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Mexico

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Racial Discrimination and the United Nations country team recommended that Mexico ratify the international human rights treaties that it had not yet ratified, such as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the 1961 Convention on the Reduction of Statelessness.²

3. The United Nations country team reported that Mexico maintained its reservations to articles 17 and 32 of the Convention relating to the Status of Stateless Persons and to article 17 of the Convention relating to the Status of Refugees.³

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Mexico ratify the Convention against Discrimination in Education.⁴

5. The Human Rights Committee recommended that Mexico ensure that legislation at both the federal and the state levels was brought into line with the International Covenant on Civil and Political Rights.⁵

6. The mandate of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Mexico was established through an agreement with the Government in 2002.⁶

7. The United Nations High Commissioner for Human Rights visited Mexico in 2019.⁷

8. Mexico had contributed annually to the Office of the United Nations High Commissioner for Human Rights.⁸



III. National human rights framework

1. Constitutional and legislative framework

9. The Human Rights Committee was concerned that the General Victims Act had not been sufficiently implemented since its adoption, that the mechanisms established in the General Victims Act were not accessible to certain population groups, and that no specialized care was available for women victims of human rights violations.⁹ The Committee recommended that Mexico provide the institutions responsible for implementing the General Victims Act with the necessary resources, appropriate training, and effective oversight mechanisms.¹⁰

2. Institutional infrastructure and policy measures

10. The Committee on Enforced Disappearances considered that Mexico needed to ensure that the National Human Rights Commission and the state-level human rights commissions performed their functions in a wholly autonomous and independent manner. They should strengthen their investigative capacity, streamline the processing of all case files and make effective use of all the powers granted to them by the Constitution.¹¹

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. The Human Rights Committee was concerned about the discrimination suffered by women, Afro-Mexican communities, Indigenous Peoples, and persons living in rural areas.¹² The Committee recommended that Mexico ensure comprehensive protection against discrimination.¹³

12. The United Nations country team highlighted the Federal Act on the Prevention and Elimination of Discrimination, which provides for a mechanism for complaints of discrimination. In addition, in 2021, the National Programme for Equality and Non-Discrimination 2021–2024 was published, the priority objective of which was to reduce discriminatory practices that give rise to exclusion and social inequality vis-à-vis groups that have historically experienced discrimination.¹⁴ The Committee on the Elimination of Racial Discrimination recommended that Mexico undertake a review of federal laws and those of the federative entities to ensure that the definitions and prohibitions contained in those laws reproduced the contents of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and that they covered acts of direct and indirect discrimination.¹⁵

13. The Committee on the Elimination of Racial Discrimination recommended that Mexico make greater efforts to provide the National Council for the Prevention of Discrimination with the human, financial and technical resources needed to fulfil its mandate effectively, and take measures to ensure that every federative entity had an institution responsible for receiving complaints and promoting policies aimed at eliminating racial discrimination.¹⁶

2. Right to life, liberty and security of person, and freedom from torture

14. The Human Rights Committee was concerned about the high and rising rate of homicide, the reports of extrajudicial killings, and the number of fatalities recorded in Mexico in general.¹⁷ The Committee recommended that Mexico adopt policies effective in reducing homicides and extrajudicial killings.¹⁸ The Committee was concerned about the existence of self-defence groups in some federative entities, including the State of Guerrero and the State of Michoacán, and about allegations of violations committed by those groups.¹⁹ The Committee recommended that Mexico reinforce the presence of civilian public security

institutions to guarantee civil security throughout the country and prevent self-defence groups from taking the place of the State.²⁰

15. The Committee against Torture expressed concern about reports alleging grave human rights violations, including torture, committed by military officers.²¹ The Human Rights Committee was also concerned about the militarized nature of the armed forces, including the National Guard, and the lack of a clear timeline for the military's withdrawal from public security operations.²² The Human Rights Committee recommended that Mexico move away from the militarized approach within the forces of order, move forward in the process of cementing the National Guard as a civilian institution and design a plan to ensure the armed forces' progressive and orderly withdraw from public security operations.²³ In April 2023, the United Nations High Commissioner for Human Rights called on the Mexican authorities to act swiftly on the ruling by the Supreme Court declaring the legal transfer of the National Guard to military control to be unconstitutional, stressing that it was essential to ensure the civilian nature of the National Guard, in line with the Constitution of Mexico and international human rights standards.²⁴

