



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

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Committee on the Elimination of Racial Discrimination

**Combined twenty-second to twenty-fourth
periodic reports submitted by Mexico under
article 9 of the Convention, due in 2022** ***

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* The present document is being issued without formal editing.
** The annexes to the present report are available on the Committee's web page.



I. Introduction

1. Mexico presented its combined eighteenth to twenty-first periodic reports (CERD/C/MEX/18-21), submitted in one document, at the Committee's 2745th and 2746th meetings, held on 8 and 9 August 2019. At its 2765th meeting, held on 23 August 2019, the Committee adopted its concluding observations of 29 August 2019 (CERD/C/MEX/CO/18-21).
2. On 19 January 2022, a forum was held to open a dialogue between Mexican civil society organizations combating discrimination and representatives of the public institutions responsible for the preparation of this report, in light of the Committee's recommendations.
3. The forum¹ was divided into four thematic working groups based on the articles of the Convention and the Committee's recommendations: (i) combating racial discrimination: institution-building, public policies and legislative measures; (ii) people of African descent, indigenous peoples and migrants: the right to be consulted and access to and effectiveness of justice; (iii) education, teaching and culture; and (iv) information.
4. The working groups discussed the Committee's recommendations to identify advancements, challenges and pending issues. As a result of the dialogue, the civil society organizations set out concrete proposals to strengthen and consolidate the State's actions to eliminate racial discrimination, racism and related intolerance in different areas, with an intersectoral approach and differentiated treatment of groups that have historically been discriminated against.

II. Compliance with articles 1 to 7

5. The information corresponding to articles 1, 2 and 3 of the Convention can be found in the common core document of Mexico.

Article 4

6. To follow up on the work carried out as part of the European No Hate Speech Movement and the "Without Tags" campaign, the Movement to Combat Hate Speech, an initiative that seeks to counteract online and offline hate speech targeted at groups subject to discrimination by creating inclusive narratives that foster dialogue, was adopted.
7. Within this framework, training and awareness-raising activities were carried out between 2017 and 2018² for the general public and young people from social organizations and groups to provide information and tools to tackle hate speech.
8. The manual entitled "We CAN! Taking action against hate speech through counter and alternative narratives", devised by the Council of Europe, was translated into Spanish to encourage young people to develop strategies and campaigns based on the values of human rights, democracy, respect for differences, freedom and equality.
9. In order to prevent hate speech or incitement of hate in relation to migrants, the National Council for the Prevention of Discrimination developed a guide to public action for xenophobia-free communication. Recommendations on the coverage of international migration in the media and on social networks were issued to provide knowledge and tools for identifying and eliminating xenophobic practices in the media. It is aimed at media professionals, public and private sector communication offices, civil society organizations, regulatory agencies, and students and teachers of media and journalism in schools and universities.
10. At the local level, the Mexico City Council for Preventing and Eliminating Discrimination has launched campaigns to combat hate speech, including "No discrimination

¹ See annex 1 for the reports of the working groups of the forum with civil society for the preparation of the periodic report of Mexico.

² See annex 2 for the activity report of the Movement to Combat Hate Speech.

against indigenous people”, “Migrants’ rights”, “Facing down racism is up to you”, “Xenophobia and racism”, “Mexico City anti-discrimination campaign”, “Unity above our differences” and the campaign and ongoing strategy “October, month of culture against discrimination”.

11. In compliance with the judgment handed down by the Supreme Court in *amparo* appeal No. 805/2018, the federal executive branch has submitted a draft decree to the Senate that amends and adds provisions to article 149 ter of the Federal Criminal Code to criminalize acts of racial discrimination and the acts described in article 4 of the Convention. There are also eight other initiatives with the same purpose. They are all currently being examined by the legislature.

Article 5

Legal and programmatic framework

12. The Federal Act on the Prevention and Elimination of Discrimination is currently undergoing a major reform³ process to strengthen the regulatory and institutional framework in compliance with the obligations arising from the ratification of international and regional human rights treaties and ensure harmonization with anti-discrimination legislation as soon as possible.

13. “Leave no one behind, leave no one out” was incorporated into the National Development Plan (2019–2024)⁴ as a guiding principle for the first time. It prohibits all forms of discrimination based on physical characteristics, religion, language, culture, place of origin, political and ideological preference, gender identity and sexual orientation and preference. A ban on all forms of discrimination was thus incorporated into the programmes launched under the Plan.

