



International Covenant on Civil and Political Rights

Distr.: General
6 August 2014
English
Original: Spanish

Human Rights Committee

List of issues prior to the submission of the sixth periodic report of Mexico*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (vol. I), para. 40), established an optional procedure which consists of the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to the list of issues will constitute its report under article 40 of the Covenant.

General information on the national human rights situation, including new measures and developments related to the implementation of the Covenant

1. Please provide detailed information on any significant developments that have taken place with regard to the legal and institutional framework for the promotion and protection of human rights at the federal and state levels since the submission of the previous periodic report. Please also provide information on cases in which the Covenant has been invoked before national courts and on measures taken to raise awareness of the Covenant among judges, lawyers and prosecutors at both the federal and state levels.
2. Please provide information on any significant political and administrative measures taken to promote and protect Covenant rights since the submission of the previous report and on the resources allocated for this purpose and the objectives and results of these measures. Please also provide information on measures taken to involve civil society and the National Human Rights Commission in the drafting of the replies to this list of issues.
3. Please provide any further information on new measures taken to disseminate and act upon the Committee's previous recommendations (CCPR/C/MEX/CO/5) and on the results of those measures.

* Adopted by the Committee at its 111th session (7–25 July 2014).



Specific information on the implementation of articles 1 to 27 of the Covenant, including measures adopted in response to the Committee's previous concluding observations

Constitutional and legal framework for the implementation of the Covenant

4. Please provide information on the scope and impact of the 2011 amendment to article 1 of the Political Constitution of the United Mexican States concerning the implementation of human rights treaties to which Mexico is a party. In this regard, please include information on the impact of the Supreme Court judgement in contradiction of holdings 293/2011. Please also indicate how the amended Constitution is applied in practice in order to provide people with broader protection.

5. Taking into account the Committee's previous concluding observations (CCPR/C/MEX/CO/5, para. 5), please provide information on the measures taken and the progress achieved in ensuring that federal and state legislation is in line with the Covenant.

6. Please provide information on the content and scope of the Victims Act of 2013, including information on the mechanisms envisaged to ensure victims' participation in the activities carried out pursuant to the Act and its implementation at the federal and state levels.

Equality and non-discrimination (arts. 2, 3, 25 and 26)

7. In the light of the Committee's previous concluding observations (para. 7), please provide updated information on the measures taken at the federal and state levels to ensure equality between women and men in all spheres, including their participation in political life and in the judiciary, and on the results of those measures. Please also provide updated information on the measures taken to combat discrimination against women in the workplace and elsewhere and on the impact of those measures.

8. In the light of the Committee's previous concluding observations (para. 21), please provide information on the measures, including awareness-raising campaigns, taken to prevent and to provide protection from violence and discrimination based on sexual orientation or gender identity. Please include information on any relevant court decisions concerning this matter. Please also include information on the number of complaints received regarding violence against lesbian, gay, bisexual or transgender persons; the investigations carried out in such instances and their results, including the sentences handed down to the perpetrators; and the remedies provided to the victims.

Violence against women (arts. 3, 6 and 7)

9. In connection with the Committee's previous concluding observations (paras. 8 and 9) and the letter sent by the Special Rapporteur for follow-up to concluding observations on 20 September 2011, please provide updated information on: (a) advances made in the prevention of violence against women, the punishment of persons committing violence against women and the protection of women from violence and the impact of the measures adopted, including information about the content and scope of the 2013 amendments to the General Act on Access by women to a life free of violence and the degree to which this law has been harmonized at state level; (b) the human and financial resources available to the institutions established to address violence against women in Ciudad Juárez, the powers that have been vested in them and the impact of their work in the areas of prevention, prosecution and punishment. Please include any other relevant updates on measures taken regarding the recommendations made by the Committee in paragraphs 8 and 9 of its previous concluding observations, including any progress made towards the criminalization of femicide. Please also include statistical data on: (a) complaints received concerning the

various forms of violence against women; (b) the investigations conducted in such instances and their results, including the sentences handed down to perpetrators; and (c) the remedies provided to victims, including rehabilitative measures.

States of emergency (art. 4)

10. Taking into account the changes made to article 29 of the Constitution in 2011, please provide updated information on the regulatory framework for states of emergency and comment on this framework in the light of article 4 of the Covenant and the Committee's general comment No. 29 (CCPR/C/21/Rev.1/Add.11). Please also indicate whether any states of emergency have been declared or whether any de facto states of emergency have existed in any region since the adoption of the Committee's previous concluding observations and, if so, please provide detailed information in that regard. Also, in connection with the Committee's previous concluding observations (para. 11), please provide updated information on the measures taken to ensure that public security is, to the maximum extent possible, upheld by civilian security forces rather than by military forces and under no circumstances by paramilitary or similar groups.

