



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Eighteenth to twenty-first periodic reports of States parties
due in 2016**

Mexico ****

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* The present document is being issued without formal editing.
** Annexes are on file with the secretariat and are available for consultation.



I. Introduction

1. Mexico presented its combined sixteenth and seventeenth periodic reports in February 2012. Following the dialogue with the Committee on the Elimination of Racial Discrimination, Mexico established a working group for follow-up to the Committee's recommendations. The working group is made up of 50 public institutions in the various branches and levels of government and the federative entities. It has held 12 meetings and a number of dialogues with international experts in the field.

2. In 2015, it held its first high-level meeting and its first meeting with civil society organizations.

3. On 17 and 18 November 2015, a consultative forum was held in connection with the preparation of the present report, with the aim of establishing a dialogue between Mexican civil society organizations working in the area of racial discrimination and representatives of the relevant public institutions. The forum addressed the country's progress and challenges in this regard, in the light of the Committee's recommendations.

4. The discussions held during the forum¹ were divided into thematic round tables in accordance with the articles of the Convention and the Committee's recommendations, as follows: (i) combating racial discrimination (institution-building, public policy, legislative measures); (ii) statistical data; (iii) people of African descent; (iv) indigenous peoples; (v) migrants; (vi) the right to be consulted; (vii) access to and administration of justice; and (viii) education, teaching and culture.

5. The participants in these round-table discussions, which included representatives of around 30 civil society organizations and over 20 public institutions, analysed the Committee's recommendations and identified progress and challenges in this area. They also drew up specific proposals to strengthen State actions to eliminate racial discrimination in various spheres of life, with particular emphasis on vulnerable groups.

II. Compliance with articles 1 to 7

6. Information relating to articles 1 to 3 of the Convention can be found in the common core document of Mexico.

Article 4

7. As part of the Government's commitment to eliminating discrimination, the authorities are working with the federative entities to develop local anti-discrimination laws² based on a model law for the prevention and elimination of discrimination that incorporates the obligations set out in over 50 international treaties.

8. In 2014, the decision was taken to replicate the Council of Europe "No Hate Speech Movement" on social networks, adapting it to the specific circumstances of the country to create the "Jóvenes, versión SinTags" ("Young People, No Label Version") campaign, which promotes social and community-based action on the Internet to combat hate speech both online and elsewhere.

9. Although the campaign was initially aimed at young people between the ages of 13 and 18, in 2015 it was extended to include those up to the age of 24. The aim is to encourage young people, and anyone of any age who wishes to join the fight for equality, to

¹ See the annex entitled "Relatorias del Foro con sociedad civil para la elaboración del informe de México" (Reports of the civil society forum for the preparation of the report of Mexico).

² Through the National Council for the Prevention of Discrimination. This institution is responsible for promoting policies and measures that enhance cultural and social development and social inclusion and safeguard the right to equality. It receives and resolves complaints of alleged acts of discrimination committed by private persons or by federal authorities in the exercise of their duties.

engage in a dynamic exchange of information, views, photographs and video materials featuring messages intended to combat hate speech on social media.

10. A total of 223,500 people joined the Facebook campaign, and the post “my clothes don’t mean inferiority — they represent cultural wealth”, which addressed cultural diversity, reached a total of 26,912 people and obtained 2,463 likes, comments and shares. On Twitter, the #SinTags hashtag was used 1,059,631 times and reached 790,696 accounts.

11. In the judicial sphere, it should be noted that there is no provision or judicial interpretation that suggests that an accused person’s racial or ethnic origin should be considered an aggravating factor in criminal proceedings or their consequences. However, if the victim of the offence is a person who belongs to a vulnerable group by reason of his or her race or ethnicity, the judge can implement article 410 of the National Code of Criminal Procedure from the standpoint of equal rights, giving consideration to the context and the possibility that the offence was racially motivated as an aggravating circumstance in respect of the perpetrator’s guilt.

12. Between 2012 and 2016, eight indirect *amparo* proceedings concerning racism or racial discrimination were filed. In two of them, hearings were held under relevant provisions of the Constitution and judgments were handed down. In the others, the application for *amparo* was dismissed or considered not to have been filed.³

13. In order to ensure that victims of discrimination with limited means are not put off by the cost and complexity of judicial proceedings, legal advice is provided⁴ through 143 legal advisers to ensure that no one is discriminated against for any reason.

14. Given the impossibility of proving a negative, the burden of proof in civil proceedings lies with the victim in cases involving racial discrimination.⁵

15. In order to ensure the protection of rights in matters relating to indigenous peoples, technical and legal assistance⁶ is provided to local congresses to enable them to adapt their constitutions and laws so as to recognize the rights of indigenous peoples and communities. To date, 25 states have recognized the rights of the indigenous population⁷ and 24 have adopted legislation relating to indigenous affairs.⁸

Article 5

16. In order to protect human rights defenders and journalists,⁹ Mexico has adopted the Human Rights Defenders and Journalists Protection Act and its implementing regulations.¹⁰

³ See the annex entitled “Sentencias por racismo o discriminación racial” (Judgments for racism or racial discrimination).

⁴ Through the Federal Public Defender Institute, which is an auxiliary body of the Council of the Federal Judiciary. It provides public defence services in federal proceedings, thereby ensuring the right to a defence in criminal cases and access to justice through referral, counselling and legal representation.

⁵ Direct *amparo* application No. 445/2012, Seventh Collegial Administrative Court of the First Circuit.

⁶ Through the National Commission for the Development of Indigenous Peoples, which supports indigenous families in the areas of infrastructure and housing; makes health services available to indigenous communities; has over 1,000 indigenous children’s homes and community canteens in remote locations; supports production and ecotourism projects; carries out food programmes for indigenous peoples; protects and promotes indigenous art and culture; and broadcasts to the indigenous population through 21 radio stations.

⁷ Baja California Sur, Campeche, Chiapas, Chihuahua, Colima, Durango, Estado de México, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sonora, Tabasco, Veracruz and Yucatán.

⁸ Baja California, Baja California Sur, Campeche, Chiapas, Chihuahua, Colima, Durango, Estado de México, Guanajuato, Guerrero, Hidalgo, Jalisco, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tlaxcala, Veracruz and Yucatán.

⁹ CERD/C/MEX/CO/16-17, recommendation contained in para. 15.

¹⁰ See the annex entitled “LPPDDHP y su Reglamento” (Human Rights Defenders and Journalists Protection Act and its implementing regulations). Official Gazette (*Diario Oficial de la Federación*), 30 November 2012.

17. While the adoption of the Act represented a significant step forward in this area, various pieces of secondary legislation had to be adapted in order to make it operational. This was achieved through the issuance of a decree¹¹ amending and supplementing the Federal Code of Criminal Procedure, the Federal Judiciary Organization Act, the Organization Act of the Office of the Attorney General of the Republic and the Federal Criminal Code, through which the federal authority was empowered to assume jurisdiction over offences against freedom of expression, without relieving the state authorities of the obligation to investigate acts allegedly constituting such offences and to identify suspected perpetrators.

18. Between 4 May 2013¹² and 29 February 2016, the Special Prosecutor's Office for Crimes against Freedom of Expression exercised jurisdiction over 44 investigations into offences including abuse of authority, threats, property damage, homicide, assault, unlawful deprivation of liberty, theft and attempted homicide.¹³

19. On the basis of the Human Rights Defenders and Journalists Protection Act, the Human Rights Defenders and Journalists Protection Mechanism was created within the Ministry of the Interior. Since its establishment, the Mechanism has handled a total of 472 applications for protective measures, resulting in various types of interim measures¹⁴ being granted by the Mechanism and by the head of the Unit for the Promotion and Defence of Human Rights of the Ministry of the Interior and the Special Prosecutor's Office for Crimes against Freedom of Expression.

20. The measures have been granted to 262 journalists (176 men and 86 women) and 387 human rights defenders (200 men and 187 women), including relatives or subordinates (co-workers) who are closely associated with the immediate victim, persons who have suffered harm when intervening to assist victims in distress or to prevent victimization, and affected or vulnerable media outlets.

21. The Mechanism is currently dealing with 15 cases involving 46 indigenous beneficiaries (14 women and 32 men).

22. The Human Rights Defenders and Journalists Protection Fund was created with the aim of allocating financial resources to the implementation of measures for prevention, protection and emergency protection. The Fund operates through a public trust established in October 2012.

23. As at 31 January 2017, a total of 248,696,179.40 pesos had been allocated from the Fund to the implementation of protective measures. On that date, the Fund had an asset value of 297,885,144.34 pesos (US\$ 15,558,018.25).

24. The Mechanism also disseminates¹⁵ information on specific legislation concerning the protection of indigenous rights defenders and maintains working groups made up of staff of the state and federal attorneys-general, representatives of indigenous communities, advisers and lawyers in order to try cases in which the liberty and the physical and emotional integrity of human rights defenders have been violated.

25. These efforts are accompanied by preventive measures, including a national training programme, run by the Office of the Attorney General of the Republic, which seeks to standardize the operational guidelines for the authorities responsible for investigating offences against freedom of expression and to provide journalists, reporters, photographers,

¹¹ Official Gazette, 30 May 2013.

¹² The date of the entry into force of the amendments made to secondary legislation in the light of article 73 (XXI) of the Constitution.

¹³ See the annex entitled "Delitos cometidos contra periodistas y defensores de derechos humanos" (Offences committed against journalists and human rights defenders).

¹⁴ Including: armoured cars; bulletproof vests; panic buttons; a police response hotline; self-defence courses; metal detectors; a directory of authorities to be consulted in emergencies; allocation of cellular or radio telephone (with application); specialized bodyguards; installation of cameras, locks and lighting in buildings or homes; instructions and manuals; medical and/or psychological assistance; social measures; protection of buildings; temporary relocation; review of security in place at facilities; home security guards; and transfers.

¹⁵ Commission for Dialogue with the Indigenous Peoples of Mexico.

editors, journalism students, directors and owners of media companies with instruments and tools for assessing their level of risk and vulnerability.¹⁶

26. With regard to the implementation of measures to end violence in the country,¹⁷ the National Crime Prevention Programme was established in 2013 to coordinate the efforts of various ministries, federal agencies and the three levels of government. During the Programme's four years of existence, its activities have received funding of over 10 billion pesos, distributed to local governments in the form of grants for the implementation of projects to address risk factors and provide protection against violence and crime.

27. The Programme sets goals and strategies that take citizen security, human rights, gender and community cohesion into account in preventing, addressing and eradicating the various manifestations of violence and crime in Mexico, ensuring that citizen security, with full respect for human rights, remains a key part of the approach to public safety. In 2013, 57 priority intervention zones¹⁸ were selected; in 2015, 81 such zones were selected.

28. In 2013, the powers of the Ministry of Public Security were transferred to the Ministry of the Interior, which established the National Security Commission, whose purpose is to align and better coordinate the actions of all agencies responsible for security matters.

Non-citizens: refugees, displaced persons, migrants, asylum seekers and stateless persons

29. The Special Migration Programme,¹⁹ which is the guiding instrument for the Government's migration policy,²⁰ ensures that migrants are able to exercise fully the rights set out in the Migration Act.²¹ It is based on the principles of shared responsibility and coordination in the implementation of an explicit, comprehensive, cross-cutting and multisectoral migration policy that incorporates the human rights approach, the gender perspective, human security, differentiated approaches, migration and development, migrant well-being and a culture of migration.

30. The Special Migration Programme has a follow-up mechanism for identifying and disseminating the measures taken by federal institutions. Since 2015, it has maintained a constructive dialogue with the federative entities²² to promote the mainstreaming of migration and the effective protection of rights in relation to the four dimensions of migration, thus providing an initial picture of the progress made in implementing projects.²³

31. The General Act on the Rights of Children and Adolescents includes a chapter on the special measures of protection that should be taken to uphold the rights of Mexican, foreign and repatriated child and adolescent migrants, whether they are accompanied, unaccompanied or separated, establishing obligations that are binding on all Mexican authorities.

32. In 2015,²⁴ a protocol was adopted for the care of unaccompanied or separated child and adolescent migrants placed in shelters. The protocol was updated in March 2017 in

¹⁶ Between 1 December 2012 and 29 February 2016, 3,011 journalists and communicators took part in a course entitled "Manual on the Prevention of Offences against Freedom of Expression", and 1,653 public servants took part in a course entitled "Protocol for Preventive Measures of Protection and Emergency Measures of Protection".

¹⁷ CERD/C/MEX/CO/16-17, recommendation contained in para. 13.

¹⁸ Municipalities, boroughs and metropolitan areas. Each zone corresponds to a particular geographical area in which crime prevention actions are undertaken.

¹⁹ Official Gazette, 30 April 2014.

²⁰ CERD/C/MEX/CO/16-17, recommendation contained in para. 20.

²¹ Official Gazette, May 2011.

²² Mexico City, Puebla, Oaxaca, Zacatecas, Jalisco, Michoacán, Tlaxcala and Chiapas.

²³ See the annex entitled "Diagnóstico de las acciones que realizan las Entidades Federativas en materia migratoria y su relación con las Acciones del Programa Especial de Migración 2014-2018" (Analysis of the activities carried out by the federative entities in migration matters and their relationship with the actions of the Special Migration Programme 2014-2018).

