



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/4/MEX/2  
22 December 2008

ENGLISH  
Original: ENGLISH/SPANISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fourth session  
Geneva, 2-13 February 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Mexico**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

---

\* Late submission.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

| <i>Core universal human rights treaties<sup>2</sup></i>                            | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i>          | <i>Recognition of specific competences of treaty bodies</i>   |
|--|--|--|---|
| ICERD  | 20 February 1975                                     | None                                       | Individual complaints (article 14): Yes   |
| ICESCR   | 23 March 1981  | Yes (article 8)                            | -   |
| ICCPR  | 23 March 1981  | Yes (art. 13; article 25 subparagraph b)   | Inter-State complaints (article 41): No   |
| ICCPR-OP 1   | 15 March 2002  | None                                       | -   |
| ICCPR-OP 2   | 26 September 2007                                    | None                                       | -   |
| CEDAW  | 23 March 1981  | Yes (general)                              | -   |
| OP-CEDAW   | 15 March 2002  | None                                       | Inquiry procedure (articles 8 and 9): Yes   |
| CAT  | 23 January 1986                                      | None                                       | Inter-State complaints (article 21): No<br>Individual complaints (article 22): Yes<br>Inquiry procedure (article 20): Yes |
| OP-CAT   | 11 April 2005  | None                                       | -   |
| CRC  | 21 September 1990                                    | None                                       | -   |
| OP-CRC-AC  | 15 March 2002  | Binding declaration under art. 3: 18 years | -   |
| OP-CRC-SC  | 15 March 2002  | None                                       | -   |
| ICRMW  | 08 March 1999  | Yes (art. 22, paragraph 4)                 | Inter-State complaints (article 76): No<br>Individual complaints (article 77): Yes  |
| CPD  | 17 December 2007                                     | Yes (art. 12 paragraph 2)                  | -   |
| CPD-OP   | 17 December 2007                                     | None                                       | Inquiry procedure (articles 6 and 7): Yes   |
| CED  | 18 March 2008  | None                                       | Individual complaints (article 31): No<br>Inter-State complaints (article 32): No   |
| <i>Other main relevant international instruments</i>                               |  |  | <i>Ratification, accession or succession</i>  |
| Convention on the Prevention and Punishment of the Crime of Genocide               |  |  | Yes   |
| Rome Statute of the International Criminal Court                                   |  |  | Yes   |
| Palermo Protocol <sup>3</sup>  |  |  | Yes   |
| Refugees and stateless persons <sup>4</sup>  |  |  | Yes, except 1961 Convention   |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup> |  |  | Yes, except Additional Protocol III   |
| ILO fundamental conventions <sup>6</sup>   |  |  | Yes, except Conventions No. 98 and 138  |
| UNESCO Convention against Discrimination in Education                              |  |  | No  |

1. In 2006, the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) recommended that Mexico consider withdrawing its reservation to article 22, paragraph 4, of the Convention.<sup>7</sup> The same year, the Committee on Economic, Social and Cultural Rights (CESCR) requested that Mexico consider withdrawing its interpretative statement to article 8 of the Covenant and ratifying ILO Conventions No. 98 and No. 138.<sup>8</sup>

### B. Constitutional and legislative framework

2. In February 2008, the High Commissioner for Human Rights stressed that a major issue in Mexico is the process of reform of the Constitution. She called on the Government and legislators

to ensure that international human rights norms adopted by Mexico are given constitutional rank and are applicable as supreme law in proceedings before the courts. She further stressed that part of this reform must be to devise appropriate means in a federal system to ensure that human rights receive equal protection throughout the country.<sup>9</sup>

3. In 2006, the Committee on the Rights of the Child (CRC), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Committee against Torture (CAT) recommended that Mexico take the necessary measures to ensure that all federal and state legislation is harmonized with respective international instruments.<sup>10</sup>

### C. Institutional and human rights infrastructure

4. The National Human Rights Commission of Mexico (CNDH) was established in 1990, having been granted constitutional standing in 1992 and reformed to become more independent in 1995. The CNDH is accredited with “A” status since 1999.<sup>11</sup> In 2006, OHCHR-Mexico stressed the importance of local human rights institutions and recommended strengthening them and ensuring their autonomy and independence.<sup>12</sup>

5. CEDAW and the Committee on the Elimination of Racial Discrimination (CERD) welcomed the establishment of the National Council for the Prevention of Discrimination and the National Commission for the Development of Indigenous Peoples (CDI).<sup>13</sup> CESCR and CEDAW welcomed the establishment of the National Institute for Women (*Inmujeres*).<sup>14</sup>

### D. Policy measures

6. OHCHR-Mexico noted the adoption of a National Human Rights Programme (PNDH) for the period 2008-2012. It stressed that the PNDH needs to be translated into specific commitments and goals and recommended the establishment of a monitoring mechanism for this purpose.<sup>15</sup>

7. CEDAW urged Mexico to put in place an effective strategy for mainstreaming gender perspectives into all national plans, and to strengthen the linkages between the national plans for development and poverty eradication and the National Programme for Equality of Opportunities and Non-Discrimination against Women.<sup>16</sup>