16. The Human Rights Committee was concerned about the numerous reports of excessive use of force and firearms by law enforcement officers and noted with concern some of the provisions contained in the National Act on the Use of Force.²⁵ The Committee recommended that Mexico take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement bodies, specifically by reviewing the National Act on the Use of Force, on the basis of the International Covenant on Civil and Political Rights, and bringing it into line with the Committee's general comment No. 36 (2018) on the right to life and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.²⁶ The Committee against Torture recommended that Mexico ensure that all complaints of excessive use of force, especially lethal force, by law enforcement and military personnel were promptly and impartially investigated.²⁷

17. The United Nations country team acknowledged the adoption of legislation and public policies to address the enforced disappearance crisis and the creation of related institutions, but noted that insufficient resources had been allocated to tackle the situation and that the law had not been effectively enforced, leaving the crisis unabated.²⁸ The Committee on Enforced Disappearances noted the seriousness of disappearances and their impact on victims and Mexican society, which required the adoption and urgent implementation of a national policy to prevent and eradicate disappearances,²⁹ and raised concerns over the alarming number of disappearances and almost absolute impunity.³⁰ The Human Rights Committee recommended that Mexico establish all records, databases and tools envisaged under the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System; and strengthen the capacity of the prosecutors' offices specializing in cases of disappeared persons and redouble efforts to investigate all cases of alleged enforced disappearance.³¹ The Committee on Enforced Disappearances recommended that Mexico ensure the transparency of the methodology used for updating the National Register of Missing and Disappeared Persons to guarantee the reliability of the data collected.³²

18. The Human Rights Committee welcomed the adoption of the General Act on the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment in 2017, but regretted that the Act had not been effectively implemented, and was concerned about reports of widespread use of torture and ill-treatment by the police, armed forces and other public officials.³³ The Committee against Torture expressed concern about the new definition of the offence of torture introduced in the General Act on Torture, as it did not explicitly address acts of torture committed with the aim or purpose of obtaining information or a confession from a third person or acts intended to intimidate or coerce persons other than the victim.³⁴ The Committee against Torture noted with concern reports indicating the limited impact of the monitoring activities of the National Mechanism for the Prevention of Torture.³⁵ The Committee against Torture recommended that Mexico ensure that the National Mechanism for the Prevention of Torture had sufficient resources and the necessary qualified personnel to carry out its work effectively in all types of places of deprivation of liberty.³⁶

19. The Human Rights Committee was concerned that, despite reductions, levels of prison overcrowding remained high.³⁷ The Committee against Torture remained concerned about reports of overcrowding in a number of state and municipal prisons, such as Chalco, Lerma and Jilotepec prisons in Mexico State.³⁸ The Committee against Torture expressed concern about acts of corruption by prison officers and other prison staff.³⁹ The Committee against Torture recommended that Mexico pursue its efforts to eliminate overcrowding in all detention centres, in particular state and municipal detention centres, primarily by using alternative measures to custodial sentences; and take judicial and disciplinary proceedings against officials and other custodial personnel responsible for corruption in the penitentiary system.⁴⁰ The Committee against Torture recommended that Mexico ensure that all cases of death in custody were promptly and impartially investigated by an independent body, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death.⁴¹ The Committee against Torture recommended that Mexico take effective measures to ensure that detainees enjoyed the benefits of all fundamental safeguards in practice from the outset of their deprivation of liberty, in line with international standards.⁴²

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

20. The United Nations country team highlighted the interference of other local powers in the independence of the judiciary.⁴³ The Human Rights Committee was concerned about reports of frequent attempts to interfere with the judiciary and the public prosecution service on the part of public and private actors, and reports of judges and magistrates being attacked.⁴⁴ The same Committee recommended that Mexico take immediate measures to uphold the full autonomy, independence, impartiality and safety of judges, magistrates and prosecutors and ensure that they conducted their activities without unwarranted pressure and interference from other bodies.⁴⁵

21. The Committee against Torture recommended that Mexico consider establishing institutes of legal medicine and forensic science that operated entirely independently, based on purely forensic criteria, to assume the responsibilities that the Prosecutor General's Office currently fulfilled.⁴⁶ The Committee on Enforced Disappearances recommended that Mexico clearly define the competencies of the Prosecutor General's Office, the federal and state specialized prosecutors' offices and the search commissions to enable them to carry out their work effectively.⁴⁷