²⁴ National System for Comprehensive Development of the Family and International Organization for Migration.

order to strengthen the operational procedures that must be implemented, as a matter of course, by municipal and state family development systems and civil society organizations.

33. To that end, a mechanism for identifying the various migration profiles is used to establish and attend to the specific needs of unaccompanied child and adolescent migrants and, if necessary, to ensure that they can exercise their rights through referral to the competent authorities. In addition, efforts are made to strengthen and standardize the approaches and actions of operational staff in shelters. There is also a mechanism for assessing the best interests of the child that takes into account the informed participation of children themselves.

34. A protocol²⁵ has been developed for the provision of consular support to unaccompanied²⁶ child and adolescent migrants from Mexico. The protocol ensures the provision of protection and consular assistance abroad through an initial assessment to identify vulnerabilities and special protection needs, thereby activating a protection chain in the place where the child is located.

35. Also developed in 2015 was a pilot programme²⁷ for the detection of unaccompanied or separated child and adolescent migrants in need of international protection at the migrant holding centre in Iztapalapa. The project was reviewed by the United Nations Children's Fund in 2016, culminating in an initial assessment protocol for identifying unaccompanied or separated children and adolescents who show signs of requiring international protection.²⁸ This tool is used in assessment interviews, in which consideration is given to the degree of development of the child or adolescent concerned and the impact of any episodes of violence or other traumatic situations that he or she experienced during the migration process.

36. In August 2016, a protocol for ensuring respect for the principles governing the rights of children and adolescents in migration-related administrative procedures and for protecting those rights²⁹ was published in the Official Gazette. Under that protocol, administrative procedures involving underage migrants give priority to the best interests of the child.

37. In August 2016, a handbook on the protection and restoration of the rights of children and adolescents³⁰ was issued to protection office staff to give them the tools to develop a plan for the restoration of rights. The handbook takes the principle of the best interests of the child as its starting point and incorporates methodological proposals for identifying, coordinating and monitoring special measures of protection and a toolbox for their implementation.³¹

38. Also in 2016, a decision establishing the internal procedure for the restoration of rights and measures of protection for children and adolescents, and guidelines for the restoration of such rights and measures of protection, were published in the Official Gazette. These regulatory instruments strengthen the protection and restoration of the rights of children and adolescents.

²⁵ Ministry of Foreign Affairs and United Nations Children's Fund.

²⁶ See the annex entitled "Protocolo de Atención Consular" (Protocol for Consular Assistance).

²⁷ Developed by the Office of the United Nations High Commissioner for Refugees, the Mexican Commission for Aid to Refugees, the Migration Policy Unit of the Ministry of the Interior, the National Institute for Migration and the National System for Comprehensive Development of the Family.

²⁸ See the annex entitled "Protocolo de Evaluación de Protección Internacional" (Assessment Protocol for International Protection).

²⁹ See the annex entitled "Protocolo de Actuación" (Protocol for Action).

³⁰ National System for Comprehensive Development of the Family and United Nations Children's Fund. See annex.

³¹ The handbook sets out the procedure for restoring individuals' rights, which involves: (1) identifying cases in which rights are restricted; (2) analysing the human rights situation; (3) identifying rights that have been violated; (4) drawing up a restoration plan; (5) agreeing and coordinating with other bodies on the implementation of the restoration plan; and (6) monitoring the actions carried out under the restoration plan.

39. The following activities are carried out³² to protect migrants, irrespective of their nationality:

- *Humane Repatriation Programme*. This programme provides repatriated Mexicans with a number of benefits free of charge: information on the support available in the place where they enter the country and their place of residence, water and food supplies, health care and psychological support, facilities for telephoning family members or the nearest Mexican consulate, local transport, referral to temporary shelters and issuance of a record of reception of repatriated Mexicans.
- *Beta Groups for migrant protection*. The purpose of these groups is to protect and defend the human rights of migrants, irrespective of their nationality or migration status, during their transit through Mexico or, in the case of Mexican migrants, during repatriation.³³
- *Child Protection Officers*. These are staff who specialize in child protection. They interview migrants in vulnerable situations during administrative procedures relating to migration, family reunification, regularization of residence, recognition of refugee status and assisted return.
- *Memorandum of understanding between the Governments of Mexico, El Salvador, Guatemala, Honduras and Nicaragua on the dignified, orderly, swift and safe repatriation of Central American nationals by land*. This instrument is intended to ensure that Central American nationals who cannot show that they have a legal right to remain in Mexico are repatriated in a timely manner without the need for an administrative expulsion procedure.
- *“Tres por uno” (Three for One) programme for migrants*.³⁴ This programme supports the efforts of migrants’ associations to undertake projects that contribute to the development of their places of origin, through contributions from the three levels of government (federal, state and municipal) and from organizations of migrants abroad. Each peso contributed by migrants for the funding of such projects is matched by the federal Government, states and municipalities.

40. In order to combat discrimination and xenophobia against migrants, a booklet containing the 2010 National Survey on Discrimination findings in relation to migrants was issued in 2012.³⁵ The booklet sheds light on the discriminatory practices most frequently observed in Mexican society and on openly xenophobic and discriminatory attitudes towards migrants.³⁶

41. On 27 March 2015, in the light of the results of the survey, a national information campaign called “We’ll Stand by You: Don’t let disinformation be an additional risk” was launched to help protect and empower migrants in transit through Mexico.³⁷

42. On 31 August 2015, under the slogan “XeNoPhobia: Prejudice Is Your Problem”, an extended version of the campaign to combat xenophobia against migrants was launched to generate cultural change in favour of migrants and foreigners³⁸ and to raise awareness of the importance of promoting and upholding the rights of this group. The initial post of the

³² National Institute for Migration.

³³ There are currently 22 Beta Groups, in which all three levels of government are represented. These groups work in Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, Veracruz, Tabasco, Chiapas and Oaxaca.

³⁴ Ministry of Social Development.

³⁵ National Council for the Prevention of Discrimination.

³⁶ These are reflected in the information provided in response to different questions and in the perceptions, attitudes or preferences of certain groups of persons who claim to be respectful of immigrants’ rights.

³⁷ Coordinated by the National Council for the Prevention of Discrimination, the National Institute for Migration, the Ministry of the Interior, the International Organization for Migration, the National Human Rights Commission and the National System for Comprehensive Development of the Family in collaboration with state governments and civil society organizations.

³⁸ The National Council for the Prevention of Discrimination, in collaboration with the Ministry of the Interior, the International Organization for Migration and the College of the Northern Border.

campaign reached a total of 302,634 people on the first day on which it appeared. From the date of its launch on Facebook to 30 November 2016, it reached 2.1 million people.

43. On 1 October 2015, a campaign against xenophobia and discrimination against migrants in Mexico was launched to raise awareness of the intolerance that migrants face and to combat discrimination. It was launched on digital media, mainly on social networks, and obtained over 39 million impressions (page views) and 900,000 clicks in one month.

44. The temporary migrant regularization programme,³⁹ which ran from January to December 2015, established flexible requirements for foreigners who had entered the country before 9 November 2012 and were in an irregular situation in Mexico as at 13 January 2015. The programme made it easier for them to obtain temporary resident status, valid for four years, with the possibility of conversion to permanent resident status in accordance with the Migration Act.

45. They also benefited from lower costs, as they were not fined and were exempted from some fees, resulting in savings of around 77 per cent.

46. Under this programme, 1,9612,994 foreigners were registered as temporary residents for four years. In general, it benefited foreigners who had family, work, business or other ties, reducing the risk to their legal and personal security, the obstacles to their personal, professional and family development, their vulnerability to abuse by the authorities and third parties and their difficulty in obtaining access to public and private services. The programme will be run for the second time from 9 January to 19 December 2017. To date, eight people have obtained temporary residence.

47. In order to ensure access to health-care services, migrants are enrolled in the People's Health Insurance scheme for a period of 90 days, enabling them to obtain access to the Universal List of Essential Health Services. As at 31 January 2017, 8,039 migrants, most from Guatemala, Honduras and El Salvador, were enrolled in this scheme.

48. In July 2013, the Mexican Social Security Institute's social inclusion programme (PROSPERA) began providing health services to migrants. By the end of 2016, there were nine care centres, located in Chiapas (five), Oaxaca (one), Tamaulipas (two) and Baja California (one), at which a total of 84,851 consultations had taken place.

49. To serve the needs of women migrants, a programme for the promotion of the rights of migrating women and members of their families is being implemented.⁴⁰ The programme has three lines of action: awareness-raising and capacity-building, inter-agency coordination and linkage, and promotion and dissemination. Specific actions under the programme include the following:

- Design and dissemination of the online course "Women Who Migrate"⁴¹ as part of the Women Migrants portal project.⁴² The course has been offered since 2013.
- Holding of the "Migrant women, tell your story" competition to enhance knowledge and awareness of the conditions, problems and success stories of migrant women and encourage them to put forward proposals on how to deal with specific problems. The competition is aimed at international migrants living in Mexico and Mexican women who have migrated either to another part of Mexico or to another country.
- Establishment, on 17 January 2017, of a technical group for mainstreaming gender into policies for assisting and protecting migrant women,⁴³ with the aim of establishing strategies for gender mainstreaming and for implementing affirmative

³⁹ Official Gazette, 12 January 2015.

⁴⁰ National Institute for Women.

⁴¹ Available at <http://mujermigrante.mx/cursoenlinea>.

⁴² Website designed to respond to migrant women's information and communication needs and to provide information on procedures, services, health care, human rights, education, work, emergency numbers and support centres for the migrant population. Available at <http://mujermigrante.mx/cursoenlinea>.

⁴³ Adopted on 9 December 2016 at the third regular meeting of the Advisory Council on Migration Policy.

action in administrative rules and procedures and in public migration policies in order to enable migrant women to exercise their rights.

50. With regard to migrant workers, Mexican legislation⁴⁴ does not bar the access of any category of workers, regardless of migration status, to the labour courts or labour inspections. Migrant workers are provided with legal assistance in the event of labour disputes and abuses and are granted access to labour courts and protection mechanisms.⁴⁵ All persons in the national territory, regardless of migration status, have the right of access to health care.⁴⁶

51. In October 2016, Mexico signed a memorandum of understanding on labour cooperation with El Salvador, Guatemala and Honduras to lay the foundations for a temporary migrant worker programme that enables nationals of the three countries to work in the agricultural and service sectors in Mexico for up to 180 days at times of peak demand. Between January 2012 and December 2016, 86,177 border-area guest worker cards were issued.

52. In December 2016, an agreement was signed with the Government of the United States of America for the legal, orderly and safe migration of Mexican day labourers recruited to work on farms in that country.

53. To protect underage migrant workers and eradicate migrant child labour, steps have been taken to design a management and care system for children and adolescents who have been removed from child labour or are at risk of entering the labour market.⁴⁷ Protocols for federal and state action to provide comprehensive care to migrant minors in employment have also been drawn up.

54. To help prevent children from entering the labour market, agricultural companies that provide workers and their families with decent living and working conditions are certified as child-labour-free. As of 2016, 392 agricultural workplaces in 22 federative entities had been awarded this status.

55. Mexican Standard NMX-R-025-SCFI 2015⁴⁸ on occupational equality and non-discrimination has also been issued. This standard requires public, private and social sector workplaces to implement practices that promote occupational equality and prevent discrimination on any grounds, including migration status, in the recruitment and retention of employees. In addition, the guide to lodging complaints and reports on labour issues by telephone has been updated⁴⁹ and a strategy for responding to migrants' complaints has been drawn up. Within the data recording system used for this purpose, there is a field that relates to migration and identifies the type of support required by the migrant.

56. Through the training programme for community managers on human rights, labour rights and land-use rights from a gender perspective, rural workers, indigenous people and migrants receive advice in their communities of origin, while they are in transit and in workplaces and other places of destination.⁵⁰ A programme on skills accreditation and certification of job competencies for agricultural day labourers was created to enhance the

⁴⁴ Federal Labour Act. Article 3. No conditions may be established that involve discrimination between workers on the grounds of ethnic or national origin, gender, age, disability, social status, state of health, religion, migration status, opinions, sexuality, marital status or any other ground that is contrary to human dignity.

⁴⁵ Federal Office for the Defence of Workers.

⁴⁶ See article 8 of the Migration Act of 2014.

⁴⁷ Ministry of Labour and Social Security.

⁴⁸ National Council for the Prevention of Discrimination, National Institute for Women and Ministry of Labour and Social Security.

⁴⁹ Ministry of Labour and Social Security.

⁵⁰ By December 2016, 34,419 persons (13,267 men and 21,152 women) had participated in 883 workshops in 24 federative entities.

employability of agricultural workers by ensuring that their job skills and competencies are formally recognized.⁵¹

57. In order to improve the situation of migrants⁵² in the area of education, schemes for assisting children who are at risk of exclusion or in vulnerable situations have been established in schools providing basic education, through the Programme for Inclusion and Equity in Education.⁵³ The aim is to benefit schools and/or public services through academic strengthening, the provision of specific support and the adaptation of content and equipment. In 2014/15, migrant education services were provided to 47,176 pupils, with the participation of over 2,000 teachers.