8. A 2007 UN-HABITAT report mentioned that Mexico is among the countries that have developed specific slum upgrading and prevention policies as an integral part of their national poverty reduction policies and strategies.<sup>17</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

| <i>Treaty body</i> <sup>18</sup> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i>  |
|----------------------------------|---|---------------------------------------|---------------------------|--|
| CERD                             | 2004  | March 2006                            | May 2007                  | Combined sixteenth and seventeenth report due since March 2008 |
| CESCR                            | 2004  | May 2006                              | -                         | Combined fifth and sixth report due on June 2012               |
| HR Committee                     | 1997  | July 1999                             | -                         | Fifth report submitted in September 2008                       |
| CEDAW                            | 2006  | August 2006                           | -                         | Combined seventh and eighth report due September 2010          |

| <i>Treaty body<sup>18</sup></i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i>                   |
|---------------------------------|---|---------------------------------------|---------------------------|---|
| CAT                             | 2004  | November 2006                         | Aug. 2008                 | Fifth and sixth report due December. 2010 |
| CRC                             | 2004  | May 2006                              | -                         | Fourth and fifth report due April 2011    |
| OP-CRC-AC                       | -   | -                                     | -                         | Initial report due since April 2004       |
| OP-CRC-SC                       | -   | -                                     | -                         | Initial report due since April 2004       |
| CMW                             | 2005  | November 2006                         | -                         | Second report due July 2009               |

9. In 2003, CAT made public the documents related to the investigation carried out in Mexico in 2001 under article 20 of the Convention.<sup>19</sup> In 2002, Mexico informed the Committee of the actions taken in response to its conclusions and recommendations and expressed its determination to eradicate torture.<sup>20</sup>

10. From 27 August to 12 September 2008, the United Nations Subcommittee on Prevention of Torture visited Mexico and handed a set of preliminary confidential observations and recommendations to the authorities.

11. In 2000, Mexico provided comments to the HR Committee<sup>21</sup> and in 2008, detailed information relating to the recommendations made by the CMW.<sup>22</sup>

## 2. Cooperation with special procedures

|  |  |
|--|--|
| <i>Standing invitation issued</i>                                  | Yes  |
| <i>Latest visits or mission reports</i>                            | Special Rapporteur on the human rights of migrants (9-18 Mar. 2008); Special Rapporteur on the sale of children, child prostitution and child pornography (4-14 May 2007); Special Rapporteur on violence against women (21-25 Feb. 2005); Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (1-18 June 2003); Working Group on Arbitrary Detention (27-10 Nov. 2002); Representative of the Secretary-General on Internally Displaced Persons (18-28 Aug. 2002); Special Rapporteur on the independence of judges and lawyers (13-23 May 2001). |
| <i>Visits agreed upon in principle</i>                             | Special Representative of the Secretary-General on human rights defenders.   |
| <i>Visits requested and not yet agreed upon</i>                    | Special Rapporteur on the right to education, requested in 2008; Special Rapporteur on racism, requested in 2008.  |
| <i>Facilitation/cooperation during missions</i>                    | -  |
| <i>Follow-up to visits</i>   | -  |
| <i>Responses to letters of allegations and urgent appeals</i>      | About 142 communications were sent within the four-year periodicity, covering in addition to particular groups, 223 individuals, including 46 women; the Government replied to 72 communications (51 per cent).  |
| <i>Responses to questionnaires on thematic issues<sup>23</sup></i> | Mexico responded to 10 of the 12 questionnaires sent by special procedures mandate holders <sup>24</sup> during the period under review, within the deadlines. <sup>25</sup>   |

## 3. Cooperation with the Office of the High Commissioner for Human Rights

12. In December 2000, Mexico signed the first agreement for technical cooperation with OHCHR,<sup>26</sup> followed by an agreement in July 2002 which established the OHCHR Office in

Mexico.<sup>27</sup> In February 2008, the High Commissioner for Human Rights signed a new agreement with the Government of Mexico extending the presence and activities of OHCHR-Mexico until 2012.<sup>28</sup>

13. The Office observes and reports on the human rights situation in Mexico.<sup>29</sup> It provides advice and technical assistance to national and local authorities, national human rights institutions, the legal profession, the judiciary and civil society. This includes providing support for the implementation of the recommendations of the Human Rights Diagnosis conducted by OHCHR in 2003, and the National Human Rights Programme that followed it. OHCHR also works to enhance the capacity of the United Nations Country Team to address human rights concerns and to integrate a rights-based approach in the work of the United Nations in Mexico.<sup>30</sup> Mexico is a regular donor of OHCHR.<sup>31</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

14. In 2006, CEDAW noted with concern the lack of harmonization of legislation and other regulations at federal, state and municipal levels, which results in the persistence of discriminatory laws in several states and obstructs the effective implementation of the Convention.<sup>32</sup> CEDAW and CESCR also expressed concern at the practice within the *maquiladora* industry whereby women are required to present non-pregnancy certificates in order to be hired or to avoid being dismissed.<sup>33</sup>

15. CMW was concerned by the fact that migrant workers and their families suffer from social stigmatization, as well as various forms of discrimination in the area of employment.<sup>34</sup> CMW and the Special Rapporteur on violence against women expressed particular concern for the situation of migrant and indigenous women, who suffer from dual discrimination on the basis of their ethnicity and/or their migrant status.<sup>35</sup>

16. According to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, discrimination against indigenous people can be seen in low human and social development indices, extreme poverty, inadequate social services, and the great imbalance between indigenous and non-indigenous people in the distribution of wealth and income.<sup>36</sup>

17. CRC recommended that Mexico intensify its efforts to prevent and eliminate all forms of de facto discrimination against indigenous children; children with disabilities; girls; children living in rural and remote areas; children from economically disadvantaged families;<sup>37</sup> and children infected with and affected by HIV/AIDS.<sup>38</sup>