14. In 2019, a working group was formed of representatives of the Ministry of Finance and Public Credit, the National Council for the Prevention of Discrimination, the National Institute for Women, the National Institute of Indigenous Peoples, the Mexican Youth Institute and the National System for the Comprehensive Protection of Children and Adolescents. It drafted a guide for the development of programmes derived from the National Development Plan (2019–2024) and an annex 1 containing guidelines for mainstreaming gender equality, interculturality, non-discrimination and inclusion in national development planning,⁵ the purpose of which is to guide public agencies in the incorporation of a cross-cutting perspective of gender equality, non-discrimination and inclusion.

15. The Special Programme for Indigenous and Afro-Mexican Peoples⁶ was launched as part of the National Development Plan and is coordinated by the National Institute of Indigenous Peoples. It contributes to the new development model based on ensuring the well-being of indigenous and Afro-Mexican peoples by addressing the situation of poverty, inequality and injustice in which they live.

16. The National Programme for Equality and Non-Discrimination⁷ is a mandatory intersectoral programme coordinated by the National Council for the Prevention of Discrimination and implemented by the relevant authorities of the federal Government. It aims to combat discriminatory practices that restrict and hinder the exercise of human rights in the areas of health, education, labour, justice and social security, and to close inequality gaps.

³ See <http://gaceta.diputados.gob.mx/PDF/65/2021/dic/20211214-III.pdf>.

⁴ Published on 12 July 2019 in the *Diario Oficial de la Federación* (Official Gazette) at http://www.dof.gob.mx/nota_detalle.php?codigo=5565599&fecha=12/07/2019.

⁵ The annex 1 guidelines are reflected in the sectoral programmes adopted under the 2019–2024 National Development Plan.

⁶ Promulgated on 27 December 2021 and published in the *Diario Oficial de la Federación*.

⁷ Published in the *Diario Oficial de la Federación* on 14 December 2021.

Human rights defenders

17. In 2021, Mexico amended the Human Rights Defenders and Journalists Protection Act, which provides for inter-agency cooperation in the implementation of measures designed to safeguard the lives, well-being, freedom and safety of persons who are at risk as a result of their efforts to defend and promote human rights, exercise freedom of expression and engage in journalistic activities.

18. The mechanism for the protection of human rights defenders and journalists of the Ministry of the Interior was created under the Act. As of April 2021, it covered 1,012 individuals, of whom 449 were human rights defenders and 563 were journalists.

19. In 2019, more cases were registered under the mechanism than in any other year (184 cases, 74 more than in 2018).

20. An evaluation of the mechanism⁸ conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2019 led to specific measures that have strengthened it. These include the implementation of a risk-analysis methodology with a differential, gender-sensitive approach that takes into account the cultural, regional and gender-related differences that may affect indigenous peoples and the Afro-Mexican community, the streamlining of services, the recruitment of additional staff and strengthened cooperation with the federative entities.

21. For example, legislation that criminalized the work of human rights defenders in the State of Hidalgo was repealed, state-level analyses of the situation of human rights defenders and journalists in the States of Puebla, Veracruz and Guanajuato have been published, state reports containing information on the local context in relation to the groups to be protected have been issued, and monthly reports on patterns of attacks against journalists and human rights defenders around the country have been drawn up.

22. Within the justice system, the Supreme Court has affirmed that freedom of expression and the protection of journalists are indispensable requirements for a democratic society, and its decisions can provide a means of protecting journalists.

23. In its decisions, it places limits on the extent to which the right to freedom of expression can be restricted,^{9, 10} invalidates the prohibition of “denigration” of political candidates, institutions or parties in electoral processes as a violation of such freedom,¹¹ affirms the importance of channels of free expression for dissent and political change, especially for politically exposed people,¹² and determines when people’s opinions and freedom of expression take precedence over personal rights, especially on issues of national interest for the development of a deliberative democracy.¹³

24. The Supreme Court has stated that freedom of expression and the corresponding right to information have two facets, individual and social, which require not only that individuals must be able to express themselves freely, but also that their right as members of a group to receive any information and the expression of the views of others must be respected.

25. Since 2006, the consultative assembly of the National Council for the Prevention of Discrimination has been presenting awards for equality and non-discrimination to individuals who have distinguished themselves through their actions or careers by promoting a culture of equal opportunity and non-discrimination and the effective exercise of the rights of all people. The most recent award ceremony was held in 2020.¹⁴

⁸ The evaluation is available at https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MEX/INT_CESCR_FCO_MEX_37549_S.pdf.

⁹ Conflicting holdings decision No. 247/2017.

¹⁰ Application for constitutional review No. 132/2020.

¹¹ Application for constitutional review No. 140/2020.

¹² Direct *amparo* appeal No. 172/2019.

¹³ Direct *amparo* appeal No. 6175/2018.