Right to life; prohibition of torture and cruel, inhuman or degrading treatment or punishment; right to liberty and security of person (arts. 2, 6, 7 and 9)

11. Taking into account the Committee's previous concluding observations (para. 10), please provide updated information on the measures taken to bring all state abortion laws into line with the Covenant and to ensure the application of Federal Norm 046 throughout the territory of the State party. Please also provide information about the measures taken to ensure that women actually have access to pregnancy termination procedures when any of the criteria provided for by law have been met. In this regard, please include information on the training provided to health workers and justice officials, as well as statistics on the number of cases in which legal abortions were performed and the number in which requests for such procedures were denied and explain the reasons for those decisions. Please also provide updated information on the steps taken to educate the general public, and particularly young people, about methods of contraception as a means of preventing unwanted pregnancies.

12. Please provide information on actions taken at both the federal and state levels to prevent and investigate human rights abuses and violations committed by members of the armed forces or security forces, including extrajudicial killings, enforced disappearances and torture, to punish those responsible and to ensure that the actions of police officers and members of the armed forces are consistent with Covenant rights. Please include information on the measures taken to regulate the use of public force. Please also include information covering the period since the adoption of the Committee's previous concluding observations on: (a) the number of complaints received of human rights violations committed by members of the armed or security forces and the nature of the alleged violation in each case and the place where it was committed; (b) the investigations carried out in these cases, the judgements handed down (indicating whether they were convictions or acquittals); and (c) the remedies provided to the victims.

13. In the light of the Committee's previous concluding observations (para. 12), please provide updated information on the measures taken to ensure that serious human rights violations, including those committed during the so-called "dirty war", continue to be investigated, that the persons responsible are brought to justice and punished appropriately, and that the victims and/or their relatives receive fair and adequate reparation. Please also include related statistical information.

14. According to information before the Committee, "self-defence groups" or "community police units" are proliferating in some states, such as Guerrero and Michoacán,

and, in some cases, have reportedly committed abuses, including torture. Please provide information on measures taken to address this problem, in particular any measures aimed at addressing the root causes of the emergence of these groups, as well as to prevent such abuses, investigate any abuses that they do commit and punish those responsible.

15. In connection with the Committee's previous concluding observations (para. 12), please provide updated information on the legislative measures taken at both the federal and state levels to ensure that enforced disappearance, as defined in the relevant international human rights instruments, is classified as a specific offence. Please also provide updated information on the measures taken to prevent and investigate enforced disappearances, to punish those responsible and to locate the persons who have disappeared.

16. In connection with the Committee's previous concluding observations (paras. 13 and 14), please provide updated information on the measures taken to: (a) bring the definition of torture contained in federal and state criminal legislation into line with the relevant international human rights instruments; (b) put an end to torture and ill-treatment, investigate, prosecute and punish those responsible, and provide redress to victims; (c) make video recordings of interrogations in all police stations and detention centres; (d) ensure that medical and psychological examinations of alleged victims of torture or ill-treatment are conducted in accordance with the Istanbul Protocol and in an appropriate, thorough, prompt and impartial manner; and (e) ensure that only confessions made to or acknowledged before a judicial authority may be admitted as evidence against a defendant and that the burden of proof does not fall on the alleged victims in cases of torture. Please also include updated statistics covering the period since the adoption of the Committee's previous concluding observations, disaggregated by sex, age (adult or minor) and state, on: (a) the number of complaints of torture received; (b) the investigations conducted and their results, including the sentences handed down to perpetrators; (c) the measures of redress provided to victims, including rehabilitative measures; and (d) the number of these complaints that are related to acts of torture or ill-treatment inflicted for the purpose of obtaining a confession or other evidence, and the number of such complaints that led to the disallowance of a confession or other form of evidence.

17. Please provide information on measures taken at both the federal and state levels to explicitly prohibit and prevent corporal punishment of children in all settings, particularly in the home, and to sanction offenders.

18. Please provide information on the measures taken to prevent and investigate cases involving assaults and abuses directed at migrants, particularly undocumented migrants and unaccompanied children, including kidnappings, enforced disappearances, arbitrary detentions, extortion, murder, torture and ill-treatment, the measures taken to punish the perpetrators of such acts and the results of those measures.

19. Bearing in mind the recommendation made by the Committee in its previous concluding observations in relation to *arraigo* (para. 15) and its restatement of that recommendation as part of the procedure for follow-up on concluding observations (CCPR/C/107/2), please indicate what measures have been taken or are being planned to remove the provisions in existing legislation under which *arraigo* detention is permitted legislation and to do away with that practice at both the federal and state levels.

Treatment of persons deprived of their liberty and the right to a fair trial (arts. 2, 9, 10 and 14)

20. In the light of the Committee's previous concluding observations (para. 16), please provide updated information on the steps taken to: (a) establish a single database for all penitentiaries throughout the country; (b) ensure that courts apply alternative forms of punishment to deprivation of liberty; (c) improve conditions for all detainees, in particular

by reducing overcrowding and providing adequate food and medical services; (d) ensure the separation of female and male inmates and of convicted and untried prisoners; (e) protect the rights of women in detention. Please include information on the results of the measures that have been adopted. Please also provide updated statistics on the number of persons deprived of their liberty, disaggregated by sex, age (adult or minor), whether the person is in pretrial detention or serving a sentence following conviction, and the place of detention, as well as the official capacity of each place of detention.