### **2. Right to life, liberty and security of the person**

18. The 2003 CAT report under article 20, noted that the police commonly used torture and resorted to it systematically as another method of criminal investigation.<sup>39</sup> It further stressed that the impunity of police officers who practice torture seemed to be the general rule rather than the exception.<sup>40</sup> The Committee recommended inter alia that in all cases in which a person alleges torture, the competent authorities should initiate a prompt, impartial inquiry that includes a medical examination carried out in accordance with the Istanbul Protocol.<sup>41</sup> It also recommended empowering the 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.<sup>42</sup>

19. In its 2006 concluding observations CAT noted with concern that cases of torture committed against civilians by military personnel during the performance of their duties continued to be tried in military courts. CAT reiterated the two above-mentioned recommendations in 2006.<sup>43</sup> During a mission to Mexico in February 2008, the High Commissioner for Human Rights emphasized again that civilian courts should have jurisdiction over the acts of military personnel performing law enforcement functions, and that effective remedies must be available for human rights violations perpetrated by military personnel.<sup>44</sup>

20. In 2006, CAT expressed concern about reports that despite legal provisions to the contrary, the judicial authorities continue to accord evidentiary value to confessions obtained using physical or psychological violence if they are corroborated by other evidence.<sup>45</sup> CAT was also concerned that in most cases the definition of the crime of torture differs from one state to another.<sup>46</sup>

21. CAT noted with concern reports about the existence of the practice of arbitrary detention and recommended that Mexico prevent all forms of detention which may be conducive to the practice of torture, investigate allegations of arbitrary detention and punish any person who has committed an offence.<sup>47</sup> CAT expressed concern about the institution of *arraigo penal* (short-term detention) and recommended its elimination both from legislation and practice.<sup>48</sup> After visiting a curfew house (*casa de arraigo*), the Working Group on Arbitrary Detention found that this arrangement in fact amounts to a form of preventive detention of an arbitrary nature.<sup>49</sup> The Working Group stressed that making *amparo* proceedings effective was urgently needed to fight arbitrary detention<sup>50</sup> and that the concept of equipollent flagrancy was incompatible with the principle of the presumption of innocence.<sup>51</sup>

22. CAT noted with concern reports of excessive use of force by the police during the events and disturbances in Guadalajara (Jalisco), San Salvador Atenco and Oaxaca, where there was indiscriminate use of arbitrary and incommunicado detention, ill-treatment and other kinds of abuse.<sup>52</sup> The Committee recommended inter alia ensuring that force will be used only as a last resort and in strict conformity with the international rules of proportionality and necessity in the light of the existing threat.<sup>53</sup>

23. CEDAW expressed concern about the persistence of widespread and systematic violence against women, including homicides and disappearances.<sup>54</sup> The Special Rapporteur on violence against women stressed that most of the cases of murder of women in Ciudad Juarez remained unsolved and that perpetrators continued to enjoy impunity.<sup>55</sup> CAT was concerned about alleged acts of torture, including rape, as well as other forms of sexual violence, committed by members of the security forces against women during a police operation in San Salvador Atenco.<sup>56</sup> CEDAW, CRC and CESCR expressed concern for the high number of reported cases of domestic violence and child abuse and the lack of measures taken to address these serious issues.<sup>57</sup>

24. In 2008, following an official visit to Mexico, the Special Rapporteur on the sale of children indicated that there was no effective system to protect and provide assistance to children and young people who have been victims of sexual exploitation or any form of trafficking.<sup>58</sup> CRC expressed concern that the number of street children remained high and regretted the violence to which these children were subjected by the police.<sup>59</sup> It also expressed concern that corporal punishment was widely used within the family, in schools and in other institutions.<sup>60</sup>

### **3. Administration of justice, including impunity, and the rule of law**

25. OHCHR-Mexico noted that impunity is one of the greatest obstacles not only to human rights, but to the rule of law as a whole.<sup>61</sup> The Special Rapporteur on the independence of judges and

lawyers stressed that there is a general perception among the population that the level of impunity for all types of crimes is high.<sup>62</sup> He expressed concern about impunity for crimes committed by the military and mentioned that many perceived military tribunals as not being independent and impartial.<sup>63</sup> In 2008, the Working Group on Enforced or Involuntary Disappearances sent a communication to the Government expressing concern at the closure of the Special Prosecutor's Office on federal crimes committed directly or indirectly by public servants against persons from social and political movements of the past, particularly during the 1970s. The Working Group stressed that a measure of that nature may be contrary to article 16, paragraph 3, of the Declaration. No reply has been received from the Government.<sup>64</sup>

26. According to the Special Rapporteur on the independence of judges and lawyers, there appears to be a disparity between the quality of justice dispensed by the federal courts and by the courts at the state level, largely because of disparity in the availability of resources.<sup>65</sup> He identified other problems such as, *inter alia*, lack of access to justice, particularly in the states and for members of indigenous communities; lack of investigation into allegations of judicial corruption; harassment and intimidation of human rights defenders and lawyers; violation of universally accepted fair trial procedures; and delays caused by the *amparo* procedure, its complexity and its high cost.<sup>66</sup> OHCHR-Mexico stressed that the reform of the *amparo* law should not be deferred in order to allow Mexican courts to become the main human rights guarantors.<sup>67</sup>

27. On constitutional reform, OHCHR-Mexico highlighted the intention to give exceptional status to organized crime. On the basis of a loose definition of organized crime - and one that differs from that contained in the United Nations Convention against Transnational Organized Crime - authority is delegated without the necessary judicial oversight. There is also concern at the attempt to introduce the concept of *arraigo* (restricted residence) into the Constitution.<sup>68</sup>