58. The national school monitoring system for the migrant population⁵⁴ helps to ensure the continuity of migrant children's basic education by providing for the specific placement of each child of school age or over, offering new opportunities for enrolment in upper secondary education and providing academic monitoring and educational supervision for all children who migrate with their families to different parts of the country and enrol in school. In 2014/15, 47,176 such services were provided.

59. On 4 February 2015, an inter-agency group on the right of migrants to an identity and education was established to serve two purposes: to ensure that migrant children and adolescents in Mexico can enter, remain in and progress through the national education system at the basic and upper-secondary levels, irrespective of their nationality, and to ensure the right to an identity of children and adolescents of Mexican origin who were born in the United States and are living in Mexico following the compulsory or voluntary return of one or both parents, thereby promoting the right to hold dual nationality.

60. The results achieved by the group include the modification of Ministerial Decision No. 286⁵⁵ to facilitate access to the basic and upper-secondary levels of the national education system for migrant children and adolescents by exempting them from certain requirements, such as the need for identity documents and academic records to be authenticated by apostilles and for such documents to be translated into Spanish by a qualified translator even when that task can be carried out by the student or his or her parent.

61. To address the needs of repatriated migrants who do not have documentation, a number of mechanisms have been created and incorporated in the administrative regulations for enrolment, re-enrolment, accreditation, promotion, regularization and certification in respect of basic education. Under these regulations, which came into effect in the 2015/16 school year, the identity documents and school records of pupils enrolling in basic education need not be authenticated by apostilles.

62. The regulations are communicated to parents, administrators, teachers and members of the school community at the federal and local levels to make them aware of the provisions in force and to enable them to monitor the observance of those provisions by institutions providing basic education.

63. On 15 February 2016, new criteria for upper secondary school enrolment, retention, transfer and graduation were published in order to simplify the documentation requirements applicable to Mexican and foreign students, irrespective of their migration status.

⁵¹ By December 2016, 43,909 farm workers (31,855 men and 12,054 women) had obtained certification in official standards of competence (harvesting vegetables, citrus fruit, sugar cane, coffee, cut flowers and berries).

⁵² CERD/C/MEX/CO/16-17, para. 20.

⁵³ Official Gazette. Decision No. 21/12/15, under which the rules of operation of the Programme for Inclusion and Equity in Education for the 2016 fiscal year were issued. The Programme is intended to help ensure access to quality education at the level and in the manner and place required.

⁵⁴ Online tool pertaining to the migrant services component of the Programme for Inclusion and Equity in Education. The tool serves to register the children of migrant agricultural workers, showing their place of origin or destination and the progress they have made in preschool, primary and secondary education. The tool generates cross-references by comparing indicators in order to guide decisions on social assistance and the implementation of supplementary and community development programmes, thereby supporting initiatives to prevent child labour.

⁵⁵ Issued by the Ministry of Education.

64. With regard to the right to an identity, the authorities have contracted with a service provider for electronic checking of birth records issued in the United States⁵⁶ in order to expedite the incorporation of such records into the Civil Registry of Mexico by simplifying the apostille process, which constituted a barrier to the acquisition of nationality or dual nationality.

65. This gave rise to the “I Am Mexico: Birth Registration of the Mexican-American Population” programme, launched on 20 September 2016, which guarantees that persons of Mexican origin born in the United States can enjoy the right to an identity and hold dual nationality. The programme places particular emphasis on children and adolescents who return to Mexico because their family members have returned voluntarily or because of migration procedures implemented by the United States authorities.

66. The benefits of this contract are that the formalities are carried out free of charge, a record of the consultation can be printed in Spanish, the birth registration in the United States is recorded in a Mexican birth certificate and a Unique Population Registry Code is issued to the person concerned, guaranteeing his or her right to hold dual nationality.

67. Within the framework of the inter-agency group on the right of migrants to an identity and education, specialized inter-agency coordination has been established with the specific aim of identifying those persons who might benefit from the programme. This resulted in the identification of a target population of 258,794 minors of Mexican descent between the ages of 0 and 17 who were born in the United States; of these, 86 per cent are of school age. By November 2016, 3,688 electronic checks had been carried out, enabling births in the United States to be included in the Mexican Civil Registry.

68. On 27 January 2016, a framework cooperation agreement⁵⁷ was signed to promote and ensure the indigenous population’s right to an identity. Activities under the agreement have included the issuance of over 5,000 certificates at the time the agreement was signed; the establishment of 33 civil registration units for the indigenous population; the issuance of nearly 18,000 certificates; and the implementation of 4 inter-state civil registration campaigns for persons living outside their federative entity.⁵⁸ Over the course of this year, it is expected that over 115,000 indigenous persons will benefit from these actions to bring services for registering births and correcting, updating and replacing birth certificates closer to their communities.

69. In May 2016, the single-format birth certificate was introduced to standardize the basic identity document among the civil registries of all the federative entities and consular offices.

70. Since 2012, officials responsible for dealing with migrants have received training in law and human rights; the gender perspective; actions to promote equality; the right to non-discrimination; child protection principles; the human person and human dignity; the best interests of the child; and international protection.

71. In order to address violations of migrants’ human rights and punish the migration authorities involved, 11 referrals were issued between January 2012 and December 2016 (3 in 2012, 2 in 2013, 1 in 2014, 4 in 2015 and 1 in 2016).⁵⁹ The first six cases were resolved without any sanctions being imposed on the immigration authorities. The other five are still being investigated.

72. Where legal matters are concerned, to ensure that efforts to provide assistance and humanitarian aid to migrants do not constitute an offence, the Supreme Court has held that an act does not constitute the offence of “smuggling” unless it is carried out in order to

⁵⁶ National Population Registry.

⁵⁷ National Commission for the Development of Indigenous Peoples, Ministry of the Interior.

⁵⁸ As at 31 May 2017, authorization had been granted for civil registration campaigns in the states of Campeche, México, Morelos, Oaxaca, San Luis Potosí, Sinaloa, Durango, Guerrero, Chiapas and Chihuahua and for regional projects in Hidalgo and Baja California.

⁵⁹ The National Human Rights Commission refers cases to the National Institute for Migration, which submits the corresponding complaints to the Internal Oversight Body and, where appropriate, to the Office of the Attorney-General of the Republic.

obtain financial benefit.⁶⁰ At the national level, the collegial circuit courts and the district courts have issued 23 rulings on matters involving migrant workers.

73. In 2013, a protocol for justice officials in cases involving migrants and persons in need of international protection was published.⁶¹ The purpose of the protocol, which is based on national and international principles and legal instruments, is to systematize the minimum procedural rules for ensuring that the human rights of migrants and persons in need of international protection are respected in judicial processes.

74. The second edition of the protocol was viewed online over 6,000 times between 2013 and 2015, and 9,000 hard copies have been distributed to federal judges, local judges, civil society organizations, universities and educational institutions. Under the protocol, it is recognized that, as a result of the constitutional reform of 2011, the judiciary has the opportunity, through *amparo* proceedings, to give priority to domestic and international rules that more fully protect the human rights of migrants and persons in need of international protection and to establish precedents as a means of removing the obstacles that hinder such persons' access to justice.

Indigenous peoples

75. Regarding traditional indigenous justice systems,⁶² article 2 (A) (II) of the Constitution recognizes and safeguards the right of indigenous peoples and communities to self-determination and autonomy in the application of their own normative systems to resolve internal disputes.

76. In addition, the Land Act stipulates that in trials where one or both parties are indigenous, the practices and customs of the indigenous peoples or communities to which the parties belong should be taken into account, provided that they do not conflict with the Constitution or the Act.

77. The new criminal justice system, which entered into force on 18 June 2016, recognizes indigenous jurisdiction; in other words, indigenous persons can turn to traditional authorities to resolve minor disputes, and the decisions rendered, like those of the State, are the result of a fair trial and are in keeping with the local culture and norms.

78. With respect to the administration of justice, the Supreme Court has ruled that "Any person being tried in criminal proceedings who has self-identified as indigenous is entitled to the rights recognized under article 2 of the Constitution."⁶³ The Supreme Court has also developed a protocol for justice officials in cases involving the rights of indigenous persons, communities and peoples which provides practical guidance that takes an updated approach to certain legal phenomena arising from the recognition of the specific rights of indigenous peoples and communities.⁶⁴

⁶⁰ The following examples are worthy of note:

"Smuggling of undocumented persons. The acts defined in article 159 of the Migration Act require that gains be directly or indirectly obtained", Tenth period; Registration No. 2003431; First Chamber; Holding; *Semanario Judicial de la Federación* and its *Gaceta* (Judicial Weekly of the Federation and its Gazette); Book XIX, April 2013, volume 1; Criminal law; Opinion: 1a./J. 133/2012 (10a.); p. 588.

"Smuggling of undocumented persons. The subjective element concerning the 'purpose of smuggling' set out in article 138 of the General Population Act must be understood as the perpetrator's intent to obtain immediate or imminent financial benefit." Ninth period; Registration No. 172121; First Chamber; Dictum; *Semanario Judicial de la Federación* and its *Gaceta* (Judicial Weekly of the Federation and its Gazette); volume XXV, June 2007; Criminal law; Opinion: 1a. CXXI/2007; p. 208.

⁶¹ Supreme Court.

⁶² CERD/C/MEX/CO/16-17, para. 12.

⁶³ Article 2: [...] (III) Avail themselves fully of the State justice system. In order to guarantee this right, court proceedings involving indigenous persons, either individually or collectively, shall take their specific cultural characteristics and customs into account, in keeping with the provisions of this Constitution. Indigenous persons shall at all times be entitled to have the assistance of interpreters and defence counsel with knowledge of their language and culture.

⁶⁴ The protocol can be found at <https://www.sitios.scjn.gob.mx/codhap/ProtocoloIndigena/inicio.html>.

79. The State strives to ensure that indigenous persons have full access to culturally sensitive interpretation services throughout judicial proceedings,⁶⁵ as demonstrated by the position adopted by the Supreme Court whereby having an interpreter and defence counsel is a right not only in criminal trials but also for any indigenous person involved in proceedings before a State court, whether or not he or she is monolingual. The right to a translator or interpreter is not contingent on an indigenous person's level of Spanish but is, rather, an automatic right.⁶⁶

80. One of the main challenges in this area is the certification of more federal public lawyers to defend indigenous persons in conflict with the law. There are currently only 24 certified lawyers. The languages in which federal public defenders are certified to practise are Maya, Purépecha, Náhuatl, Rarámuri, Huichol, Chinantec, Mazatec, Mixtec, Mixe, Tzeltal, Tzotzil, Triqui, Otomí, Yaqui, Amuzgo, Chol, Zapotec and Zoque.⁶⁷ There are 664 interpreters and translators on the National Roster of Indigenous Language Interpreters and Translators.⁶⁸

81. In order to overcome this challenge,⁶⁹ procedures have been put in place to ensure that federal public defenders pay particular attention to the exercise of the rights of individuals who self-identify as indigenous, through the Indigenous Assistance Unit made up of 25 federal public defenders, 21 administrative officials, an ethnopsychologist and an anthropologist. Together they speak 34 indigenous languages and linguistic variants and can travel to any part of the country. The public defender assigned to the district in which the trial or proceedings are taking place also participates. In 2016, 677 indigenous persons, including 74 women and 603 men, received public defender services in criminal matters. In addition, expert interpreters are assigned⁷⁰ to district and circuit courts to provide support in the context of notifications or service of documents and decisions, especially in criminal cases.

82. In the lead-up to the entry into force of the new criminal justice system, training was provided⁷¹ to 198 indigenous lawyers, covering 25 languages and some of their variants.⁷² With the aim of setting up appropriate mechanisms to comply with the deadline for implementation of the system nationwide by June 2016, a framework agreement on cooperation to implement the criminal justice system from an intercultural and multilingual perspective was signed on 29 October 2015.⁷³

83. The purpose of the agreement is to ensure full access to justice for this segment of the population. For the first time, indigenous persons will enjoy the free services of bilingual lawyers and interpreters who, in addition to knowing their clients' language, are also familiar with their practices and customs. During the reporting period, the district courts and collegial circuit courts heard 590 cases brought by persons of indigenous origin who did not speak Spanish.

⁶⁵ CERD/C/MEX/CO/16-17, para. 14 (a), (b) and (c).

⁶⁶ Opinion No. 114/2013, Tenth period, First Chamber of the Supreme Court, December 2013. "Bilingual or multilingual indigenous persons. Subjective scope of application of article 2 (A) (VIII) of the Constitution." Arts. 15 (2), 18 (3), 141 (a) (X) and 154 (2) of the Federal Code of Criminal Procedure. Indigenous Peoples Linguistic Rights Act. Decision No. A/067/03 of the Attorney General on the establishment of the Special Unit for Indigenous Affairs.

⁶⁷ Taking into account that, according to the National Indigenous Language Index, there are 68 native languages with 364 linguistic variants in Mexico.

⁶⁸ Of the National Institute of Indigenous Languages.

⁶⁹ Federal Public Defender Institute.

⁷⁰ Council of the Federal Judiciary.

⁷¹ National Commission for the Development of Indigenous Peoples.