22. The Human Rights Committee noted with interest the publication of the Act on the Attorney General's Office, which empowered the Office of the Special Prosecutor for Human Rights to investigate and bring prosecutions in a number of deferral offences, including torture, enforced disappearance, violations of human rights, offences against journalists and offences involving members of Indigenous communities.⁴⁸

23. The Committee on Enforced Disappearances recommended that Mexico eradicate all structural causes of impunity. To that end, all institutions making up the system for the administration of justice should put an end to practices that hindered access to justice and perpetuated enforced disappearances.⁴⁹ The Human Rights Committee raised concerns about the reported systemic impunity for those responsible for violent crimes such as mass killings and arbitrary executions and about reports that victims' families faced obstacles to accessing their rights to reparation.⁵⁰ The Human Rights Committee recommended that Mexico step up its efforts to investigate all violent crimes and other serious offences, in a prompt, thorough and impartial manner, to prosecute and punish those responsible and to ensure that the victims received comprehensive reparation.⁵¹ The Committee against Torture made a similar recommendation.⁵² The Human Rights Committee welcomed the efforts made to increase institutional investigatory capacity, particularly in the institutions involved in the Ayotzinapa case, and to reinforce the adversarial judicial system.⁵³

24. The Human Rights Committee and the Committee against Torture were concerned that the practice of precautionary detention without charge (*arraigo*) continued to be used since the repeal amendment had not yet been submitted to the Senate and the state legislatures for approval.⁵⁴ They recommended that Mexico comply with the Committees' previous recommendations, and complete the constitutional amendment process as soon as possible to eliminate the practice of *arraigo* from its legal order.⁵⁵

25. In September 2022, the Working Group on Arbitrary Detention called upon Mexico to abolish the constitutionally enshrined mandatory pretrial detention, also known as “automatic preventive detention”, to address the problem of arbitrary deprivation of liberty.⁵⁶

26. The United Nations country team acknowledged the existence of legislation and institutions to combat corruption, but recommended that Mexico strengthen institutional mechanisms and the implementation thereof.⁵⁷

27. The Human Rights Committee recommended that Mexico amend the Military Code of Criminal Procedure and the Code of Military Justice to ensure that all cases involving violations of human rights were heard before the civil courts.⁵⁸ The Committee on the Elimination of Racial Discrimination recommended that Mexico continue making efforts to recognize, respect and strengthen the Indigenous justice system.⁵⁹

4. Fundamental freedoms and the right to participate in public and political life

28. The United Nations country team noted that the independent body responsible for guaranteeing the right of access to public information was not functioning.⁶⁰ UNESCO noted that despite the decriminalization of defamation at the federal level in 2011, there were still criminal defamation provisions in several states.⁶¹ UNESCO recommended that Mexico initiate the decriminalization of defamation in the Penal Codes of the states where it persisted, and include it in the Civil Codes according to international standards.⁶²

29. The Human Rights Committee noted the decision of the Supreme Court to repeal article 28 (III) of the Mexico City Civic Culture Act, but regretted the lack of information on steps taken to ensure that any restrictions on the right to freedom of opinion and expression and the right to freedom of assembly and association complied fully with the International Covenant on Civil and Political Rights.⁶³ The Committee recommended that Mexico ensure that any restrictions on the right to freedom of opinion and expression and the right to freedom of assembly and association complied fully with the strict requirements set out in articles 19 (3), 21 and 22 (2) of the Covenant.⁶⁴

30. The Committee against Torture expressed concern about the numerous assaults and fatal attacks on human rights defenders and journalists.⁶⁵ The Committee on the Elimination of Racial Discrimination noted its grave concern that human rights defenders, including leaders and defenders of the rights of Indigenous Peoples, Mexican persons of African descent and migrants, continued to be subjected to violence, threats and attempts on their lives.⁶⁶ The Committee against Torture recommended that Mexico take the necessary measures to ensure that human rights defenders and journalists were able to carry out their work and activities freely, without fear of reprisals or attacks.⁶⁷ The Committee on the Elimination of Racial Discrimination recommended that Mexico conduct thorough investigations into all attempts on the lives of and harassment or persecution of journalists and community communicators, those defending the rights of Indigenous Peoples in particular.⁶⁸