#### **4. Right to privacy, marriage and family life**

28. In 2006, CESCR and CRC noted with concern that the minimum age for marriage in many states is 14 years for girls and 16 years for boys, subject to the parents' consent, and that the age of sexual consent is 12 years for girls and boys.<sup>69</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

29. In 2008, the High Commissioner for Human Rights noted that the concentration of media power in the hands of few strongly suggested the need for greater pluralism. She stressed that unsolved killings and abuses of journalists contributed to a climate of impunity that restricts free speech, and that there needs to be genuine space for expression of social protest by civil society.<sup>70</sup>

30. OHCHR-Mexico recommended that the special prosecutor's office for crimes against journalists (FEADP) should be strengthened, by guaranteeing its independence and allocating the necessary resources to it. It was, moreover, important to bring crimes against journalists under the jurisdiction of the federal authorities.<sup>71</sup>

31. The Special Rapporteur on independence of judges and lawyers recommended that Mexico provide adequate protection to lawyers and human rights defenders; and that reports of threats, harassment and intimidation must be thoroughly investigated and the perpetrators brought to justice.<sup>72</sup>

## **6. Right to work and to just and favourable conditions of work**

32. In 2006, CESCR expressed concern about the severe restrictions in the Federal Labour Law and in the Federal Law for State Workers on the right to form and join trade unions and on the right to strike.<sup>73</sup> CMW was concerned that article 372 of the Federal Labour Act prohibits foreigners from forming part of the leadership of trade unions.<sup>74</sup>

33. CESCR recommended that Mexico gradually regularize the situation of workers employed in the informal sector and intensify its job placement programmes and financial support for persons seeking employment. It also expressed concern about the low minimum wages, especially as regards women and indigenous workers.<sup>75</sup>

34. In 2006, CMW was concerned by reports confirming the use of ill-treatment, extortion and theft by State officials and private security personnel against migrant workers.<sup>76</sup> CMW recommended that Mexico continue to take appropriate measures to protect women domestic workers, including access to regular migration status and greater and more systematic involvement of the labour authorities in monitoring their working conditions.<sup>77</sup> The Committee also recommended that Mexico take the necessary steps to improve the working conditions of seasonal agricultural workers.<sup>78</sup>

35. CESCR expressed deep concern about the poor working conditions of indigenous people, who are frequently underpaid or not paid at all, receive no social security benefits or paid vacations, and often work on daily contracts or as unpaid family members.<sup>79</sup> CESCR was also concerned about the high percentage of children below the age of 16 who are engaged in labour.<sup>80</sup> A 2007 UNICEF report noted that 3.3 million children between the ages of 6 and 14 years work to support their families. Every year, approximately 350,000 children migrate with their families to work in agriculture.<sup>81</sup>

## **7. Right to social security and to an adequate standard of living**

36. In 2006, CESCR reiterated its deep concern that more than 40 million people in Mexico continue to live in poverty, in particular members of indigenous communities and other disadvantaged and marginalized individuals and groups.<sup>82</sup> For example, a 2004 UNDP report indicated that 81 per cent of indigenous people are reckoned to have incomes below the poverty line, compared to 18 per cent for the general population.<sup>83</sup> Furthermore, a 2006 OHCHR report noted, as reported by the Government, that 55.5 per cent of the 3.1 million persons with disabilities live in conditions of poverty.<sup>84</sup> According to OHCHR-Mexico, economic inequity is unquestionably proportional to inequality in the exercise of human rights.<sup>85</sup>

37. CESCR noted with concern that approximately half of the population of the State is not entitled to social security or social assistance.<sup>86</sup> CRC welcomed, inter alia, the decrease of malnutrition rates in urban areas and the high vaccination coverage.<sup>87</sup> However, CRC remained deeply concerned that mortality and malnutrition rates, as well as other health indicators, are significantly worse in rural and remote areas and for indigenous mothers and children.<sup>88</sup> CESCR was concerned about the high rate of maternal mortality caused by unsafe abortions and mentioned reports on obstruction of access to legal abortion after rape.<sup>89</sup> CERD welcomed the criminalization of forced sterilization under article 67 of the General Health Law and urged Mexico to take all necessary steps to put an end to those practices.<sup>90</sup>



38. CESCR recommended that the State adopt comprehensive national housing legislation, including legislation on rent control, and that it promote affordable rental housing and invest in social housing in order to meet the needs of the poor and of low-paid-workers.<sup>91</sup> A 2006 UNDP report noted that more than 90 per cent of the population is connected to a safe water source and two-thirds of households are connected to a sewer.<sup>92</sup>

### **8. Right to education and to participate in the cultural life of the community**

39. A 2007 UNICEF report stressed that although access to primary education is almost universal, 1.2 million children remain outside the education system.<sup>93</sup> CRC expressed concern at, inter alia, continuing low enrolment rates, especially among migrants and indigenous children; the insufficient resources allocated to education; the considerable disparities in the coverage and quality of education between urban and rural areas; the insufficient bilingual intercultural education in indigenous areas; and the lack of access to educational programmes for juvenile offenders.<sup>94</sup>

### **9. Minorities and indigenous peoples**

40. The Special Rapporteur on indigenous people indicated that the 2001 reform of the Constitution affords reduced constitutional protection for the human rights of indigenous peoples.<sup>95</sup> He recommended reopening the debate on constitutional reform with a view to establishing clearly all the fundamental rights of indigenous peoples in accordance with international legislation and the principles adopted in the San Andrés Agreements.<sup>96</sup> CERD noted with concern that under article 2, section VII of the Constitution, the right of indigenous peoples to elect their political representatives is limited to the municipal level. The Committee recommended that Mexico guarantee their right to participate in Government and in the management of public affairs at every level.<sup>97</sup>