⁷² Amuzgo, Chinantec, Chontal, Chol, Cora, Maya, Mayo, Mexicanero, Mixtec, Nahuatl, Náhuatl, Otomí, Paipai, Pame, Tarahumara, Tének, Northern Tepehuán, Southern Tepehuán, Tlapanec, Totonac, Triqui, Tzeltal, Tzotzil, Wixárika (Huichol) and Zapotec.

⁷³ Signed by the Ministry of the Interior, the Ministry of Education (owing to the participation of the National Institute of Indigenous Languages), the Office of the Attorney General, the technical secretariat of the Coordinating Council for the Implementation of the Criminal Justice System and the National Commission for the Development of Indigenous Peoples.

84. Regarding the training of judges and court officers in indigenous matters,⁷⁴ a number of framework and specific agreements have been signed⁷⁵ with judicial institutions.

85. Pursuant to Presidential Instruction No. 219 on supporting the release of indigenous women from prison, specifically through the National Commission for the Development of Indigenous Peoples, by training lawyers who can speak indigenous languages and provide women with legal assistance,⁷⁶ a specific cooperation agreement was signed on 30 April 2014⁷⁷ to coordinate the implementation of three in-service courses on criminal issues for bilingual indigenous lawyers, with a view to creating a National Roster of Bilingual Indigenous Lawyers as a means of ensuring that indigenous persons have access to State courts.⁷⁸

86. In order to train the staff of the Office of the Attorney General, raise their awareness and update their knowledge, courses on the human rights of indigenous peoples and communities, geared primarily towards professionals (federal prosecutors, members of the Federal Criminal Investigation Police and experts) and administrative staff, have been permanently added to the institutional programme of training activities.

87. Regarding the case of Mr. Hugo Sánchez Ramírez,⁷⁹ of the Mazahua indigenous people, it should be noted that he was released from the Santiaguito prison in the State of México on 23 October 2012, when local case No. 29/2007-VII was dismissed and he was acquitted by the Supreme Court of the federal offence with which he had been charged. The case was dismissed on the grounds that during his trial, he was the victim of various violations of constitutional rights, including the principles of legality, due process, the presumption of innocence and the right to an adequate defence.

88. In order to ensure due process and the fairness of decisions with regard to indigenous persons,⁸⁰ the Supreme Court has held that the standard for determining whether indigenous persons involved in a trial had full access to a State court is not the same as the standard applied to other judicial proceedings because their cultural specificities require all authorities to conduct proceedings in such a way as to safeguard their rights, remove any linguistic barriers and ensure that the interpretation provided is reliable. In keeping with the criterion of constitutionality, the State must ensure the fundamental right of indigenous persons to have full access to the protection of the courts.⁸¹

89. In addition, the Supreme Court stated that all trials and proceedings involving indigenous persons, either individually or collectively, should take their specific cultural characteristics and customs into account and that they should at all times have the assistance of interpreters and defence counsel with knowledge of their language and culture.⁸²

⁷⁴ CERD/C/MEX/CO/16-17, para. 14 (c).

⁷⁵ National Commission for the Development of Indigenous Peoples.

⁷⁶ Issued on 26 November 2013.

⁷⁷ National Commission for the Development of Indigenous Peoples, Federal Public Defender Institute and National Institute of Indigenous Languages.

⁷⁸ First course: 12–16 May 2014 with 46 bilingual indigenous lawyers from Chiapas, Durango, Oaxaca, Quintana Roo, Tabasco and Veracruz.

Second course: 25–29 August 2014 with 51 bilingual lawyers from Baja California, Campeche, Chihuahua, Nayarit, San Luis Potosí, Sonora, Sinaloa and Yucatán.

Third course: 20–24 October 2014 with 52 bilingual indigenous lawyers from Baja California, Chiapas, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sinaloa and Sonora.

⁷⁹ CERD/C/MEX/CO/16-17, para. 14.

⁸⁰ CERD/C/MEX/CO/16-17, para. 14.

⁸¹ Effective access to the protection of the courts. How this human right is to be guaranteed with regard to indigenous persons. Tenth period; Registration No. 2009995; Plenary; Dictum; *Gaceta del Semanario Judicial de la Federación* (Judicial Weekly Gazette of the Federation); Book 22, September 2015, volume I; Constitutional issues; Opinion: P. XVII/2015 (10a.); p. 232.

⁸² Indigenous persons. Necessary conditions for determining whether the infringement of requirements under article 2 (A) (VIII) of the Constitution is sufficient to order that a case be reconsidered in civil proceedings. Tenth period; Registration No. 2007558; First Chamber; Dictum; *Gaceta del Semanario*

90. With the aim of pursuing actions related to indigenous persons' political and voting rights, a specific agreement on inter-agency cooperation was signed on 28 February 2014,⁸³ paving the way for, inter alia:

- *Intercultural dialogue on electoral law systems* to learn about how indigenous communities choose their authorities and to provide the community with training on the electoral justice system, civil rights and incorporating a gender perspective; to strengthen and promote the political and voting rights of the indigenous population through the sharing and analysis of knowledge, ideas and experiences on the procedures involved in indigenous and non-indigenous systems of electoral law.
- *Course on electoral rights and electoral justice* for bilingual indigenous lawyers.
- *Workshop on justice and electoral disputes* to train 42 bilingual indigenous lawyers from the States of Chiapas, Guerrero, México, Michoacán, Nayarit, Nuevo León, Oaxaca, Puebla, San Luis Potosí, Tabasco, Veracruz and Yucatán.

91. A guide on public action for discrimination-free elections has been developed,⁸⁴ which identifies problems and opportunities for inclusive action and decision-making and proposes immediate and long-term measures to ensure that everyone is treated equally during elections, irrespective of their ethnic or social origin, sex, disability status, opinion, appearance, sexual orientation, religious belief or any other individual or shared characteristic.

92. Practices and customs with regard to elections have also been recognized⁸⁵ on the basis of the opinion entitled "Indigenous communities. Freedom of association must be maximized in the process of political party registration".

93. Regarding the adoption of a law on consultation with indigenous peoples,⁸⁶ there are a number of initiatives before the Congress to issue regulations protecting the exercise of indigenous peoples' and communities' right to be consulted at the three levels of government.⁸⁷

94. As to the obligation of the State to consult indigenous peoples and communities whenever their interests and/or rights might be affected,⁸⁸ the current federal administration has held 44 free,⁸⁹ prior and informed consultation processes with a view to ensuring that members of indigenous peoples and communities are aware of all potential risks. Each consultation process follows an ad hoc protocol that meets relevant international standards.

95. In February 2013,⁹⁰ a protocol on consultations with indigenous peoples and communities was adopted, in keeping with the standards laid down in the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). The protocol sets out the methodology to be used in consultation processes. It is intended as a tool to support the realization of indigenous peoples' right to be consulted and to

Judicial de la Federación (Judicial Weekly Gazette of the Federation); Book 11, October 2014, volume I; Constitutional issues, Civil; Opinion: 1a CCCXXXI/2014 (10a); p. 609.

⁸³ National Commission for the Development of Indigenous Peoples and Electoral Court.

⁸⁴ National Council for the Prevention of Discrimination.

⁸⁵ Through two approaches: Practices and customs. Collective labour (*tequio*) must respect the fundamental rights of the members of the community (law of the State of Oaxaca), in accordance with Opinion No. XIII/2013; and Indigenous peoples. Citizens who belong to these peoples must be guaranteed effective access to electoral justice, in accordance with holding No. 7/2013. When members of indigenous communities request the registration of a political party, the electoral authorities have a duty to interpret and apply the provisions on party registration and establishment in the most favourable manner in order to maximize these communities' right to freedom of association and to political participation, in accordance with the aims of full inclusion in and access to the democratic system.

⁸⁶ CERD/C/MEX/CO/16-17/Add.1 and Add.2, para. 17.

⁸⁷ See the annex entitled "Iniciativas de ley en materia indígena" (Legislative proposals regarding indigenous affairs).

⁸⁸ CERD/C/MEX/CO/16-17/Add.1 and Add.2, para. 17, and CERD/C/MEX/CO/16-17, para. 17 (a).

⁸⁹ See the annex entitled "Ejemplos de consulta previa" (Examples of prior consultation).

⁹⁰ Advisory Council of the National Commission for the Development of Indigenous Peoples.

participate prior to the issuance of permits, concessions, licences and authorizations in respect of lands inhabited by indigenous peoples. The protocol can be activated at the request of the parties concerned.

96. In order to promote the participation of indigenous peoples and communities in their own community development, after the protocol's publication on 23 February 2013 and up until 31 December 2016, 13 federal agencies⁹¹ received advice on preparing specific indigenous consultation protocols according to their respective areas of activity. All these consultations relate to development projects, public policies or legislative amendments, or consultations requested by the communities. In every consultation process, technical and methodological guidance on indigenous issues is provided to federal institutions and to states, municipalities and organizations that request it.

97. The constitutional amendments with regard to energy issues provide for indigenous peoples' and communities' right to be consulted. The Hydrocarbons Act and the Electricity Industry Act⁹² require that prior consultations be held in connection with hydrocarbon and electricity projects that may affect the rights and interests of indigenous communities. Both Acts' regulatory instruments include provisions on prior consultation processes.

98. In addition, the Supreme Court has designed a protocol for use in relation to development and infrastructure projects to provide justice officials with the tools to carry out their functions on the basis of international best practices in the adjudication of matters involving members of indigenous peoples and communities.

99. Furthermore, volume IX on the right of indigenous and Afro-Mexican peoples and communities to be consulted in relation to development and natural resource exploitation projects was published.⁹³ It puts forward an analysis of the situation of the right to be consulted, with a view to providing data and making recommendations to help the State discharge its obligation to ensure that these population groups fully enjoy this right.

100. The analysis is focused on clarifying who has the right to be consulted, what the obligation entails, what topics are subject to consultation, what processes should be used and what effects such processes have. It also compares the basic elements of this right, as defined in the highest international standards, with current Mexican laws, and offers a general proposal on the laws that should be amended to guarantee that these peoples and communities enjoy the right to be consulted.

101. Regarding the rights of indigenous peoples and land tenure,⁹⁴ particularly in cases of plans to exploit natural resources on those lands, article 27 of the Constitution⁹⁵ enumerates actions to be taken to provide legal certainty in relation to land tenure through titling programmes. It also recognizes and protects the individual and collective rights of indigenous people in agrarian settlements.

102. To this end, 55 land courts have been set up, which have the autonomy to issue decisions on claims filed by indigenous peoples regarding land recognition. They also safeguard the rights of *ejidos* (communal landholdings), communities and their members.⁹⁶ The National Communal Land Trust Fund oversees the payment of compensation, ensures

⁹¹ National Electoral Institute; Federal Electricity Commission; Ministry of the Environment and Natural Resources; Ministry of Communications and Transport; Ministry of Labour and Social Security; Petróleos Mexicanos (PEMEX); National Water Commission; Ministry of Energy; National Forestry Commission; National Aquaculture and Fisheries Commission; Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food; National Commission for Protected Natural Areas; and Interministerial Commission for Biosafety of Genetically Modified Organisms.

⁹² Official Gazette, 11 August 2014.

⁹³ National Council for the Prevention of Discrimination.

⁹⁴ CERD/C/MEX/CO/16-17/Add.1 and Add.2, para. 17.

⁹⁵ "The ownership of all land and waters within the boundaries of the national territory is vested originally in the Nation." In addition, article 27 (VII) states that "*Ejidos* and agrarian communities shall have legal personality and their ownership of land shall be protected with regard to both human settlement and productive activities. The law shall protect the integrity of the lands of indigenous groups."

⁹⁶ Office of the Land Ombudsman.

that any expropriation of *ejido* or communal property is in the public interest and, where applicable, suggests that land be returned in accordance with the law.

103. As part of the drive to ensure the full participation of indigenous persons in all decision-making institutions, especially representative institutions, and in public affairs,⁹⁷ a decree amending article 2 (A) (III) of the Constitution was adopted on 22 May 2015 in order to ensure that indigenous women and men are able to enjoy and exercise their right to vote and to be elected on an equal footing and in accordance with their traditional practices, rules and procedures and that they are eligible for election or appointment to public office, in keeping with the federal compact and the sovereignty of the states.

104. In March 2014, the Inter-Agency Board on Rural, Indigenous and Campesina Women was established with a view to laying a foundation for cooperation between relevant agencies in promoting the human development of women in these sectors, starting with the legal identity of women and access to land tenure.

105. The Board's achievements have included the amendment of article 37 of the Land Act (19 December 2016),⁹⁸ the Legal Identity of Women project,⁹⁹ the translation of the operating rules of social programmes into the most representative indigenous languages, and inter-state civil registration campaigns.¹⁰⁰

106. On 15 October 2014, an inter-agency agreement¹⁰¹ establishing the Women's Political Participation Observatory was signed with a view to coordinating the activities of federal institutions to promote the participation of women in politics and public decision-making and build synergies to close the gender gap in this domain, from a perspective of substantive equality between women and men.

