. Detailed information on the consultation processes carried out with respect to the granting of natural resource exploitation concessions and the implementation of development projects. In particular, information on the consultation processes carried out with a view to obtaining free, prior and informed consent regarding megaprojects such as the Maya train and the trans-isthmus corridor. Information on environmental and human rights impact assessments carried out prior to the implementation of investment and development projects that may affect Indigenous Peoples.

10. Concrete measures taken to prevent the internal displacement of Indigenous Peoples and measures taken to safeguard and protect their rights, including their rights to life and physical integrity, in the event of internal displacement.

11. Progress made in ensuring that the lands, territories and resources traditionally owned, occupied, used or acquired by Indigenous Peoples are recognized and protected.

12. Implementation of measures to mitigate the negative impact of development and investment projects and the effects of climate change on the lands and resources of Indigenous Peoples. Measures taken to protect their traditional ways of life and subsistence.

Situation of persons of African descent (arts. 2 and 5)

13. Impact of the constitutional recognition of people of African descent on the formulation of public policies aimed at ensuring the exercise of their rights under the Convention, in particular their economic, social and cultural rights.

14. Implementation and tangible results of special measures to combat structural racial discrimination against persons of African descent. Statistics on social inclusion and participation in public and political life of persons of African descent.

Situation of migrants, asylum-seekers and refugees (arts. 2 and 5)

15. Measures taken to ensure full respect for the principle of non-discrimination in respect of migrants and prevent refoulement and collective expulsions without an adequate assessment of protection needs. Measures taken to develop alternatives to the detention of migrants and asylum-seekers.

16. Living conditions in migrant holding centres. Measures taken to conduct fact-finding investigations regarding the fire that occurred at the migrant holding centre in Ciudad Juárez on 23 March 2023, in which 40 people died and others were injured.

17. Information on measures taken to prevent all forms of abuse and, in particular, the excessive use of force against migrants. Number of cases of discrimination, excessive use of

⁷ CERD/C/MEX/22-24, para. 111.

⁸ Ibid., paras. 135 and 136.

⁹ CERD/C/MEX/CO/18-21, para. 21 (c).

force and abuse of authority committed against migrants and investigations carried out into those cases.

18. Measures taken to promote access to education, employment and health services for migrants and asylum-seekers without discrimination. Information on the Integrated Health-Care Plan for the Migrant Population.¹⁰

19. Information on measures taken to prevent racial discrimination against migrants of Haitian origin.¹¹

Multiple forms of discrimination (arts. 2 and 5)

20. Situation of Indigenous women and women of African descent and measures taken to ensure that they have effective access to employment, education and health care, including sexual and reproductive health services. Situation of elderly Indigenous women with disabilities.

21. Measures taken to combat discrimination and violence against Indigenous women and Mexican women of African descent in the health-care system. Number of cases of discrimination and violence in which investigations have been carried out and those found responsible have been duly punished.¹²

Political participation (arts. 2 and 5)

22. Political participation of members of Indigenous Peoples and persons of African descent, especially Indigenous women and women of African descent, in representative institutions and public affairs, as well as in decision-making positions in both the public and private sectors.

Access to justice (art. 6)

23. Number of complaints of racial discrimination, investigations conducted into those complaints and their outcomes.

24. Access to justice for Indigenous Peoples, Mexican people of African descent, migrants, asylum-seekers and refugees, in particular access to the mechanisms established pursuant to the General Victims Act.¹³ Measures taken to eliminate attitudes of racism and racial discrimination in the judicial system. Measures taken to mainstream a gender and intercultural perspective in the judicial system.

25. Progress made towards the recognition of the traditional systems of justice of Indigenous Peoples, in conformity with international human rights law.¹⁴

26. Measures taken to combat racial profiling against Indigenous People, persons of African descent and migrants.

Situation of human rights defenders (arts. 5 and 6)

27. Effective protection of human rights defenders, including Indigenous and Afrodescendent leaders who find themselves under threat for defending their rights.¹⁵ Investigation of cases of attacks on human rights defenders. Information on investigations that have been undertaken in relation to killings and acts of violence, threats, intimidation and reprisals against human rights defenders, in particular defenders of the rights of Indigenous Peoples, persons of African descent and migrants.

¹⁰ CERD/C/MEX/22-24, para. 77.

¹¹ Committee on the Elimination of Racial Discrimination, declaration on the situation of migrants, asylum-seekers and refugees of Haitian origin in the Americas region, issued at the 109th session (April 2023).

¹² CERD/C/MEX/CO/18-21, para. 25 (c) and (d).

¹³ Ibid., para. 27.

¹⁴ Ibid., para. 27 (e).

¹⁵ Ibid., para. 31.

Combating racial prejudice (art. 7)

28. Prevention of the dissemination of messages that promote racial stereotypes and prejudices against Indigenous Peoples, persons of African descent and migrants, including through public or social media.

29. Specific measures taken to promote the dissemination and preservation of the cultural and linguistic identities of Indigenous Peoples and persons of African descent. In particular, measures taken to promote the registration and operation of Indigenous community radio stations.¹⁶

¹⁶ Ibid., para. 29.