¹⁴ A list of recipients is available at

http://www.conapred.org.mx/index.php?contenido=boletin&id=1372&id_opcion=103&op=213.

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

26. The National Development Plan (2019–2024) establishes the “no more migration due to hunger or violence” principle, on which the Sectoral Governance Programme (2020–2024) is based. Priority objective 4 of the Programme is to guarantee the full exercise and enjoyment of the human rights of all persons who live in, enter, reside in, transit or return to Mexico through the design, coordination and implementation of a comprehensive population and human mobility policy and strategies and specific actions for holistically addressing international migration flows in, from and to Mexico.¹⁵

27. In 2019, a follow-up mechanism for the objectives of the Global Compact for Safe, Orderly and Regular Migration was established, and a follow-up strategy was presented to various federal Government agencies dealing with the issue of migration. The strategy entailed the compilation of programmes, activities and best practices in two information documents: a compendium and an executive report containing a list of sample activities and the challenges associated with them. Between June 2020 and June 2021, a total of 174 programmes and actions were recorded.¹⁶

28. The status of “visitor for humanitarian reasons” was established to enable foreigners in vulnerable situations to obtain an immigration document. This status allows them to enter the country without a Mexican visa and to change or regularize their immigration status if they are in the country unlawfully and are applying for refugee status or political asylum, are stateless or are recognized as victims or witnesses of any act classified as an offence committed in Mexico; are unaccompanied children or adolescents, where this is in their best interests; or are in an emergency situation or require humanitarian assistance. Between January and December 2021, 89,642 “visitor for humanitarian reasons” cards were issued.

29. Steps were taken to promote the regularization of immigration status under these three categories so as to give foreigners the opportunity to obtain an immigration document attesting that they are in the country lawfully. Between January and December 2021, the situations of 124,775 foreigners were regularized: 99,499 for humanitarian reasons, 14,210 on the basis of family ties and 11,066 for persons whose document had expired or who had performed unauthorized activities.

30. Between January and December 2021, 3,761 visiting frontier worker cards were issued to foreigners, mainly from Belize and Guatemala, who work in states along the southern border, namely Campeche, Chiapas, Quintana Roo and Tabasco. The cards are valid for one year and are issued upon verification that a formal job offer has been made and that the employer is registered with the National Institute of Migration.

31. Within the justice system, the Supreme Court decided in *amparo* appeal No. 353/2019¹⁷ that the term of 30 business days¹⁸ to file an application for refugee status was constitutional, given that applications filed after the deadline will be processed on an exceptional basis. Therefore, the mere establishment of such a deadline does not totally and definitively preclude the filing and/or acceptance of an application for refugee status, as the exceptions make the deadline more flexible.

32. The decision in *amparo* appeal No. 353/2019¹⁹ established the obligation of the Mexican State authorities to respect the human right to non-refoulement and emphasized that persons applying for refugee status cannot be turned away at the border or expelled without an adequate case-by-case assessment of their applications through a fair and efficient procedure to assess the level of risk that they would face if returned to their country of origin.

33. As part of its non-judicial activities, the Supreme Court updated the procedural protocol for justice administrators in cases concerning migrants and persons in need of

¹⁵ The Sectoral Governance Programme (2020–2024) is available online at https://www.dof.gob.mx/nota_detalle.php?codigo=5595526&fecha=25/06/2020.

¹⁶ They can be accessed at <http://politicamigratoria.gob.mx/es/PoliticaMigratoria/PMM>.

¹⁷ Judgment of 16 October 2019.

¹⁸ See article 18 of the Refugees, Complementary Protection and Political Asylum Act.

¹⁹ Judgment of 16 October 2019.

international protection, by incorporating a procedure to be followed in the event that an application for refugee status has not been submitted within the period established by law.

34. Section E of the protocol, on general concepts regarding administrative immigration proceedings and the international protection of persons, sets out matters related to migration control, inspection and verification, and presentation and accommodation from the perspective of legislation and the authorities' powers. It also explains the outcomes of administrative immigration proceedings, namely regularization of immigration status, assisted return or deportation, and addresses issues related to the international protection of persons, including political, diplomatic and territorial asylum and recognition of refugee status.

35. In relation to the investigations that have been completed or are ongoing over the period 2019–2021, the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons initiated an investigation on 6 August 2021 in order to locate three Honduran nationals who had been abducted and brought to Mexican territory for the purpose of sexual exploitation at a bar in the State of Chiapas.

36. Two women 16 and 20 years of age, along with the 3-year-old son of one of the women, were located and identified. They were rescued at different addresses in the municipality of Comitán, Chiapas.