107. On 28 April 2015, another specific inter-agency cooperation agreement was signed,¹⁰² whose main objectives include the organization of three regional forums on training for indigenous women in order to follow up on processes begun in 2013 and to create new groups of female indigenous leaders with a view to consolidating female leadership among indigenous peoples and communities in the lead-up to the 2018 elections.¹⁰³

108. The Government promotes the organization of discussion groups with indigenous peoples¹⁰⁴ in order to reach specific agreements. One example is the Advisory Council¹⁰⁵ of the National Commission for the Development of Indigenous Peoples, which has 13 working groups that focus on the areas of sustainable economic development; community and urban infrastructure; communication networks; the environment and natural resources; health, nutrition and traditional medicine; the exercise of rights and empowerment; participation and representation of indigenous peoples; lands and territories; intercultural

⁹⁷ CERD/C/MEX/CO/16-17, para. 16.

⁹⁸ No more than 60 per cent of the candidates for election to *ejido* commissions and supervisory councils shall be of the same gender; all candidates shall be equally eligible for election to any post. Efforts shall be made to include women in the subsidiary committees and secretariats of *ejido* commissions.

⁹⁹ Involving the National Population Registry, the National Institute for Women, the civil registries of the federative entities and state-level authorities for women's affairs. The goal is to expand the proportion of women who are registered and have legal identity documents, with a focus on women who live in rural and indigenous areas and women belonging to the most marginalized groups.

¹⁰⁰ National Commission for the Development of Indigenous Peoples and National Population Registry.

¹⁰¹ Electoral Court and National Electoral Institute.

¹⁰² National Commission for the Development of Indigenous Peoples and Electoral Court.

¹⁰³ The first regional forum, called "The rights of indigenous women: a vision for their full exercise", was held in Campeche on 2 and 3 September 2015 with the participation of 120 women representing 20 indigenous and Afro-Mexican peoples. The second regional forum was held in Mexico City on 23 and 24 September 2015, and the third was held in Sonora in December 2015.

¹⁰⁴ CERD/C/MEX/CO/16-17, para. 17 (b).

¹⁰⁵ The purpose of the Advisory Council is to promote consultation and communication between indigenous peoples, society and the three branches of government. There are 210 councillors, of whom 146 are indigenous and 3 are of African descent.

education; cultural development; equity and gender; indigenous migrants; and international affairs.

109. In order to encourage the use of alternative dispute-settlement methods in the field of human rights and the rights of indigenous peoples,¹⁰⁶ a forum on indigenous rights and legislative harmonization took place¹⁰⁷ on 26 February 2014, in which 160 representatives of indigenous peoples and 190 representatives of civil society, academia and the public sector took part. The outcome document,¹⁰⁸ which reflects suggestions and input from the 350 participants, has served as a basis for studies and legislative proposals on indigenous issues.

110. In order to address disputes involving indigenous peoples and communities, an information and management procedure is being designed.¹⁰⁹ It includes instruments for the integrated, inclusive and multisectoral management of disputes through the systematization of information.

111. With respect to measures taken to address internal displacement,¹¹⁰ the Government regards displacement as a social issue that adversely affects the well-being, property and physical integrity of the persons concerned. Accordingly, from 2006 to 2013, it provided displaced indigenous families with goods and supplies, through the Assistance for Displaced Indigenous Persons project,¹¹¹ to help them reintegrate into society and improve their quality of life.

112. In 2014 and 2015, the project was incorporated into the “displaced indigenous persons’ rights” component of the Indigenous Rights Programme in order to support Mexican indigenous families that have been forced or obliged to flee or to leave their places of habitual residence as a result of or in order to avoid the effects of religious, political, cultural or ethnic intolerance. Under the programme, such families receive resources for the purchase of goods and supplies with which they can become reintegrated in society and recreate their cultural identity in keeping with applicable law.

113. The support provided consists of arable land, urban plots and building materials. In 2012, 22.9 million pesos were spent to support 292 displaced indigenous families in the States of Chiapas and Guerrero. In 2013, support in the amount of 21.84 million pesos was provided to 305 families in Guerrero; in 2014, 3 million pesos were provided to 59 families in Chiapas. In 2015, the support provided amounted to 13 million pesos for the benefit of 225 families in Chiapas and Guanajuato.

114. The main challenges in this area include the lack of a regular core budget and of national legislation on this issue. There is also a need for acknowledgement of the problem by the federal, state and municipal governments.

115. With the aim of closing the social development gap between indigenous people and the rest of the population,¹¹² the Government earmarks resources in the annual budget for assistance and development. Between 2010 and 2016, slightly more than 480 billion pesos were thus allocated.

116. In the last two poverty surveys conducted in Mexico (2012 and 2014),¹¹³ it can be noted that progress has been achieved since 2010 with regard to the indigenous population. Extreme poverty among the indigenous population fell from 37.8 per cent in 2010 to 30.6 per cent in 2012, a 19-per-cent drop. The 2014 poverty survey revealed that, while extreme poverty among indigenous people rose, it was still considerably (16 per cent) lower than in

¹⁰⁶ CERD/C/MEX/CO/16-17, para. 17 (b).

¹⁰⁷ Commission for Dialogue with the Indigenous Peoples of Mexico and Centre for Social Studies and Public Opinion of the Chamber of Deputies.

¹⁰⁸ Available at http://www.cdpim.gob.mx/v4/pdf/conclusiones.pdf?_blank=.

¹⁰⁹ Ministry of the Interior/Commission for Dialogue with the Indigenous Peoples of Mexico.

¹¹⁰ CERD/C/MEX/CO/16-17, para. 17 (c).

¹¹¹ National Commission for the Development of Indigenous Peoples.

¹¹² CERD/C/MEX/CO/16-17, para. 18.

¹¹³ National Council for Social Development Policy Evaluation.

2010. These results show that the social programmes in place to break the cycle of poverty among indigenous people are having an effect.

117. In the 2010–2014 period, the percentage of indigenous persons with at least one form of social deprivation trended downward, from 93.6 to 92.1 per cent, with an intermediate value of 92.6 per cent in 2012. The same downward trend could be seen in the percentage of persons with at least three forms of deprivation: among the indigenous population, the rate slid from 64.6 per cent in 2010 to 56.1 per cent in 2012 and 54.8 per cent in 2014, amounting to a 15.2-per-cent decrease over the period.

118. Also during this period, the specific indicators for the indigenous population in terms of gaps in educational attainment and in access to health-care services, social security, housing of adequate quality and size, basic household services and food all decreased.

119. Specifically, the gaps in educational attainment and in access to health-care services, social security, housing of adequate quality and size, basic household services and food narrowed by 6.6 per cent, 45.9 per cent, 2.5 per cent, 20 per cent, 6.6 per cent and 2.2 per cent, respectively.

Percentage of the population per poverty indicator, by ethnicity, 2010–2014

<i>Indicator</i>	<i>Indigenous population (%)</i>		
	<i>2010</i>	<i>2012</i>	<i>2014</i>
Poverty			
Population living in poverty	74.8	72.3	73.2
Population living in extreme poverty	37.8	30.6	31.8
Social deprivation			
Population with at least one form of social deprivation	93.6	92.6	92.1
Population with at least three forms of social deprivation	64.6	56.1	54.8
Indicators of social deprivation			
Gaps in educational attainment	36.2	34.1	33.9
Insufficient access to health-care services	36.0	24.3	19.5
Insufficient access to social security	81.5	81.0	79.4
Insufficient quality and size of housing	40.2	34.3	32.2
Insufficient access to basic household services	65.3	59.7	61.0
Insufficient access to food	39.7	34.4	38.8

120. During the 2013–2016 period, the Government took various steps in the five areas of action under the 2014–2018 Special Programme for Indigenous Peoples,¹¹⁴ which derives from the 2013–2018 National Development Plan, in order to ensure that indigenous peoples live in decent social and economic conditions, in a context of equality and interculturalism.

121. Between 2013 and 2014, for a total investment of 20,238 million pesos, 43,127 public works and actions for the indigenous population were carried out, including the installation of water, road, drainage and electrical infrastructure; the construction of housing; support for education, culture, health, indigenous rights and production projects; and the provision of administrative support.

¹¹⁴ **Indigenous rights and access to justice:** harmonize legislation and provide legal support for indigenous persons who are imprisoned or involved in criminal, land or administrative proceedings. **Social development:** increase and improve basic infrastructure in indigenous households and communities and address nutritional, health, educational and housing needs. **Economic development:** promote sources of monetary and non-monetary income for indigenous communities and families. **Participation of indigenous society and intergovernmental coordination** in the planning and management of indigenous peoples' development. **Preservation and promotion of the culture** of indigenous peoples as part of the national heritage and as the link between the other four areas of action.

122. In 2015, 9,396 million pesos were spent on 22,038 public works and/or actions; in 2016, 8,558 million pesos were spent on 22,069 public works and/or actions.

123. In the area of education, the Indigenous Education Support Programme¹¹⁵ has, since the 1960s, contributed to the retention of indigenous children and youth enrolled in public schools through various forms of assistance, with priority given to those who do not have educational opportunities in their community.

124. Each year, the Programme directly runs 1,064 homes and canteens for indigenous children,¹¹⁶ providing meals and accommodation to 28,669 indigenous girls and 31,538 indigenous boys. As part of its support for community authorities and civil society organizations that run such homes and canteens, the Programme provides support to 258 groups whose services benefit 7,291 women and 7,862 men.

125. Under a scholarship scheme for indigenous students in higher education, the Programme awards an average of 1,815 scholarships per year, 870 to men and 945 to women.

<i>Category</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015*</i>	<i>2016</i>
Investment (millions of pesos)	910	946	964	1 183	1 016
Female beneficiaries	34 789	35 687	36 687	36 379	36 036
Male beneficiaries	39 672	40 770	41 534	40 448	39 449

* Preliminary figures for beneficiaries as at the end of December 2016.

126. In terms of health, the “access to tertiary medical care” component addresses the problems experienced by the indigenous population in terms of access to specialized health-care services owing to high poverty levels, geographic isolation and poor coverage of tertiary hospital infrastructure in indigenous regions.

127. According to the satisfaction survey of users of the public health insurance scheme, which was published in the first quarter of 2016, indigenous persons account for 29.5 per cent of users of primary health-care services,¹¹⁷ 21.8 per cent at the secondary level and 15.0 per cent at the tertiary level. The pattern is not the same in all the federative entities; the percentages are higher in those with a larger indigenous population.¹¹⁸

128. As part of efforts to provide high-quality services to beneficiaries of the public health insurance scheme, the accreditation process includes the assessment of specialized medical care covered under the Catastrophic Expenses Protection Fund or Twenty-First Century Medical Insurance. To date, 1,133 health-care establishments have been accredited across the 32 federative entities.

129. The accreditation process for units operating under the public health insurance system has, since 2008, included “interculturalism” criteria for primary health-care and mobile units, which were extended in 2013 to secondary-level units, basic and community hospitals and units under the PROSPERA programme. These criteria include the presence

¹¹⁵ National Commission for the Development of Indigenous Peoples.

¹¹⁶ The homes and canteens come under the Indigenous Education Support Programme and provide indigenous children with accommodation and food in order to help them stay in school.

¹¹⁷ Primary health-care services are the population’s gateway into the health system and consist mainly of health promotion activities, risk prevention, check-ups, early diagnosis and timely treatment. The secondary level is intended to meet the health-care needs of the population within a given catchment area through comprehensive outpatient and hospital care in four basic specializations. The tertiary level provides highly complex health-care services, including medical, surgical and other specializations.

¹¹⁸ For example, in Yucatán the percentage of indigenous users is 75.2 per cent at the primary level, 52.1 per cent at the secondary level and 58.3 per cent at the tertiary level; in Oaxaca, it is 59.3 per cent at the primary level and only 22.4 per cent at the tertiary level; in Chiapas, it is 48.1 per cent at the primary level and 20.7 per cent at the tertiary level; and in Campeche, it is 39.9 per cent at the primary level and 23.2 per cent at the tertiary level.

of indigenous-language interpreters or translation mechanisms, programme advertising in indigenous languages and intercultural awareness-raising among health-care personnel.

130. These initiatives have helped to narrow the gap due to discrimination on grounds of indigenous background by addressing the gap in access to specialized health-care services. Between 2012 and 2016, economic and administrative support and guidance on obtaining access to specialized health-care services was provided 21,773 times to 13,277 indigenous patients, most of whom were from towns classified as either highly marginalized or very highly marginalized.¹¹⁹

131. Cross-cutting projects are being rolled out under inter-agency agreements with a view to building rural medical units and purchasing and equipping mobile medical units to be sent to indigenous towns and villages. In terms of education, the projects have provided support in the form of infrastructure and equipment for intercultural universities. In addition, housing is being constructed in highly and very highly marginalized indigenous areas.

132. From 2013 to 2016, assistance in the form of basic grain supplies was provided to 92,075 indigenous families who were either experiencing or at risk of food shortages in communities in Chiapas, Guerrero and Oaxaca. With a view to providing quality health care to indigenous communities,¹²⁰ areas of action were introduced into the Sectoral Health Programme to extend and strengthen intercultural awareness activities, while respecting traditional medical practices.

133. With a view to providing quality health care to indigenous communities¹²¹ and the population in general, areas of action were introduced into the Sectoral Health Programme to extend and strengthen intercultural awareness activities, including the promotion of human rights, cultural diversity, alternative medicine and respect for traditional medical practices.