41. According to the Special Rapporteur on indigenous people, trials involving indigenous people are frequently riddled with irregularities, not only because of the lack of interpreters and trained defence lawyers but also because the public prosecutor and judges are usually unaware of indigenous legal customs. The Special Rapporteur further stressed that the situation of indigenous inmates in several prisons is a matter of concern.<sup>98</sup>

42. CERD reiterated its concern that indigenous communities have no legal security with regard to land tenure.<sup>99</sup> CESCR urged Mexico to ensure that the indigenous and local communities affected by large-scale projects on the lands and territories which they own or traditionally occupy are, inter alia, duly consulted and that their prior informed consent is sought in any decision-making processes.<sup>100</sup> Furthermore, the Special Rapporteur on indigenous people stressed that indigenous groups and communities should have priority access to natural resources for the purpose of direct consumption and subsistence, ahead of any economic or commercial interests.<sup>101</sup>

43. CESCR recommended that Mexico consider the adoption of legislation to recognize, register and protect indigenous peoples' collective authorship of their traditional knowledge and cultural heritage and to prevent the unauthorized use of scientific, literary and artistic productions of indigenous peoples by third parties.<sup>102</sup>

### **10. Migrants, refugees and asylum-seekers**

44. In 2006, CMW noted with concern that article 33 of the Constitution stipulates that the executive has exclusive authority to expel immediately and without a judicial hearing, any foreigner whose residence in Mexico it deems undesirable.<sup>103</sup> CMW also expressed concern that article 67 of the General Population Act only authorizes legal resident foreigners to institute legal proceedings, which may in practice give rise to discriminatory treatment of undocumented migrant workers.<sup>104</sup>

45. A 2007 UNHCR report noted that inadequate asylum law and a lack of legal representation for asylum-seekers and refugees pose challenges such as with regard to access to asylum procedures for unaccompanied and separated minors, as well as for victims of trafficking at Mexico's southern border.<sup>105</sup> The Mexico Plan of Action has renewed commitment to the refugee cause and provided a platform for addressing related issues within a regional perspective, as noted by a 2006 UNHCR report.<sup>106</sup>

46. Following his official visit in 2008, the Special Rapporteur on migrants<sup>107</sup> noted reports of rampant impunity for instances of corruption, including bribery and extortion, violence against women, and trafficking in children. He was particularly concerned about reports of child labour and the situation of unaccompanied minor migrants. Reports of violence against women, both during the migration process, as well as in their places of work, was a constant theme throughout the Special Rapporteur's visit. In this regard, a 2006 UNFPA report indicated that 46 per cent of migrant women had suffered from some sort of violence from law enforcement officials.<sup>108</sup>

47. While welcoming the efforts of the Government to improve the situation of migrants, CMW expressed concern at the difficult detention conditions in certain migrant holding centres, where cases of cruel and degrading treatment have been reported as well as overcrowding, lack of medical care and failure to notify consulates.<sup>109</sup>

### **11. Internally displaced persons**

48. According to the Representative of the Secretary-General on internally displaced persons, the indigenous population of Mexico has suffered the greatest internal displacement, concentrated in particular in the state of Chiapas.<sup>110</sup> In 2004, the Special Rapporteur on indigenous people noted that more than 12,000 persons have been displaced by the conflict in Chiapas. In other indigenous regions there are also displaced persons who were relocated many years ago without their consent for the building of a dam or for some other project, and are still waiting for compensation.<sup>111</sup> In 2006, CRC recommended that Mexico take all necessary measures to protect the rights of all internally displaced children, in particular the right to life, to health and to education.<sup>112</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

49. In 2008, the High Commissioner for Human Rights noted with appreciation Mexico's wide ratification of international human rights treaties, as well as its international advocacy for the rights of migrant workers, for persons with disabilities and against the death penalty.<sup>113</sup>

50. A 2007 UNESCO report noted that the inequality in learning outcomes between indigenous and non-indigenous children has been reduced by up to 30 per cent.<sup>114</sup> A 2004 UNICEF report mentioned that in rural areas covered by the *Oportunidades* programme, there has been a 57 per cent rise in visits to health clinics.<sup>115</sup>

51. OHCHR-Mexico indicated that the country continues to face significant structural problems such as poverty, unequal opportunities, discrimination and impunity, all of which generate contexts in which violations of human rights occur. The situation is particularly adverse for vulnerable groups, including women, children, indigenous peoples, migrants, and persons with disabilities.<sup>116</sup> The High Commissioner for Human Rights stressed that other major challenges are the process of reform of the Constitution, the severe deficiencies in law enforcement agencies and the increasing limits on freedom of expression.<sup>117</sup>

#### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

##### A. Pledges by the State

52. In 2006, Mexico pledged before the Human Rights Council to inter alia, improve the conditions of the penitentiary system; strengthen the general legal framework on freedom of expression; increase the efforts to guarantee the right to education and the economic, social and cultural rights of groups affected by poverty; strengthen action on indigenous matters; and continue adapting domestic laws to international standards. Mexico also pledged to implement the recommendations that may result from the universal periodic review mechanism.<sup>118</sup>

##### B. Specific recommendations for follow-up

53. In 2006, CAT requested information from Mexico within one year regarding steps taken in pursuance of the recommendations contained in paragraphs 14, 16, 19 and 20 of its concluding observations. Mexico presented its follow-up report in August 2008.<sup>119</sup>

54. In 2006, CERD requested Mexico to inform it within one year of the implementation of the Committee's recommendations contained in paragraphs 11, 12 and 17 of its concluding observations.<sup>120</sup> Following the reply provided by Mexico in May 2007, CERD requested that further information on paragraphs 11, 12 and 17 be included in the next periodic reports.