31. Although the Human Rights Committee noted that the current trust fund for the protection of human rights defenders and journalists had proved to be a useful tool for the rapid implementation of protection measures in cases of extreme urgency, it remained concerned about the reports that protection measures were not sufficient or effective.⁶⁹ The Committee reiterated its recommendation that Mexico strengthen the mechanism for the protection of human rights defenders and journalists and the state-level protection units, by allocating sufficient financial and human resources for their work, incorporating a gender perspective into their activities, taking action to address structural risk factors and organizing activities that increased public awareness of the legitimacy of the mechanism’s work.⁷⁰ The United Nations country team and the Committee on the Elimination of Racial Discrimination made similar recommendations.⁷¹

5. Right to privacy

32. The Human Rights Committee was concerned about amendments to the Military Code of Criminal Procedure and the Code of Military Justice that granted military prosecutors and judges broad powers to search homes and public buildings and listen to private telecommunications without a warrant issued by an ordinary court.⁷²

6. Right to marriage and family life

33. The United Nations country team acknowledged the reform of the Federal Civil Code setting the legal minimum age for marriage at 18 years and recommended that Mexico move forward in the reform of state legislation and in the adoption of comprehensive policies to carry out the reform.⁷³ The Human Rights Committee recommended that Mexico eliminate gender stereotypes associated with men's and women's roles and responsibilities in childcare, the family and society.⁷⁴

7. Prohibition of all forms of slavery, including trafficking in persons

34. The Human Rights Committee recommended that Mexico step up its efforts to prevent, combat and punish trafficking in persons, and ensure that the measures were implemented effectively.⁷⁵ The Committee against Torture recommended that Mexico continue its efforts to prevent and combat trafficking in human beings, in particular by effectively implementing the General Act on the Prevention, Punishment and Elimination of Offences of Trafficking in Human Beings; and adopt effective mechanisms for the identification and referral of trafficking victims.⁷⁶

35. The country team noted that the Government had not stepped up its efforts to detect signs of trafficking among vulnerable populations and to provide care to potential victims.⁷⁷ It noted the lack of a specialized legal framework for the smuggling of migrants and the lack of inter-institutional coordination mechanisms.⁷⁸

8. Right to work and to just and favourable conditions of work

36. The Human Rights Committee was concerned about the gap between men's and women's wages.⁷⁹ The United Nations country team noted a gender pay gap of 16.7 per cent.⁸⁰ The Human Rights Committee recommended that Mexico further its efforts to reduce the gender pay gap.⁸¹ The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) recalled that the legislation should not only provide for equal remuneration for "equal", "the same" or "similar" work, but should address situations where men and women performed different work that was nevertheless of the same value.⁸²

37. The Committee on the Elimination of Racial Discrimination noted with concern that Mexican Indigenous persons and Central American Indigenous migrant workers were victims of discrimination and violations of their labour rights in the agricultural sector and in domestic service.⁸³

9. Right to social security

38. The ILO Committee of Experts considered that the pension system did not demonstrate the capacity of the current schemes to guarantee a minimum old-age pension corresponding to 40 per cent of previous earning, for a standard beneficiary after 30 years of contributions.⁸⁴

10. Right to an adequate standard of living

39. The country team reported that poor population groups, particularly those living in extreme poverty, still face challenges in obtaining access to sanitation services and drinking water.⁸⁵

40. UNHCR recommended that Mexico strengthen efforts to ensure full economic, social and cultural rights for asylum-seekers and refugees, removing administrative barriers and facilitating access to social programmes without restrictive documentation or status requirements.⁸⁶

11. Right to health

41. The Human Rights Committee was concerned about the high rate of teenage pregnancy, limited access to emergency contraception, and reports of a lack of appropriate reproductive health services.⁸⁷ The Committee recommended that Mexico ensure unimpeded access to sexual and reproductive health services.⁸⁸

42. The Human Rights Committee was concerned that the criminal law provisions regulating voluntary termination of pregnancy differed from one state to another and that in many states, abortion was either illegal or permitted only in a limited number of circumstances.⁸⁹ The United Nations country team reported that only 11 of the 32 states had fully decriminalized abortion up to 12 weeks of pregnancy.⁹⁰ The Human Rights Committee recommended that Mexico harmonize national and state-level legislation in order to guarantee safe, legal and effective access to voluntary termination of pregnancy when the life or health of the pregnant woman or girl was in danger, and when carrying the pregnancy to term could cause substantial harm or suffering, especially in cases where the pregnancy was the result of rape or incest or was not viable.⁹¹ In September 2023, the United Nations High Commissioner for Human Rights welcomed the Supreme Court's ruling deeming federal criminal penalties for abortion unconstitutional.⁹²