134. In 2015–2016, the state health authorities designated “intercultural liaisons” in 17 federative entities to carry out promotion and implementation activities and to train and raise awareness among 10,630 individuals, including health workers, psychologists, doctors, nurses, administrative staff and social workers in hospitals and health-care units. In addition, evaluation criteria on interculturalism have been introduced into current accreditation forms, which facilitate the compliance of specially trained health-care professionals with guidelines on interculturalism.

135. Since the establishment of the People’s Health Insurance scheme, the indigenous population has been considered a priority group and specific strategies have been put in place, such as a project to support the health insurance system through the Indigenous Cultural Radio Network, which transmits information on the rights and obligations of members; there have been approximately 22,800 announcements in Spanish and 48,870 in 45 variants of 31 indigenous languages across the country’s 21 AM channels. Furthermore, the introductory manual on the intercultural approach to health care for the indigenous population has been widely distributed among managers of the People’s Health Insurance scheme and health-care teams in indigenous areas. In addition, a training course on discrimination, health and indigenous peoples was held in 2016 for 649 participants, most of whom were managers of the People’s Health Insurance scheme.

136. By February 2016, membership in the People’s Health Insurance scheme in municipalities where over 40 per cent of the population speaks an indigenous language had risen to 7.1 million, including 3,737,738 women and 635,021 children.

¹¹⁹ Including the costs of transportation to appointments at tertiary medical centres and hospitals located in the capital cities of some of the federative entities, chiefly Mexico City; visits, highly specialized medication, various types of surgery, specific tests and various prosthetics not covered by the People’s Health Insurance scheme; food and accommodation at Casa de los Mil Colores in Mexico City, where patients also receive psychological support and nursing services; and funeral arrangements and transport to places of origin. Some 87.2 million pesos were spent on these support services during the period under review.

¹²⁰ CERD/C/MEX/CO/16-17, para. 19.

¹²¹ CERD/C/MEX/CO/16-17, para. 19.

Entity	<i>Indigenous population</i>			<i>Total beneficiaries of the People's Health Insurance scheme</i>	<i>Beneficiaries of the healthy pregnancy strategy</i>	<i>Beneficiaries of Twenty-First Century Medical Insurance</i>	<i>Indigenous beneficiaries of the People's Health Insurance scheme</i>	<i>Indigenous beneficiaries of the healthy pregnancy strategy</i>	<i>Indigenous beneficiaries of Twenty-First Century Medical Insurance</i>
	<i>Total population</i>	<i>Percentage</i>	<i>Number</i>						
Aguascalientes	1 312 544	11.69	153 395	375 216	14 412	50 348	43 851	1 684	5 884
Baja California	3 315 766	8.54	283 055	1 065 657	35 160	75 264	90 971	3 001	6 425
Baja California Sur	712 029	14.47	103 034	202 539	11 742	24 239	29 308	1 699	3 507
Campeche	899 931	44.54	400 811	482 607	22 180	47 136	214 943	9 879	20 993
Coahuila	2 954 915	6.93	204 890	743 302	42 825	83 837	51 540	2 969	5 813
Colima	711 235	20.43	145 297	257 232	8 968	26 940	52 549	1 832	5 504
Chiapas	5 217 908	36.15	1 886 104	3 570 431	96 438	325 180	1 290 595	34 859	117 542
Chihuahua	3 556 574	11.28	401 195	1 258 173	50 796	118 104	141 927	5 730	13 323
Ciudad de México	8 918 653	8.80	784 605	2 780 205	74 133	215 329	244 584	6 522	18 943
Durango	1 754 754	7.94	139 407	773 640	30 410	79 922	61 462	2 416	6 349
Guanajuato	5 853 677	9.13	534 438	3 112 864	125 216	314 403	284 203	11 432	28 705
Guerrero	3 533 251	33.92	1 198 362	2 270 271	87 027	228 905	770 001	29 517	77 637
Hidalgo	2 858 359	36.21	1 035 059	1 689 527	55 675	154 860	611 806	20 161	56 077
Jalisco	7 844 830	11.12	872 531	3 072 948	157 933	322 429	341 785	17 566	35 862
México	16 187 608	17.00	2 751 672	7 128 100	251 445	723 085	1 211 680	42 742	122 915
Michoacán	4 584 471	27.69	1 269 309	2 369 058	78 786	213 827	655 924	21 814	59 203
Morelos	1 903 811	28.11	535 249	1 000 000	46 839	92 844	281 146	13 169	26 103
Nayarit	1 181 050	22.18	262 007	627 891	22 859	48 037	139 293	5 071	10 657
Nuevo León	5 119 504	6.88	352 282	1 200 000	69 917	141 746	82 574	4 811	9 754
Oaxaca	3 967 889	65.73	2 607 917	2 679 192	97 596	219 609	1 760 914	64 146	144 339
Puebla	6 168 883	35.28	2 176 593	3 361 976	130 645	353 576	1 186 220	46 096	124 754
Querétaro	2 038 372	19.17	390 844	903 252	38 828	110 725	173 192	7 445	21 231
Quintana Roo	1 501 562	44.44	667 336	625 393	38 930	51 944	277 942	17 302	23 085
San Luis Potosí	2 717 820	23.20	630 604	1 506 565	49 398	150 147	349 562	11 462	34 838
Sinaloa	2 966 321	12.83	380 625	1 107 108	65 606	111 700	142 059	8 418	14 333
Sonora	2 850 330	17.83	508 165	894 435	42 295	90 997	159 462	7 540	16 223
Tabasco	2 395 272	25.77	617 203	1 515 503	90 969	144 309	390 508	23 440	37 185
Tamaulipas	3 441 698	6.30	216 685	1 344 603	63 238	123 797	84 655	3 981	7 794
Tlaxcala	1 272 847	25.24	321 310	865 929	37 555	76 890	218 590	9 480	19 410
Veracruz	8 112 505	29.25	2 373 093	4 269 098	131 301	299 968	1 248 809	38 409	87 747
Yucatán	2 097 175	65.40	1 371 625	979 071	29 661	92 904	640 346	19 399	60 762
Zacatecas	1 579 209	7.61	120 226	892 166	32 080	94 191	67 921	2 442	7 171
Total	119 530 753	21.49	25 694 928	54 923 952	2 130 863	5 207 192	13 300 322	496 435	1 230 068

137. The Indigenous Communication Plan is focused on improving the attitudes and abilities of beneficiaries of the social inclusion programme (PROSPERA) with regard to self-care, through the production, distribution and support of various educational materials

on health issues, under a framework of intercultural sensitivity, equity and respect for practices and customs.

138. With the participation of communities, work is currently being carried out in 23 indigenous languages using print and audiovisual materials (radio spots and videos) in native tongues.

139. The PROSPERA programme provides health-care services, without conditions, to people who do not have social security coverage and who live in marginalized communities. In 2016, health-care coverage in predominantly indigenous towns rose to 3.9 million people, with 1,350 primary- and secondary-level medical units available.

140. The health-care system has developed guides on the implementation of intercultural models that promote leadership skills with the aim of offering medical services open to multicultural options that are effective, ethical, culturally appropriate and socially acceptable and that respect human rights and cultural diversity. The guides were distributed to 230 heads of district across the 32 federative entities, together with the manuals and the model on the provision of intercultural health care to indigenous and Afrodescendent peoples under the framework of interculturalism.

141. In addition, 12,640 staff of the PROSPERA programme received training with a view to strengthening the health-care services provided to the indigenous population.

142. During the 2014–2016 period, 139 mobile medical units were purchased and put into circulation, providing services to some 508,209 individuals in predominantly indigenous towns. In addition, 25 primary-level rural medical units were built in Chiapas, Guerrero, Hidalgo, Michoacán, Nayarit, Oaxaca, Puebla, San Luis Potosí and Veracruz.

143. In terms of secondary-level services, a rural hospital was inaugurated in San Luis Potosí; two community shelters were built to provide meals, accommodation and activities on healthy lifestyles to the indigenous population in Chihuahua and San Luis Potosí; and two rural hospitals in Hidalgo are being expanded.

144. The programme also promotes an intercultural approach to health among its staff to enable them to provide the best and most comprehensive care possible by engaging in dialogue and by recognizing and respecting the cultural characteristics of the beneficiary population. To this end, 19,535 health-care staff have received training.

145. In January 2013, the 2013–2018 programme of action to promote the health of indigenous peoples, with a focus on human rights, gender equity, social determinants and linguistic and cultural appropriateness, was launched in response to the need for public health policies for this population group. The programme is intersectoral and comprises agencies both within and outside the health sector, along with civil society organizations.

146. State-level intercultural liaisons have established inter-agency intersectoral groups for the health care of indigenous and Afrodescendent peoples in six federative entities with the aim of promoting a comprehensive inter-agency approach to the issue of health among these groups.

147. Furthermore, 71 individuals were certified¹²² in the standard for the promotion of public health programmes in 12 languages, while three managers of the People's Health Insurance scheme in Michoacán, who are doctors by training and speakers of Purépecha, were certified in 2016 in the EC0076 competency standard, "Competency-based skills assessment", and the EC0196 competency standard, "Promoting public health programmes among the indigenous-language-speaking population", in order to provide services to indigenous persons in their mother tongue in the municipal hospitals of Cherán and Los Reyes.

148. Regarding traditional medicine, a reinforcement model is being rolled out at the national level and two new indicators have been incorporated into the health information system, one on non-medical visits by a traditional practitioner and one on vertical birthing.

¹²² National Institute of Indigenous Languages.

149. In order to improve access to health care for indigenous women and children¹²³ and to reduce maternal and infant mortality, theoretical and practical training in the provision of prenatal, delivery and postnatal care to women in a humane, intercultural and safe manner was provided to hospital staff serving the indigenous population in Chiapas, Sonora, Tabasco and Tlaxcala. In Tlaxcala, obstetric care centres have been established. There are 592 accredited mobile medical units that provide the services contained in the Universal List of Essential Health Services.

Maternal and perinatal health

150. In order to improve the quality of obstetric care by building credibility and trust in the health-care services among the indigenous population through respectful interaction between the cultures of indigenous-language-speaking clients and health-care personnel, budgetary resources¹²⁴ are allocated for the recruitment of indigenous-language interpreters in hospital maternity wards, covering 17 indigenous languages.

151. In addition, two workshops were held for the translation and interpretation of 16 public information materials on issues related to maternal and perinatal health and teenage pregnancy. The materials were translated into 22 linguistic variants in 250 municipalities.

152. Efforts are being made to establish homes for the care of pregnant women, located near tertiary-level hospitals, where women living in remote areas or more than two hours away from the nearest health facility can obtain accommodation, meals and even childcare assistance while they receive the necessary health care. There are 69 such homes in municipalities with indigenous populations.

153. Coordination between municipal and health authorities, civil society organizations and the community at large is being promoted through the formation of social support networks for pregnant women in order to facilitate access to health services, especially in the case of obstetric emergencies, and help to reduce maternal and perinatal mortality. This strategy is being pursued mainly in municipalities with a high incidence of maternal mortality and high levels of marginalization.

154. The key actions performed under this strategy are based on the training provided in specific workshops that raise awareness among the various stakeholders of maternal and perinatal mortality, the importance of coordination and community work, and their shared responsibility on the issue.

155. Efforts are also made to identify persons in the community who are willing to accompany pregnant women during prenatal care visits, childbirth and post-partum monitoring and provide guidance and support in caring for their health. These individuals, known as community “godmothers” and “godfathers”, receive training from health personnel to ensure that they provide effective support. The strategy is operating in 186 municipalities with an indigenous population.

Domestic and gender-based violence prevention and treatment

156. Through the Programme for the Prevention and Treatment of Domestic and Gender-based Violence, an inclusive, integrated model has been developed that meets the criteria set out in official standard NOM-046-SSA2-2005 on domestic and sexual violence and violence against women and approaches to prevention and treatment, which aims to reduce the damage to health caused by such violence and to promote and carry out actions for ensuring a life free of violence.¹²⁵ Women aged 15 and over who do not have insurance coverage can benefit from actions and interventions under the programme.

¹²³ CERD/C/MEX/CO/16-17, para. 19.

¹²⁴ Ministry of Health, through the National Centre for Gender Equity and Reproductive Health.

¹²⁵ The programme is run by the Ministry of Health, through the National Centre for Gender Equity and Reproductive Health.

157. The accreditation process includes criteria for evaluating primary care, with the aim of ensuring that health facilities undertake preventive actions and provide psychological care to victims in cases of domestic and gender-based violence.¹²⁶

158. With respect to indigenous women's sexual and reproductive health,¹²⁷ an "indigenous women's centres" project is being implemented¹²⁸ with the aim of helping to prevent and address violence against women and to promote sexual and reproductive health in indigenous areas, through support for projects with an intercultural approach designed to tackle those issues.