55. The Special Rapporteur on the independence of judges and lawyers recommended, inter alia, that urgent consideration be given to removing the military from policing public law and order in society.<sup>121</sup>

56. The Working Group on Arbitrary Detention recommended, inter alia, amending domestic legislation to bring it into line with international standards, particularly with regard to the presumption of innocence, cases of *flagrante delicto*, the proportionality of sentences for serious offences, and conditions for early release.<sup>122</sup> It also recommended classifying arbitrary detention as a criminal offence.

57. The Special Rapporteur on violence against women recommended, inter alia, that the Government investigate with due diligence all instances of alleged violence against women whether it occurs in the home, the community, or the workplace; prosecute perpetrators; grant prompt and adequate compensation and support to survivors.<sup>123</sup>

58. The Special Rapporteur on indigenous people recommended, inter alia, that the system of justice for indigenous people should be thoroughly reviewed at the national level, with extensive participation by the indigenous people.<sup>124</sup>

59. The Special Rapporteur on the sale of children recommended inter alia the creation of an ombudsman for children in order to facilitate relevant decision-making processes and the formulation of new policies. He also recommended the establishment of special centres to provide assistance to minors who have been victims of sexual exploitation.<sup>125</sup>

60. OHCHR-Mexico recommended, among other things, the incorporation of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials into the regulations governing various policies in Mexico;<sup>126</sup> the development of human rights indicators to provide a quantitative and qualitative assessment of the

human rights situation in Mexico;<sup>127</sup> the standardization of the definitions of the various forms of violence against women in the legislation of the federal States of Mexico; and the updating of laws to bring them into line with the recently adopted Act on Women's Access to a Life Free of Violence.<sup>128</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

61. OHCHR-Mexico contributes inter alia to promoting legislative reforms and the rights of women and indigenous peoples; strengthening judicial protection of human rights; conducting local human rights diagnoses and plans of action; and supporting the implementation of the recommendations of the Diagnosis of the state of Human Rights in Mexico and the National Human Rights Programme.<sup>129</sup>

62. A 2007 UNHCR report indicated that UNHCR and its partners will strengthen cooperation with relevant institutions to help refugees enter local labour markets.<sup>130</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

|            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CPD        | Convention on the Rights of Persons with Disabilities   |
| OP-CPD     | Optional Protocol to Convention on the Rights of Persons with Disabilities                                    |
| CED        | International Convention for the Protection of All Persons from Enforced Disappearance                        |

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the

Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW/C/MEX/CO/1), para. 13.

<sup>8</sup> Concluding observations of the Committee on Economic Social and Cultural Rights (E/C.12/MEX/CO/4), paras. 34, 41.

<sup>9</sup> Final Statement of the High Commissioner on her visit to Mexico on 8 February 2008, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/A2804F56E452D130C12573EC0057685B?opendocument>.

<sup>10</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/MEX/CO/3), para. 7; concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MEX/CO/6), para. 9; Conclusions and recommendations of the Committee against Torture, (CAT/C/MEX/CO/4), para. 11.

<sup>11</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>12</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, 2006, p. 6, available at <http://www.hchr.org.mx/documentos/garantiasyretosdh.pdf>.

<sup>13</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/MEX/CO/15), paras. 5,7; CEDAW/C/MEX/CO/6, para. 34.

<sup>14</sup> E/C.12/MEX/CO/4, paras. 6-7; CEDAW/C/MEX/CO/6, para. 5.

<sup>15</sup> OHCHR - Mexico, *Análisis del Programa Nacional de Derechos Humanos (2008 - 2012)*, p. 3.

<sup>16</sup> CEDAW/C/MEX/CO/6, para. 21.

<sup>17</sup> UN-HABITAT, *Annual Report 2006*, p. 14-15, available at <http://www.unhabitat.org/pmss/getPage.asp?page=periodView&period=2343>.

<sup>18</sup> The following abbreviations have been used for this document:

|              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination                               |
| CESCR        | Committee on Economic, Social and Cultural Rights                                   |
| HR Committee | Human Rights Committee  |
| CEDAW        | Committee on the Elimination of Discrimination against Women                        |
| CAT          | Committee against Torture   |
| CRC          | Committee on the Rights of the Child  |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Their Families |

<sup>19</sup> Report on Mexico produced by the Committee against Torture under article 20 of the Convention, and reply from the Government of Mexico (CAT/C/75).

<sup>20</sup> *Ibid.*, paras. 221, 292.

<sup>21</sup> CCPR/C/79/Add.123.

<sup>22</sup> CMW/C/MEX/CO/1/Add.1.

<sup>23</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>24</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants

(A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>25</sup> The questionnaire on the right to education of persons with disabilities (A/HRC/4/29, para. 47); questionnaire on the impact of certain laws and administrative measures on migrants (A/HRC/4/24, para. 9); e questionnaire on issues related to forced marriages and trafficking in persons (A/HRC/4/23, para. 14); questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (E/CN.4/2006/95 and Add.5, para. 1034); joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation (E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22); questionnaire on the right to education for girls (E/CN.4/2006/45, para. 89); questionnaire on the mandate and activities of the Working Group on mercenaries (A/61/341, para. 47); questionnaire on the sale of children's organs (A/HRC/4/31, para. 24); questionnaire on child pornography on the Internet (E/CN.4/2005/78, para. 4); and questionnaire on human rights policies and management practices (A/HRC/4/35/Add.3, para. 7).