43. The ILO Committee of Experts recommended that Mexico take the necessary measures to prevent ill treatment of Indigenous and Afro-Mexican women and to continue to promote respect for traditional birth-giving within the framework of the national health system.⁹³

12. Right to education

44. UNESCO noted that Mexico had reported that “during the last decades, the *escuelas normales* have suffered a deterioration in their infrastructure and in their curricula; they face precariousness of facilities, equipment and teaching materials”, and that this had caused disinterest in teaching as a career.⁹⁴ UNESCO recommended that Mexico continue its efforts to increase the attractiveness of the teaching profession through improved working conditions for teachers, training, and professional development, and that it take targeted measures to enhance inclusion in education.⁹⁵

45. UNESCO stated that Mexico had launched a programme entitled “Attention to the Diversity of Indigenous Education”, which was aimed at improving the possibilities of completing basic education for children in Indigenous education schools.⁹⁶ The United Nations country team reported notable discrepancies between the qualifications of teaching staff in mainstream schools and those of teaching staff in Indigenous schools.⁹⁷

13. Cultural rights

46. UNESCO encouraged Mexico to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life, and to facilitating the participation of communities, practitioners, cultural actors, and civil society organizations, as well as vulnerable groups.⁹⁸

14. Development, the environment, and business and human rights

47. The United Nations country team reported that an action plan on business and human rights was being developed by the Ministry of the Interior that would include the highest human rights standards.⁹⁹

48. In December 2022, ten special procedure mandate holders raised concerns about the Mayan Train development project, and called upon Mexico to ensure the meaningful participation of affected communities and transparency in human rights and environmental impact assessments prior to the making of decisions.¹⁰⁰

B. Rights of specific persons or groups

1. Women

49. The United Nations country team acknowledged the progress and legislative reforms achieved at the federal level and in some states to guarantee women's rights, as well as the strengthening of gender equality policies with the publication of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2021–2024.¹⁰¹

50. The Committee on the Elimination of Discrimination against Women noted the steps taken by the National Institute for Women to prepare a technical annex for the implementation of the monitoring and evaluation system for the gender violence alert mechanism, however the Committee was concerned about the lack of adequate financial and human resources to ensure the effective implementation of the gender violence alert mechanism.¹⁰²

51. The Committee on the Elimination of Discrimination against Women noted the steps taken to update the protocols for investigating femicide at the level of the states, and the ministerial, police and expert investigation protocols at the federal level; however, the Committee was deeply concerned that femicide had increased in 2018, 2019 and the first half of 2020, despite the efforts made by Mexico, and that a few states had not yet adopted investigation protocols for femicide.¹⁰³ Similar concerns were raised by the United Nations country team.¹⁰⁴

52. The Human Rights Committee recognized the institutional efforts by Mexico to address violence against women and girls but remained concerned about the progressive increase in violence of this kind.¹⁰⁵ The Committee against Torture recommended ensuring that all cases of gender-based violence, including cases of sexual torture, murders and disappearances of women and girls, were thoroughly investigated, and that the victims received redress, including adequate compensation.¹⁰⁶ UNHCR noted that gender-based violence remained a significant issue with migrants, asylum-seekers, refugees and the internally displaced.¹⁰⁷ UNHCR recommended that Mexico implement programmes aimed at prevention, risk mitigation, and response to gender-based violence faced by migrants, asylum-seekers, refugees and internally displaced persons.¹⁰⁸

2. Children

53. The United Nations country team identified the absence of comprehensive support policies to ensure that children and adolescents remain in school and have access to comprehensive health services, and observed that there is impunity in cases of violence against children.¹⁰⁹

54. The United Nations country team recommended that Mexico make progress in preventing and punishing offences against children and adolescents, such as corporal punishment, the use of humiliating treatment as a punishment and online sexual exploitation.¹¹⁰

55. UNHCR commended the approval of legislative reforms to the Migration Law and the Law on Refugees, Complementary Protection and Political Asylum to harmonize them with the Law on the Rights of Children and Adolescents, ensuring that migrant and refugee children were not subjected to immigration detention. It noted, however, that to achieve full implementation of that reform, Mexican child protection authorities should be provided with sufficient budgetary and human resources.¹¹¹

3. Persons with disabilities

56. The Committee on the Rights of Persons with Disabilities expressed concern about the lack of a federal and state strategy for the inclusion of persons with disabilities in society and their ability to live independently.¹¹² It recommended that Mexico take expedited measures to end the institutionalization of persons with disabilities.¹¹³