2012	2013	2014	2015*	2016
19 indigenous women's centres in 13 states	21 indigenous women's centres in 14 states	24 indigenous women's centres in 14 states	24 indigenous women's centres in 14 states ¹²⁹	29 indigenous women's centres in 15 states
Female beneficiaries: 5 839	Female beneficiaries: 14 332	Female beneficiaries: 17 212	Female beneficiaries: 17 234	Female beneficiaries: 13 620
Male beneficiaries: 1 465	Male beneficiaries: 4 462	Male beneficiaries: 4 238	Male beneficiaries: 4 996	Male beneficiaries: 3 146
Total: 7 304	Total: 18 794	Total: 21 450	Total: 22 230	Total: 16 766*

159. The Family Planning and Contraception Programme 2013–2018 recognizes the need to take an intercultural approach to protecting the sexual and reproductive rights of the population. One of its main goals is to reduce the unmet demand for contraceptives so as to prevent unplanned pregnancies, with an emphasis on adolescents in indigenous communities and rural areas. It also promotes the provision of intercultural family planning and contraception services.

160. Between 2013 and 2016, training was provided to 1,110 health-care providers in 11 federative entities, including medical and nursing personnel, psychologists, social workers, midwives, health promoters and health-care assistants. These staff are in direct contact with adolescents and carry out activities to promote sexual and reproductive health and prevent pregnancy. There are a total of 3,452 indigenous youth brigade members in 208 localities, corresponding to 104 indigenous municipalities, in 10 federative entities.

161. In the area of education, the National Scholarship Programme's component to support the basic education of young mothers and young pregnant women aims to ensure greater educational coverage, inclusion and equity among all population groups, specifically by providing scholarships to girls and young women (between the ages of 12 years and 18 years and 11 months) in conditions of vulnerability aggravated by pregnancy and early motherhood. The scholarships enable them to enrol and remain in school and complete their basic education. This affords them more opportunities for training and access to information for use in decision-making.

162. In 2015, 4,558 recipients of such scholarships completed their basic education. Scholarships were granted to 16,780 young mothers and pregnant girls; 4,001 scholarship recipients were given guidance on sexual and reproductive health through talks and workshops conducted by various institutions.

¹²⁶ Care is also provided in shelters for indigenous women and their children in the State of Puebla (Cuetzalan), where 26 women, 20 boys and 17 girls received services in 2014, and the State of Oaxaca (Juchitán), where 40 women, 28 boys and 29 girls received services. In 2015, those shelters provided services to 20 women, 13 boys and 19 girls in Puebla, 40 women, 23 boys and 21 girls in Oaxaca, and 22 women, 20 boys and 14 girls in Chiapas.

¹²⁷ CERD/C/MEX/CO/16-17, para. 19.

¹²⁸ National Commission for the Development of Indigenous Peoples.

¹²⁹ The indigenous women's centres are located in Baja California, Chiapas, Chihuahua, Guerrero, Hidalgo, Estado de México, Michoacán, Nuevo León, Oaxaca, Puebla, Querétaro, San Luis Potosí, Sonora, Veracruz and Yucatán.

163. Part VII, “Health”, of the curriculum framework for initial education for the indigenous and migrant populations provides that in order to ensure the health of indigenous women, it is necessary to work from pregnancy onward on issues of hygiene, feeding and bonding with the baby before and after childbirth, and gives culturally sensitive recommendations on the care of the mother during childbirth.

164. The intercultural model of care for women during pregnancy, childbirth and the post-partum period was introduced in 2007 in order to identify and eradicate the cultural and gender barriers that hinder access to health services and can even result in maternal death, recognizing the cultural diversity of women in Mexico, particularly indigenous women, and making proposals for enhancing delivery care by including elements of traditional childbirth.

165. Between April 2008 and December 2015, theoretical and practical training based on this model was provided to health personnel in 43 hospitals and health centres. Since 2009, awareness-raising processes have been carried out with health personnel in 81 hospitals and health centres. In 2016, 243 persons in 48 hospitals and expanded health centres in Puebla, Sonora, Tabasco, Jalisco, Chiapas and Tlaxcala received training and/or information in the area of obstetric care. Mutually enriching exchanges were held between health workers and traditional birth attendants.

166. In order to respect the constitutional right of indigenous women to receive safe medical and traditional midwifery care, the model of humanized childbirth units has been put in place. These units are extensions of tertiary-level hospitals that provide non-medicalized attended deliveries with the possibility of employing traditional birth attendants in indigenous areas.

167. A round-table discussion was held with 33 traditional birth attendants and 14 staff of the state health services to identify problems impacting on the rights of indigenous women and traditional birth attendants in the provision of delivery care under the traditional model, and to find ways of resolving these problems.

Descent-based communities: Afro-Mexicans

168. In July 2013, a publication¹³⁰ was issued on the sociodemographic profile of localities with an Afro-Mexican population in Oaxaca.¹³¹ This document is a regional study that uses a territorial approach to shed light on the living conditions of the population residing in localities with a recognized Afro-Mexican population, based on the results of the 2010 population census.

169. The study was conducted in 106 localities in 17 municipalities of Oaxaca, recognized as settlements that are predominantly of African descent in terms of their historical roots, social characteristics and community organization. The objective was to get an idea of the demographic and social situation of these peoples.

170. In addition, a sociodemographic profile of the population of African descent was developed in 2016, based on an analysis of the results of the 2015 intercensal survey. The study compares the demographic and socioeconomic situation of members of this population, especially those living in the 100 municipalities where at least 10 per cent of the population is of African descent, with the national average, and will be useful in formulating public policy and implementing concrete measures for the benefit of this population group.

171. Further statistical information on the population of African descent is contained in the section on follow-up to the intercensal survey (paragraph 173 of this report).

172. As from January 2015, a set of questions on discrimination has been permanently incorporated into the basic questionnaire for the surveys on migration at the northern and southern borders of Mexico. The surveys are mainly for migrants arriving from the United States by land or air, as well as for Mexicans returned from the United States, and for

¹³⁰ National Institute of Statistics and Geography.

¹³¹ CERD/C/MEX/CO/16-17, para. 10.

migrants from Mexico or the United States, as well as Guatemalans, Hondurans and Salvadorans returned by Mexico or the United States.

173. This set of questions is used to enquire about the discrimination experienced by Mexican and foreign migrants, in particular indigenous persons and persons of African descent. This is done through questions such as “Based on your history, culture and traditions, do you consider yourself to be of African descent?” (to which a small proportion of the migrant population – between 0.08 and 2.2 per cent – answers in the affirmative) and by assessing the treatment received by indigenous and Afrodescendent migrants, among other population groups, in Mexico and the United States.¹³²

174. The survey on migration at the southern border found that 37 per cent of persons of Guatemalan origin described the way they were treated by the immigration authorities when they were last detained as average.

175. According to the survey on the northern border, 6,004 migrants said that they felt they had been discriminated against. The grounds on which they believed that they had been discriminated against were their appearance (39.9 per cent), the fact that they are indigenous or of African descent (37.8 per cent) and their skin colour (24.9 per cent). Meanwhile, Mexican migrants stated that the reasons for the way they were treated by the United States authorities were their status as migrants or foreigners (76.8 per cent), their undocumented status (73.6 per cent), their appearance (48.6 per cent) and their skin colour (22 per cent).

176. Pursuant to recommendation 58/2015¹³³ relating to human rights violations, legal security, liberty of person and of movement, and non-discrimination against persons of Mexican nationality, a working group was set up to design and develop a comprehensive ongoing training programme on human rights and multiculturalism for federal immigration officers, with the overall aim of ensuring that they understand the obligation to protect the human rights of indigenous and Afro-Mexican peoples and communities in the exercise of migration management, in accordance with the applicable legal framework.

177. In 2016, training was provided to a total of 237 officers working in entities identified as having the largest flows of indigenous people and people of African descent. The target is to train 3,212 immigration officers under the project.

178. In order to recognize the population of African descent and promote the rights of persons in this group, the book *Derechos colectivos y reconocimiento constitucional de las poblaciones afromexicanas* (Collective rights and constitutional recognition of Afro-Mexican populations), in the *Legislar sin Discriminación* (Legislating without Discrimination) series, was published in October 2015.¹³⁴ This book analyses the constitutional recognition of populations of African descent, providing a study of comparative law and international human rights law as contrasted with national law in order to make proposals for constitutional recognition.

179. By October 2016, two draft decrees had been presented in the Senate to amend articles 2, 27, 28 and 115 of the Constitution: one on 11 February 2016, with the aim of granting recognition to “Afrodescendent communities” as part of the multicultural composition of the nation, as well as a number of collective rights in their favour; and the other on 27 September 2016, with the aim of recognizing “the Afro-Mexican peoples and communities” as part of the multicultural composition of the nation.

180. With regard to collective rights, the proposals provide that the rights recognized under article 2 of the Constitution with respect to indigenous peoples are equally applicable to Afrodescendent communities, adding the words “and people of African descent” in the February 2016 proposal and “Afro-Mexicans” in the September 2016 proposal, to the relevant paragraphs and sections, including sections A and B of the article. Both initiatives promote the protection of the integrity of lands belonging to peoples of African descent.

¹³² See the annex entitled “Resultados de las Encuestas sobre Migración en la Frontera” (Results of migration surveys at the border).

¹³³ Of the National Human Rights Commission.

¹³⁴ CERD/C/MEX/CO/16-17, para. 10.

181. In order to ensure the political and public participation of persons of African descent,¹³⁵ in 2011, in the framework of the International Year for People of African Descent, consultations to identify communities of African descent in Mexico were conducted in the States of Coahuila, Chiapas, Guerrero, Michoacán, Oaxaca and Veracruz, covering 34 municipalities and 165 villages.

182. These consultations resulted in the identification of communities of people of African descent in Mexico, and their main characteristics, with a view to promoting the self-identification of peoples of African descent; determining the geographical location of localities with an Afrodescendent population; enhancing sociocultural knowledge about peoples of African descent in Mexico; promoting the participation of peoples of African descent in social, economic, cultural and political matters that concern them; identifying rights holders; and establishing the necessary foundations for the legal recognition of peoples of African descent.¹³⁶

183. With regard to the Committee's request concerning the results of the 2015 population and housing census,¹³⁷ it should be noted that, in order to address the lack of statistical information on the population of African descent in Mexico, the 2015 intercensal survey¹³⁸ included a question, based on self-identification, that has made it possible to estimate the size of this population, its distribution throughout the country and its sociodemographic characteristics.

184. The question used in the survey was the outcome of a process of consultation and agreement with institutions of the federal Government and some states, as well as civil society organizations and academic experts in the field. As a result, it was found that 1,381,853 persons consider themselves to be of African descent (676,924 men and 704,929 women), while 591,702 persons consider themselves to be partly of African descent (291,564 men and 300,138 women).

185. With the data from the 2015 intercensal survey, it is possible to generate a range of socioeconomic indicators concerning persons who self-identify as being of African descent.¹³⁹

186. With regard to the Committee's request for information on the measures taken in follow-up to the National Forum on People of African Descent in Mexico,¹⁴⁰ it should be noted that a national meeting was held on 19 and 20 August 2015, on the theme "Progress and challenges in the inclusion of Afro-Mexican peoples and persons of African descent: recognition, justice and development". The aim was to foster the inclusion and self-identification of Afro-Mexican peoples, with the participation of Afro-Mexican bodies in six states in the country. Civil society organizations¹⁴¹ highlighted the challenges for the inclusion of Afro-Mexican peoples and persons of African descent, and formulated proposals for change, action and solutions.

187. In September 2016, a forum on the collective rights of Afro-Mexican peoples and communities was held in the Senate with a view to reflecting on and reviewing one of the proposed amendments for the constitutional recognition of peoples of African descent. Civil society organizations, academics, government departments and the general public participated.

¹³⁵ CERD/C/MEX/CO/16-17, para. 16.

¹³⁶ Available at http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&gid=85&Itemid=200019&limitstart=5.

¹³⁷ CERD/C/MEX/CO/16-17/Add.1 and Add.2, para. 10 (a).

¹³⁸ The survey results were published on 8 December 2015. Available at <http://www.inegi.org.mx/est/contenidos/proyectos/encuestas/hogares/especiales/ei2015/default.aspx>.

¹³⁹ See common core document: *Perfil sociodemográfico de la población afrodescendiente en México* (Sociodemographic profile of the population of African descent in Mexico).

¹⁴⁰ CERD/C/MEX/CO/16-17/Add.1 and Add.2, para. 10 (c).

¹⁴¹ See the annex entitled "Declaración del Encuentro Nacional. Debate sobre Avances y Retos de la Inclusión de los Pueblos Afromexicanos y Personas Afrodescendientes: Reconocimiento, Justicia y Desarrollo" (Declaration of the National Meeting. Debate on progress and challenges in the inclusion of Afro-Mexican peoples and persons of African descent: recognition, justice and development).

188. Further to the information provided by the Mexican Government in response to the Committee's recommendation 10 on the Afro-Mexican population,¹⁴² it should be noted that, as part of the studies, awareness-raising campaigns and programmes carried out to promote the rights of the Afro-Mexican population, the campaign "I'm Afro! Count me in" was carried out to identify and learn about populations of African descent as collective rights holders.

189. Through the Conéctate online education platform, a course on the Afro-Mexican population's right to equality and non-discrimination is offered with the aim of prompting reflection on the racism and racial discrimination experienced by this population group, both historically and in the current context, and promoting the right to equality and non-discrimination.

190. In 2015 and up to September 2016, the course was run 19 times and taken by 2,300 persons, including 1,587 civil servants working in public institutions and 713 members of civil society organizations and the general public.