<sup>26</sup> United Nations Press Release: "High Commissioner for Human Rights Begins Visit to Latin America", 29 November 2000.

<sup>27</sup> United Nations Press Release: "United Nations High Commissioner for Human Rights, Mexico Agree on Opening of National Office", 1 July 2002.

<sup>28</sup> United Nations Press Release: "High Commissioner for Human Rights Welcomes Signature of Agreement for Renewal of Mandate of Her Office in Mexico", 6 February 2008.

<sup>29</sup> Agreement between the Office of the United Nations High Commissioner for Human Rights and the Mexican States on the continuation of its activities in Mexico, Mexico City, 6 February 2008, available at [http://www.hchr.org.mx/documentos/convenios/acuerdogobierno\\_oacnudh\\_eng.pdf](http://www.hchr.org.mx/documentos/convenios/acuerdogobierno_oacnudh_eng.pdf).

<sup>30</sup> OHCHR, *Annual Report 2006*, Geneva, p. 100, available at [http://www.reliefweb.int/rw/lib.nsf/db900sid/TBRL-73JQ7H/\\$file/unohchr-annual-may2007.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/TBRL-73JQ7H/$file/unohchr-annual-may2007.pdf?openelement).

<sup>31</sup> OHCHR, *2007 Report on Activities and Results*, p. 167, available at [http://www.reliefweb.int/rw/lib.nsf/db900sid/SHES-7DYQNG/\\$file/OHCHR\\_AnnualReport\\_2007.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/SHES-7DYQNG/$file/OHCHR_AnnualReport_2007.pdf?openelement).

<sup>32</sup> *Ibid.*, para. 9.

<sup>33</sup> *Ibid.*, para. 30, E/C.12/MEX/CO/4, para. 15.

<sup>34</sup> CMW/C/MEX/CO/1, para. 23.

<sup>35</sup> *Ibid.*, para. 23; E/CN.4/2006/61/Add.4, para. 26.

<sup>36</sup> E/CN.4/2004/80/Add.2, p. 2.

<sup>37</sup> CRC/C/MEX/CO/3, paras. 23-24.

<sup>38</sup> *Ibid.*, para. 53 (b).

- <sup>39</sup> CAT/C/75, para. 218.
- <sup>40</sup> Ibid., para. 219 (f).
- <sup>41</sup> Ibid., para. 220 (k).
- <sup>42</sup> Ibid., para. 220 (g).
- <sup>43</sup> CAT/C/MEX/CO/4, para. 14.
- <sup>44</sup> Final Statement of the High Commissioner on her visit to Mexico on 8 February 2008.
- <sup>45</sup> CAT/C/MEX/CO/4, para. 22.
- <sup>46</sup> Ibid., para. 11.
- <sup>47</sup> Ibid., para. 13.
- <sup>48</sup> Ibid., para. 15.
- <sup>49</sup> E/CN.4/2003/8/Add.3, para. 50.
- <sup>50</sup> Ibid., para. 51.
- <sup>51</sup> Ibid., para. 39.
- <sup>52</sup> CAT/C/MEX/CO/4, para. 18.
- <sup>53</sup> Ibid., para. 18 (a).
- <sup>54</sup> CEDAW/C/MEX/CO/6, para. 14.
- <sup>55</sup> E/CN.4/2006/61/Add.4, para. 41.
- <sup>56</sup> CAT/C/MEX/CO/4, para. 19.
- <sup>57</sup> CRC/C/MEX/CO/3, paras. 43; E/C.12/CO/MEX/4, para. 19.
- <sup>58</sup> A/HRC/7/8/Add.2, paras. 73.
- <sup>59</sup> Ibid., para. 68.
- <sup>60</sup> CRC/C/MEX/CO/3, paras. 35-36.
- <sup>61</sup> OHCHR-Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, 2006, p. 19.
- <sup>62</sup> E/CN.4/2002/72/Add.1, para. 119.
- <sup>63</sup> Ibid., para. 117.
- <sup>64</sup> A/HRC/7/2, paras. 213, 214, 217.
- <sup>65</sup> E/CN.2002/72/Add.1, p. 4.
- <sup>66</sup> Ibid., p. 5.
- <sup>67</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, p. 6.
- <sup>68</sup> Ponencia del Representante de la Oficina en México del Alto Comisionado de Naciones Unidas para los Derechos Humanos, Amerigo Incalcaterra, en el Senado de la República el 9 de abril de 2008, p. 7, available at <http://www.hchr.org.mx/documentos/conferencias/seguridadpublica.pdf>.
- <sup>69</sup> CRC/C/MEX/CO/3, para. 21-22; E/C.12/CO/MEX/4, paras. 21, 40.
- <sup>70</sup> Final Statement of the High Commissioner on her visit to Mexico on 8 February 2008.
- <sup>71</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, p. 26.
- <sup>72</sup> E/CN.4/2002/72/Add.1, p. 7 (j).
- <sup>73</sup> E/C.12/MEX/CO/4, paras. 16, 34.
- <sup>74</sup> CMW/C/MEX/CO/1, paras. 35-36.
- <sup>75</sup> E/C.12/MEX/CO/4, paras. 30-31.

<sup>76</sup> CMW/C/MEX/CO/1, paras. 29-30.

<sup>77</sup> Ibid., para. 34.

<sup>78</sup> Ibid., para. 38.

<sup>79</sup> E/C.12/MEX/CO/4, paras. 14, 32.

<sup>80</sup> Ibid., para. 22.