57. In April 2023, the Committee on the Rights of Persons with Disabilities found that Mexico had not taken the required legislative, administrative and other measures, including reasonable accommodation policies and staff training at tertiary education institutions, to ensure that a woman with an intellectual disability had access to inclusive tertiary education.¹¹⁴

58. The United Nations country team reported that civil codes limited the legal capacity of persons with disabilities and were therefore unconstitutional.¹¹⁵

4. Indigenous Peoples and minorities

59. The ILO Committee of Experts welcomed the adoption of the National Programme for Indigenous Peoples 2018–2024, which was aimed at strengthening the processes of independence and the organization of Indigenous and Afro-Mexican peoples, and their effective participation in the design, implementation and evaluation of public policies.¹¹⁶ The Committee on the Elimination of Racial Discrimination recommended that Mexico redouble its efforts to eliminate institutional and structural discrimination against Indigenous Peoples, and ensure that the National Programme for Indigenous Peoples 2018–2024 and other policies with similar aims were implemented.¹¹⁷

60. The Committee on Economic, Social and Cultural Rights took note of the consultation processes that had included some good practices, but was concerned that some such processes had been marred by irregularities and that they may have been free, prior and informed in name only.¹¹⁸ The Human Rights Committee noted with concern the significant number of reports attesting to licences for exploration and exploitation activities in the context of megaprojects conducted in the territories of Indigenous Peoples having been granted without the free and informed prior consent of the Indigenous Peoples affected.¹¹⁹ The Committee on the Elimination of Racial Discrimination recommended ensuring that consultation processes with Indigenous Peoples were systematic, timely, transparent, culturally appropriate and safe, and were carried out in good faith; and that independent and impartial studies of the possible environmental and human rights impact of development projects in Indigenous Peoples' territories were conducted.¹²⁰

61. The Committee on the Elimination of Racial Discrimination noted with concern that Mexico did not have satisfactory mechanisms for the protection, preservation, reclamation and restitution of lands, territories and resources traditionally occupied or used by Indigenous Peoples.¹²¹ The ILO Committee of Experts recommended that Mexico intensify its efforts to safeguard the possession by Indigenous Peoples of the lands that they traditionally occupied, to safeguard their rights to use lands to which they had traditionally had access for their traditional activities and subsistence, and to prevent and sanction any intrusion in the lands of the peoples concerned.¹²²

5. Lesbian, gay, bisexual, transgender and intersex persons

62. The Human Rights Committee was concerned about the discrimination and the high level of violence, including a large number of homicides, motivated by the victim's sexual orientation or gender identity.¹²³ The Committee recommended that Mexico adopt investigation protocols to ensure that those crimes were systematically registered and investigated and that the perpetrators of such crimes were prosecuted and punished appropriately.¹²⁴

63. The United Nations country team reported that the National Development Plan 2019–2024 included various objectives and actions to protect lesbian, gay, bisexual, transgender and intersex persons and persons of other diverse sexual orientations and gender identities. In addition, in 2020 the Ministry of Health had issued a protocol on access to health-care services without discrimination for lesbian, gay, bisexual, transgender and intersex persons and persons of other diverse sexual orientations and gender identities.¹²⁵

6. Migrants, refugees and asylum-seekers

64. The United Nations country team reported that despite the legislative efforts made and public policies adopted, the human rights of migrants have not been effectively guaranteed.¹²⁶ UNHCR recommended that Mexico amend the Migration Law of 2011 to remove provisions authorizing the automatic administrative detention of all persons in an irregular migratory situation.¹²⁷ The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee against Torture made a similar recommendation.¹²⁸

65. The Committee on the Elimination of Racial Discrimination recommended that Mexico honour its commitment to implement the Migration Policy 2018–2024 in a way that respected the human rights of migrants, abide by the principle of non-refoulement and take due account of the Global Compact for Safe, Orderly and Regular Migration.¹²⁹ The

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families urged the adoption of measures that would give rise to regular migration channels not involving the use of the armed forces or the National Guard for irregular migration checks on Mexican territory¹³⁰.