191. In 2013, in the framework of the Working Group on Implementation of the Recommendations of the Committee on the Elimination of All Forms of Racial Discrimination, a workplan was developed on the International Decade for People of African Descent. The workplan, presented on 23 March 2015, includes more than 50 actions involving 18 bodies in relation to the population of African descent and is structured around the theme of the International Decade – recognition, justice and development – and some of the specific activities that the United Nations programme of activities establishes for each one.

192. The National Programme for Equality and Non-Discrimination is made up of 8 strategies and 13 action lines, including an initiative to amend the Constitution to provide for the recognition of the Afro-Mexican population, legislative reforms to ensure the enjoyment of rights, and analyses of the situation of communities of African descent for use in public policymaking.¹⁴³

193. Mexico participates in the project for safeguarding the intangible cultural heritage of people of African descent in Latin America. Under that project, in 2013, it jointly edited and published the two-volume publication *Salvaguardia del patrimonio cultural inmaterial de los afrodescendientes en América Latina*, which contains reports on the situation of people of African descent in 12 countries.¹⁴⁴ In 2015, the video *Fandango: Son de Artesa* was produced, featuring a dance which is an expression of Afrodescendent intangible cultural heritage that is kept alive in the Costa Chica region of Guerrero and Oaxaca.¹⁴⁵

194. In 2014, the second edition of the recipe book *Recetario Mascogo de Coahuila* was published; it documents the culinary practices and knowledge of the Mascogo people, located in El Nacimiento, a municipality of Múzquiz, Coahuila. In 2015, with the support of the Programme of Support to Municipal and Community Cultures, the compact disc *Mascogo Soul* was released, featuring recordings of the slave hymns which today are known as gospel music or spirituals.

Article 6

195. In accordance with article 46 of the Federal Act to Prevent and Eliminate Discrimination, the National Council for the Prevention of Discrimination receives complaints concerning alleged discriminatory acts, omissions or social practices attributed to individuals, natural or legal persons, or federal public servants or authorities, and imposes appropriate administrative measures and reparations provided for under the Act.

¹⁴² CERD/C/MEX/CO/16-17/Add.1 and Add.2.

¹⁴³ See the 2015 report on achievements of the National Programme for Equality and Non-Discrimination, available at <http://www.gob.mx/segob/documentos/programas-derivados-del-plan-nacional-de-desarrollo-2013-2018-21310>.

¹⁴⁴ Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela.

¹⁴⁵ Ministry of Culture.

196. The 2014 amendment of the Act provides for a single complaint procedure and a catalogue of reparation measures, which include restoration of the right violated by the discriminatory act, omission or social practice; compensation for the harm caused; a public reprimand; a public or private apology; and a guarantee of non-repetition.

197. It also establishes that, in the event of failure to comply with decisions, cases will be referred to the independent constitutional body if the person concerned is a public servant or to the competent authority in the case of natural or legal persons.¹⁴⁶

198. In the second half of 2015, a handbook for the conduct of discrimination cases was published to provide guidance on dealing with complaints concerning suspected violations of the right to equality and non-discrimination and, to the extent possible, restoring the right violated and repairing the harm caused. The handbook identifies the minimum procedural requirements for investigating and verifying violations of the right to non-discrimination in order to provide guidance to public servants who receive and investigate reports of acts of discrimination in their area of competence.

199. Between January 2012 and 1 December 2016, the National Human Rights Commission dealt with 452 complaints of alleged human rights violations involving discrimination, with the following outcomes: referral; failure to substantiate; or resolution in the course of proceedings and/or because of the complainant's lack of interest in pursuing the case.

Article 7

Education and teaching

200. The Federal Government develops¹⁴⁷ content and materials to enhance the visibility of the indigenous, migrant and Afrodescendent populations, with the cross-cutting themes of non-discrimination; acknowledgement of social, ethnic, cultural, linguistic and disability-related diversity; and the human, linguistic and cultural rights of children and adolescents, migrants and indigenous peoples, with a view to raising awareness among the school population and the educational community in general.

201. The education gap for indigenous persons and speakers of indigenous languages narrowed between 2010 and 2015,¹⁴⁸ in both basic education and upper secondary education. However, there are still gaps with respect to the overall population, especially in the older age groups. People of African descent had completion rates similar to those of the overall population in 2015; no data are available for this population group for 2010.¹⁴⁹

202. The school attendance rate among the indigenous population is similar to that of the population as a whole up to the age of 11 years. Among 12- to 14-year-olds and, in particular, among 15- to 17-year-olds — the ages at which children attend lower and upper secondary school — the gap widens. The population of African descent has a slightly higher attendance rate than the overall population.

203. School attendance among children of migrant day labourers is between 14 per cent and 17 per cent. The number of children and adolescents belonging to the families of migrant agricultural day labourers is estimated at 279,000 to 326,000, of whom only 46,447 receive educational services. The average number of years of schooling of migrant day labourers aged 15 or older is 4.5 years, which is lower than the rate among non-migrant agricultural day labourers (5.2 years) and the same age group within the national population (8.1 years).

¹⁴⁶ See the annex entitled "Quejas recibidas por CONAPRED" (Complaints received by the National Council for the Prevention of Discrimination).

¹⁴⁷ Via the Ministry of Education.

¹⁴⁸ The illiteracy rate among speakers of an indigenous language decreased from 34 per cent in 2005 to 27 per cent in 2010.

¹⁴⁹ Estimates calculated by the National Institute for Educational Assessment.

204. Despite the progress made in terms of access to education and some areas of academic achievement, there are still inequities in educational services for the indigenous and migrant populations. In order to remedy this situation, various steps are being taken, including support for a publishing programme that caters for the cultural and linguistic diversity found in schools with students from indigenous or migrant families.

205. In the 2014/15 school year, 542 monolingual, bilingual and multilingual publications were distributed, with a print run of 8.6 million copies, exceeding the almost 6 million printed in 2013/14. The materials reached just over 1.2 million indigenous and migrant students throughout the country. The publishing programme covers 51 indigenous languages. In the 2015/16 school year, 5.1 million copies were distributed, benefiting 1.2 million students.¹⁵⁰

206. Furthermore, primary school history curricula and textbooks include topics that make reference to the population of African descent so as to ensure that pupils recognize and value the cultural diversity of Mexico. Geography textbooks also include information on Afro-Mexicans and their characteristics.

207. In the framework of information technology, fifth- and sixth-grade students in participating entities receive computers from the Micompu.mx and @prendemx programmes, which include multicultural and multilingual content that contributes to an understanding of the linguistic and cultural diversity of the national education system as a whole. The goal is to develop multilingual, multicultural and multigrade digital material to bridge the digital divide between the country's indigenous languages and Spanish.

208. The Wings and Roots programme was developed in consultation with approximately 2,000 children in the 32 federative entities on elements of their identity associated with their cultural heritage. This exercise forms the basis of the exhibition "Treasure Chests with Wings and Roots: Treasures of the Children of Mexico", consisting of 32 chests, one for each federative entity, designed by children with the participation of local artists and artisans to represent their cultural heritage.

Culture

209. The comprehensive evaluation of the performance of federal cultural programmes in 2012–2013,¹⁵¹ in which six programmes were analysed, highlighted the cultural policy challenge of expanding, diversifying and ensuring access to cultural choices and opportunities for the population as a whole, taking account of the fact that those with the least access to such opportunities are indigenous households and households with low levels of education or resources. The evaluation also noted that, when resources are scarce, the organizational aspect of such programmes becomes more important.¹⁵²

210. In order to preserve and strengthen the indigenous cultures of Mexico and recognize them as part of the cultural heritage of the nation, the following elements were included in the 2013–2018 National Development Plan and the 2014–2018 Special Programme for Indigenous Peoples:

¹⁵⁰ See the annex entitled "Relación de producción editorial" (List of publications).

¹⁵¹ Developed by the National Council for Social Development Policy Evaluation.

¹⁵² Available at http://www.coneval.gob.mx/Informes/Evaluacion/Integrales/Integrales%202012-2013/22_EI_CULTURA.pdf.

	<i>Objective</i>	<i>2.2 Move towards a fair and inclusive society</i>
Alignment with the 2013–2018 National Development Plan	Strategy	2.2.3 Promote the welfare of indigenous peoples and communities by strengthening their social and economic development process, while respecting the manifestations of their culture and the exercise of their rights
	Cross-cutting theme	Gender perspective
Alignment with the 2014–2018 Special Programme for Indigenous Peoples	Objective	Objective 6: Preserve and strengthen the culture of indigenous peoples, recognizing its status as national heritage
	Strategy	Strategy 6.1 Promote actions aimed at the preservation, development and dissemination of artistic and cultural expressions of indigenous peoples and communities
	Action line	6.1.1 Disseminate the cultural heritage of indigenous peoples and communities, especially their historical and artistic expressions and traditional knowledge

212. Mexico, Culture for Harmony has also been introduced as a cross-cutting strategy with the aim of positioning the arts and culture as tools for social transformation, cohesion, inclusion and prevention. Priority is given to communities that have high rates of violence and crime and low social development indices.

213. This new vision of public policy and the criteria of rationality, efficiency and transparency underpinned the launch of the Programme for the Promotion of Indigenous Cultural Heritage and the programme of support for the exercise of cultural and communication rights.

Programmes

Programme for the Promotion of Indigenous Cultural Heritage:	Indigenous Rights Programme
Support for traditional indigenous organizations for the development of cultural projects	Support for the exercise of cultural and communication rights: ¹⁵³
Cultural promoters	Training of young people to safeguard their culture
Intercultural dialogues	Community cultural initiatives
Programme of support for indigenous communication projects	Support for indigenous communicators

214. The Programme for the Promotion of Indigenous Cultural Heritage, established in 2014, brings together and takes a unified approach to actions to preserve and disseminate heritage, conduct research, promote cultural radio broadcasting in indigenous languages and, in particular, share the diversity and richness of indigenous culture. The Programme also promotes the preservation and dissemination of popular, urban, rural, indigenous and

¹⁵³ In 2014, 282,949.01 pesos were invested in three cultural projects on indigenous music to promote creativity and to preserve and strengthen the music of the Afro-Mexican people, benefiting 55 indigenous persons, and 102,414.80 pesos were invested in training a young indigenous person in the protection, safeguarding and development of his culture and cultural heritage; in 2015, 20,190.00 pesos were invested in a project on indigenous dance, benefiting 20 indigenous persons, and 102,414.80 pesos were invested in training a young indigenous person.

community cultures, highlighting their dynamism and capacity for innovation and interaction, as well as intercultural dialogue.¹⁵⁴

Information

215. As part of campaigns to educate the public on the life, society and culture of groups protected under the Convention, the course “Equal and different: citizens in electoral processes” is offered through the Conéctate platform with the objective of preventing discriminatory practices in electoral processes so as to protect the political and electoral rights of all persons and contribute to the construction of a democratic society.

216. In 2015 and up to September 2016, the course was run 19 times, with 1,692 persons enrolled, 1,108 of whom were from public institutions and 584 from civil society organizations and the general public.

217. The course “Migration and xenophobia” is also offered, with the aim of identifying the basic elements of migration and xenophobia and recognizing the diverse circumstances faced by the migrant population, from a human rights perspective. The course was launched in February 2016, and by April 443 persons had been trained, including 318 public servants and 125 representatives of civil society organizations and members of the general public. By September, 1,504 persons had been trained, including 1,146 public servants and 358 representatives of civil society organizations and members of the general public.

218. In 2015 and 2016, the air time set aside for the State was used to broadcast the following campaigns on national television: “Raise your hand for human rights” (54,483 impacts), “Journalists” (52,576 impacts) and “Raise your hand – promotion and observance of human rights” (81,299), “Not all men are alike” (91,147 impacts) and “The new criminal justice system” (171,167 impacts).

219. Radio campaigns: “The Afro-American population” (87,774 impacts), “When it comes to fighting violence against women, one plus one equals a hundred” (217,372), “The new criminal justice system” (599,521), “Raise your hand for human rights” (146,186 impacts), “Journalists” (235,261 impacts) and “Raise your hand – promotion and observance of human rights” (349,442 impacts).

220. Since 15 March 2015, the radio programme *La Hora Nacional* has disseminated information promoting recognition, justice and development for people of African descent in the framework of the programme of activities for the International Decade for People of African Descent, 2015–2025, and has broadcast segments on the conceptualization of the Afro-Mexican population, the historical and cultural characteristics of people of African descent, people of African descent in viceroyalty-era Mexico, and the Afro-Mexican “third root” movement for the abolition of slavery, among other topics.

221. Throughout 2016, all of the country’s radio stations broadcast segments on people of African descent, their origins and cultural diversity on the World Day for Cultural Diversity for Dialogue and Development and on Zero Discrimination Day. Air time was also devoted to content on International Mother Language Day, and speakers of indigenous languages introduced the public to expressions in those languages. Between 2013 and 2017, to celebrate the International Day of the World’s Indigenous People, contemporary indigenous music concerts were held, mostly featuring indigenous artists and musicians who sing in their mother tongue.

¹⁵⁴ Ministry of Culture. <http://culturaspopulareseindigenas.gob.mx/>.