21. Please provide information on the content and scope of the amendments to the Code of Military Justice adopted by Congress in April 2014 and comment on the amended text in the light of the Committee's previous concluding observations (para. 18) and article 14 of the Covenant. Please also inform the Committee whether, following the Supreme Court's finding that article 57 of the Code of Military Justice is incompatible with the Constitution, cases involving human rights violations and/or cases in which the victims are civilians have been initiated or continue to be tried before the military courts. If so, provide information on the steps taken to transfer such cases to the civilian courts.

22. In the light of the Committee's previous concluding observations (para. 14), please provide updated information on progress made in the implementation of the reform of the criminal justice system that began with the constitutional amendment of 2008 and on the measures taken to ensure its full implementation within the constitutional deadline. Please also provide information about the new national Code of Criminal Procedure, including the most important provisions related to human rights and the expected impact of its entry into force.

Elimination of slavery and servitude (art. 8)

23. Please provide information on the measures adopted to prevent trafficking in persons, particularly women and children, to investigate instances of trafficking, to punish traffickers and to protect and rehabilitate victims. Please include statistics covering the period since 2011, disaggregated by sex, age and country of origin of the victim, on: (a) complaints of trafficking in persons received; (b) investigations carried out and their outcome, including punishments imposed on the perpetrators; (c) protection measures for victims, family members and witnesses in connection with investigations into trafficking; (d) reparations granted to victims; and (e) follow-up on foreign victims of trafficking who are repatriated. In addition, please provide information on the training provided to judges, prosecutors, police officers and other State agents in detecting, investigating and handling cases of trafficking in persons.

Protection against arbitrary expulsion of foreign nationals (art. 13)

24. In the light of the 2011 amendment of article 33 of the Constitution, please provide updated information on the regulatory framework governing the expulsion of foreign nationals and comment on it in the light of article 13 of the Covenant. In particular, and taking into account the Committee's previous concluding observations (para. 17), please specify whether, under current legislation, non-nationals have the right to challenge an expulsion decision through the use of a remedy such as that of *amparo* and, if so, provide detailed information in this regard. Please also indicate whether this legislation has been applied since the adoption of the Committee's previous concluding observations and, if so, provide detailed information in this respect.

Freedom of thought, conscience and religion (art. 18)

25. Bearing in mind the Committee's previous concluding observations (para. 19), please provide information on whether legislative measures have been adopted or are being

considered with a view to recognizing the right to conscientious objection to military service.

Freedom of expression and association (arts. 19 and 22)

26. In the light of the Committee's previous concluding observations (para. 20) and the report of the Special Rapporteur for follow-up on the Committee's concluding observations (CCPR/C/107/2), and taking into consideration the information provided in the reports on the action taken in response to the Committee's concluding observations that were submitted in 2011 and 2012, please provide updated information on:

(a) The impact of the steps taken to provide protection to journalists and human rights defenders. Please also provide information on any recent measures taken in that area and, in particular, on the Mechanism for the Protection of Human Rights Defenders and Journalists, including: how it operates and what powers it has; how victims participate in decision-making processes; what measures are taken to ensure effective coordination with other relevant bodies at both the federal and the state levels; what human, technical and financial resources are available; and what its impact is in terms of the protection of these groups;

(b) The impact of the replacement of the Office of the Special Prosecutor for Offences Committed against Journalists by the Office of the Special Prosecutor for Offences against Freedom of Expression and the amendment of article 73 of the Constitution on the investigation of offences related to freedom of expression and the punishment of offenders;

(c) The number of complaints received and criminal proceedings undertaken in connection with threats, violent attacks or murders of journalists or human rights defenders and the outcomes of those proceedings, including the sentences imposed on perpetrators and the reparation measures provided to victims, during the reporting period, disaggregated by the sex of the victim, the crime, if the crime was committed against a journalist or a Human Rights Defender, and by the state where the offence took place;

(d) The steps taken to decriminalize defamation and other similar offences in all states.

Rights of the child (art. 24)

27. Please provide information on the steps taken to ensure the registration of all births in the territory of the State party. Please include statistics in this regard.

Participation in public affairs and the rights of persons belonging to minorities (arts. 25 to 27)

28. Taking into account the Committee's previous concluding observations (para. 22), please provide information on whether consultations have been held with the representatives of indigenous peoples with a view to determining whether or not there is a need to revise the relevant provisions of the Constitution on the rights of indigenous peoples, particularly those that were amended in 2001. In addition, please provide information as to whether legislative or other measures have been adopted to ensure effective prior consultation with indigenous peoples in relation to the adoption of decisions that may affect their rights. Please give examples of consultations that have been held during the period under review.