66. The Committee against Torture noted with concern that Mexico continued to rely on the automatic or mandatory detention of undocumented migrants and asylum-seekers.¹³¹ The United Nations country team reported an increase in cases of detention for migration-related reasons, and detention conditions were not considered to meet human rights obligations.¹³² The Committee against Torture remained concerned about reports of the detention of asylum-seekers at airport border posts in inadequate conditions and without access to the Mexican Commission for Aid to Refugees, with the attendant risk of refoulement.¹³³ The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that efforts be redoubled to ensure that adequate gender-sensitive health services, psychological assistance, water, sanitation, hygiene, food, recreation and leisure activities are available to migrants in migrant holding centres.¹³⁴ The Human Rights Committee recommended that Mexico avoid the administrative detention of asylum-seekers and migrants, prioritizing non-custodial alternatives and ensuring that detention was used only as a measure of last resort.¹³⁵ The Committee against Torture recommended that Mexico ensure that no one might be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would run a personal, foreseeable risk of being subjected to torture.¹³⁶

67. In April 2023, two United Nations human rights mechanisms condemned the events that had led to the death of 39 migrants and asylum-seekers at the Temporary Station of Ciudad Juárez in northern Mexico, and called for prompt, thorough and independent investigations of the events, and for responsibility to be determined, access to justice for the victims and their families to be guaranteed, and appropriate measures of reparation to be adopted.¹³⁷ The Human Rights Committee recommended that Mexico ensure that all allegations of human rights violations committed against migrants, refugees and asylum-seekers were investigated promptly and impartially.¹³⁸

68. The United Nations country team and UNHCR reported that, despite the increase in asylum-seekers, the absence of any increase in the budget of the Commission on Assistance for Refugees had hindered its ability to resolve asylum procedures in a timely manner and posed serious challenges to the sustainability of its work.¹³⁹ UNHCR recommended that Mexico ensure that the Commission on Assistance for Refugees was allocated sufficient budget to have adequate human and administrative resources for the reception and processing of asylum-seekers and the determination of asylum claims.¹⁴⁰

7. Internally displaced persons

69. The United Nations country team noted several obstacles to the full enjoyment of economic, social and cultural rights and observed that internally displaced women were particularly vulnerable.¹⁴¹ It also noted that the services provided to internally displaced persons in different states were insufficient, inadequate and uncoordinated.¹⁴²

Notes

¹ [A/HRC/40/8](#), [A/HRC/40/8/Add.1](#) and [A/HRC/40/2](#).

² [CERD/C/MEX/CO/18-21](#), para. 36; and United Nations country team submission for the universal periodic review of Mexico, p. 1.

³ United Nations country team submission, p. 1.

⁴ UNESCO submission for the universal periodic review of Mexico, p. 7.

⁵ [CCPR/C/MEX/CO/6](#), para. 5.

⁶ [A/HRC/34/3/Add.3](#), para. 4; and see

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21216&LangID=E>.

⁷ See <https://www.ohchr.org/en/media-advisories/2019/03/un-human-rights-chief-visit-mexico-5-9-april>.

⁸ OHCHR, *United Nations Human Rights Report 2021*, pp. 114 and 136.

⁹ [CCPR/C/MEX/CO/6](#), para. 8.