<sup>81</sup> UNICEF-Mexico, *Informe Anual 2007*, México, p. 3, available at [http://www.unicef.org/mexico/spanish/Informe\\_2007\\_mini.pdf](http://www.unicef.org/mexico/spanish/Informe_2007_mini.pdf).

<sup>82</sup> E/C.12/MEX/CO/4, para. 23.

<sup>83</sup> UNDP, *Human Development Report 2004*, p. 6, available at [http://hdr.undp.org/en/media/hdr04\\_complete.pdf](http://hdr.undp.org/en/media/hdr04_complete.pdf).

<sup>84</sup> E/CN.4/2006/72, paras. 8-9.

<sup>85</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, p. 8.

<sup>86</sup> E/C.12/MEX/CO/4, para. 18.

<sup>87</sup> CRC/C/MEX/CO/3, para. 48.

<sup>88</sup> Ibid.

<sup>89</sup> E/C.12/MEX/CO/4, para. 25.

<sup>90</sup> CERD/C/MEX/CO/15, para. 17.

<sup>91</sup> E/C.12/MEX/CO/4, para. 43.

<sup>92</sup> UNDP, *Human Development Report 2006*, p. 54.

<sup>93</sup> UNICEF-Mexico, *Informe Anual 2007*, p. 3.

<sup>94</sup> CRC/C/MEX/CO/3, para. 56.

<sup>95</sup> E/CN.4/2004/80/Add.2, p. 2.

<sup>96</sup> Ibid., p. 64. The text of the San Andrés Agreements is available at <http://www.oit.or.cr/mdtsanjo/indig/sandres.htm>.

<sup>97</sup> CERD/C/MEX/CO/15, para. 14.

<sup>98</sup> E/CN.4/2004/80/Add.2, pp. 30,37. See also OHCHR-Mexico, *Informe del diagnóstico sobre el acceso a la justicia para los indígenas en México: Estudio de caso en Oaxaca*, available at <http://www.hchr.org.mx/documentos/informes/oaxaca/InformeDiagnosticoJusticia.pdf>.

<sup>99</sup> CERD/C/MEX/CO/15, para. 15.

<sup>100</sup> E/C.12/MEX/CO/4, para. 28.

<sup>101</sup> E/CN.4/2004/80/Add.2, para. 79.

<sup>102</sup> E/C.12/MEX/CO/4, paras. 46.

<sup>103</sup> CMW/C/MEX/CO/1, para. 13.

<sup>104</sup> Ibid., paras. 25-26.

<sup>105</sup> UNHCR, *Global Appeal Report 2008/2009*, p. 322, available at <http://www.unhcr.org/ga08/index.html>.

<sup>106</sup> UNHCR, *Global Appeal 2007*, p. 84, available at, <http://www.unhcr.org/static/publ/ga2007/ga2007toc.htm>.

<sup>107</sup> United Nations press release: Special Rapporteur on the Human Rights of Migrants Concludes Visit to Mexico, 15 march 2008, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/AE091BBFD8734BD6C125740F00301852?opendocument>.

<sup>108</sup> UNFPA, *State of World Population 2006*, p. 39, available at <http://www.unfpa.org/swp/2006/english/introduction.html>.

<sup>109</sup> CMW/C/MEX/CO/1, paras. 27.



<sup>110</sup> E/CN.4/2003/86/Add.3, para. 9.

<sup>111</sup> E/CN.4/2004/80/Add.2, paras. 40-41.

<sup>112</sup> CRC/C/MEX/CO/3, para. 30.

<sup>113</sup> Final Statement of the High Commissioner on her visit to Mexico on 8 February 2008.

<sup>114</sup> Ibid., p. 28.

<sup>115</sup> UNICEF, *The State of the World's Children 2005*, p. 31, available at <http://www.unicef.org/sowc05/english/sowc05.pdf>.

<sup>116</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, p. 24.

<sup>117</sup> Final Statement of the High Commissioner on her visit to Mexico on 8 February 2008.

<sup>118</sup> For a complete list of the pledges and commitments undertaken by Mexico before the Human Rights Council, as contained in the note verbale dated 10 April, 2006 sent by the Permanent Mission of Mexico to the United Nations addressed to the President of the General Assembly, pp. 5 and 6, available at <http://www.un.org/ga/60/elect/hrc/mexico.pdf>.

<sup>119</sup> CAT/C/MEX/CO/4, para. 25.

<sup>120</sup> CERD/C/MEX/CO/15, para. 21.

<sup>121</sup> E/CN.4/2002/72/Add.1, para. 192 (d).

<sup>122</sup> E/CN.4/2003/8/Add.3, para. 72 (a).

<sup>123</sup> E/CN.4/2006/61/Add.4, para. 69 (a) (iv).

<sup>124</sup> E/CN.4/2004/80/add.2, para. 82, 97.

<sup>125</sup> A/HRC/7/8/Add.2, para. 80.

<sup>126</sup> OHCHR - Mexico, *Avances y Retos en la Protección y Garantía de los Derechos Humanos en México*, p. 26.

<sup>127</sup> Ibid., para. 25.

<sup>128</sup> OHCHR - Mexico, *Derechos Humanos de las Mujeres Actualización del Capítulo 5 del Diagnóstico sobre la Situación de los Derechos Humanos de las Mujeres*, p. 43.

<sup>129</sup> OHCHR, *Annual Report 2006*, p. 100. See also OHCHR, *2007 Report on Activities and Results*, p. 114.

<sup>130</sup> UNHCR, *Global Appeal Report 2008/2009*, p. 322, available at <http://www.unhcr.org/ga08/index.html>.