- ¹⁰ Ibid., para. 9.
- ¹¹ [CED/C/MEX/VR/1 \(Findings\)](#), para. 70.
- ¹² [CCPR/C/MEX/CO/6](#), para. 10.
- ¹³ Ibid., para. 11.
- ¹⁴ United Nations country team submission, p. 5.
- ¹⁵ [CERD/C/MEX/CO/18-21](#), paras. 8 and 9.
- ¹⁶ Ibid., para. 13.
- ¹⁷ [CCPR/C/MEX/CO/6](#), para. 18.
- ¹⁸ Ibid., para. 19.
- ¹⁹ Ibid., para. 26.
- ²⁰ Ibid., para. 27.
- ²¹ [CAT/C/MEX/CO/7](#), para. 30.
- ²² [CCPR/C/MEX/CO/6](#), para. 18. See also <https://www.ohchr.org/en/press-releases/2022/09/mexico-transfer-national-guard-defence-ministry-setback-public-security>.
- ²³ [CCPR/C/MEX/CO/6](#), para. 19. See also [CED/C/MEX/VR/1 \(Findings\)](#), para. 48.
- ²⁴ See <https://www.ohchr.org/en/press-releases/2023/04/comment-un-human-rights-chief-volker-turk-ruling-mexicos-supreme-court>.
- ²⁵ [CCPR/C/MEX/CO/6](#), para. 20.
- ²⁶ Ibid., para. 21 (a).
- ²⁷ [CAT/C/MEX/CO/7](#), para. 31 (a) and (d).
- ²⁸ United Nations country team submission, p. 4.
- ²⁹ [CED/C/MEX/VR/1 \(Findings\)](#), paras. 31–34.
- ³⁰ Ibid., paras. 11–12 and 24–27.
- ³¹ [CCPR/C/MEX/CO/6](#), para. 29 (a), (b) and (f).
- ³² [CED/C/MEX/OAI/2](#), para. 30 (d).
- ³³ [CCPR/C/MEX/CO/6](#), para. 30.
- ³⁴ [CAT/C/MEX/CO/7](#), para. 10.
- ³⁵ Ibid., para. 42.
- ³⁶ Ibid., para. 43.
- ³⁷ [CCPR/C/MEX/CO/6](#), para. 36.
- ³⁸ [CAT/C/MEX/CO/7](#), para. 32.
- ³⁹ Ibid., para. 32.
- ⁴⁰ [CAT/C/MEX/CO/7](#), para. 33 (a)–(c) and (f). See also [CCPR/C/MEX/CO/6](#), para. 37 (a), (b) and (d).
- ⁴¹ [CAT/C/MEX/CO/7](#), para. 41.
- ⁴² Ibid., para. 15 (a).
- ⁴³ United Nations country team submission, p. 3.
- ⁴⁴ [CCPR/C/MEX/CO/6](#), para. 40.
- ⁴⁵ Ibid., para. 41.
- ⁴⁶ [CAT/C/MEX/CO/7](#), para. 27 (a).
- ⁴⁷ [CED/C/MEX/VR/1 \(Recommendations\)](#), para. 30.
- ⁴⁸ [CCPR/C/138/2/Add.1](#), p. 2.
- ⁴⁹ [CED/C/MEX/VR/1 \(Findings\)](#), para. 43.
- ⁵⁰ [CCPR/C/138/2/Add.1](#), pp. 3 and 4. See also [CCPR/C/MEX/CO/6](#), para. 22; and [CAT/C/MEX/CO/7](#), para. 24.
- ⁵¹ [CCPR/C/MEX/CO/6](#), para. 23.
- ⁵² [CAT/C/MEX/CO/7](#), para. 25 (a), (c) and (e).
- ⁵³ [CCPR/C/138/2/Add.1](#), p. 3.
- ⁵⁴ [CCPR/C/MEX/CO/6](#), para. 34; and [CAT/C/MEX/CO/7](#), para. 18.
- ⁵⁵ [CCPR/C/MEX/CO/6](#), para. 35. See also [CAT/C/MEX/CO/7](#), para. 19.
- ⁵⁶ See <https://www.ohchr.org/en/press-releases/2022/09/mexico-should-overturn-mandatory-pre-trial-detention-un-experts>.
- ⁵⁷ United Nations country team submission, p. 2. See also [CERD/C/MEX/CO/18-21](#), para. 26.
- ⁵⁸ [CCPR/C/MEX/CO/6](#), para. 39.
- ⁵⁹ [CERD/C/MEX/CO/18-21](#), para. 27 (e).
- ⁶⁰ United Nations country team submission, p. 3.
- ⁶¹ UNESCO submission, p. 6.
- ⁶² Ibid., p. 7.
- ⁶³ [CCPR/C/138/2/Add.1](#), p. 5.
- ⁶⁴ Ibid., pp. 4 and 5. See also [CCPR/C/MEX/CO/6](#), para. 43 (a) and (d); and https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122192,102764:NO.
- ⁶⁵ [CAT/C/MEX/CO/7](#), para. 62.

- 66 CERD/C/MEX/CO/18-21, para. 30.
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- 68 CERD/C/MEX/CO/18-21, para. 29.
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- 70 Ibid., p. 4. See also CCPR/C/MEX/CO/6, para. 42.
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- 77 United Nations country team submission, p. 13.
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- 94 UNESCO submission, p. 2.
- 95 Ibid., p. 7.
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- 97 United Nations country team submission, p. 17.
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- 99 United Nations country team submission, p. 13.
- 100 See <https://www.ohchr.org/en/press-releases/2022/12/mexico-government-and-business-must-address-negative-impacts-train-maya>.
- 101 United Nations country team submission, p. 7.
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- 104 United Nations country team submission, p. 8.
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- 114 See <https://www.ohchr.org/en/press-releases/2023/04/mexico-failed-ensure-access-inclusive-tertiary-education-woman-intellectual>.

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