37. As a result of the Special Prosecutor's actions, appropriate protective measures were taken to ensure their safety and they were transferred to Mexico City, where they were placed in a highly secure shelter for women victims of violence. Care was provided at the shelter taking full account of the background to the case. As victims of offences committed in the national territory, they were entitled to regularization of their immigration status and were issued with a humanitarian visa, which allowed them to remain in Mexico.

38. The Criminal Investigation Unit for Migrants of the Prosecutor General's Office informs migrants who have been direct or indirect victims of crime about the progress of the investigations, thereby safeguarding their right to truth and justice. They are provided with differential and specialized treatment in accordance with article 5 of the current General Victims Act, with no discrimination based on their immigration status.

39. With respect to the protection of accompanied and unaccompanied migrant children and adolescents, a decree amending various articles of the Migration Act was published in the Official Gazette in 2020. It is the most significant of the reforms introduced for the protection of migrant children, and its main advances include broader legal protection and the issuance of a provisional "visitor for humanitarian reasons" document and a unique population registry code, which precludes immediate return and thus ensures that the offices for the protection of children and teenagers are able to correctly determine their best interests.

40. It also establishes that the National Institute of Migration may under no circumstances present or accommodate children or adolescents in migrant holding centres or places fitted out for that purpose and that the Institute must immediately refer them to the National System for the Comprehensive Development of the Family or its equivalent in the federative entities, municipalities or other territorial units and notify the relevant office for the protection of children and teenagers, which shall determine their best interests and develop a rights restoration plan.

41. Furthermore, the Supreme Court has recognized the need to take positive steps to ensure equality in the exercise of the rights of children and adolescents who are particularly vulnerable owing to specific circumstances such as cultural identity, ethnic or national origin, immigration status, gender, sexual preference, religious beliefs or cultural practices.²⁰

42. Offices for the protection of children and teenagers are responsible for the legal representation of accompanied and unaccompanied migrant children and adolescents, either in a supporting role or as a substitute for the child's parent or guardian. They also order and

²⁰ *Amparo* appeal No. 800/2017, Second Division of the Supreme Court, decision of 29 November 2017, p. 39. Available at <https://www2.scjn.gob.mx/ConsultaTematica/PaginasPub/DetallePub.aspx?AsuntoID=221417>.

issue the relevant protective measures and develop rights restoration plans taking into account the children's best interests and vulnerability status.

43. In 2021, the Federal Office for the Protection of Children and Teenagers supported a total of 3,351 migrant children and adolescents, drew up a total of 1,152 rights restoration plans and ordered 2,366 protective measures.

44. Participants in the online training course on the restoration of children's rights given by the National System for the Comprehensive Development of the Family numbered 3,191 in 2020, 5,410 in 2021 and 353 in 2022.

45. The Federal Office for the Protection of Children and Teenagers published a basic guide for the restoration of the rights of migrant children and adolescents to assist substantive staff responsible for the protection and restoration of the rights of children and adolescents who are vulnerable owing to their immigration status, organize collaboration and cooperation with public or private institutions and ensure that the best interests of the child take precedence in the actions and operations of the authorities.

46. The Ministry of Education is implementing a project for the inclusion of migrant children and adolescents in basic education, in collaboration with the United Nations Children's Fund (UNICEF). It is divided into three levels: the regional level, comprising the northern triangle of Central America; the national level, which includes intersectoral strategies to enhance the capacities of educational authorities through a school access pathway with the direct involvement of the National Council for the Promotion of Education, the National Institute for Adult Education and the Directorate General of Accreditation, Admissions and Recertification of the Ministry of Education; and the local level, which involves applying and validating inclusive education models that cover educational needs in Chiapas, Chihuahua, Baja California and Puebla.

47. The National Population Registry and the Commission on Assistance for Refugees work in coordination to guarantee the right to identity of migrants and asylum-seekers by assigning a temporary unique population registry code with a photograph that facilitates access to services and administrative procedures in the country. From 2019 to date, a code has been assigned to almost 178,000 people, most of whom originate from Honduras, Haiti, Cuba and El Salvador.

48. These coordination efforts have included steps to make the computer systems of the two institutions interoperable, eliminating duplicate and blank entries and allowing the civil registries of the federative entities with large numbers of refugees or asylum-seekers, such as Baja California and Nuevo León, to take part in this process.

49. Regarding Mexican migrants who are repatriated from the United States of America, in October 2021 the National Population Registry, in coordination with the National Institute of Migration, began issuing a temporary unique population registry code to all Mexicans without a birth certificate or a unique population registry code upon entry to Mexico via any of the 17 repatriation points located at the northern border or via airports where the Mexican Interior Repatriation Programme is in operation. Also as part of this project, support is provided by the civil registries of 11 federative entities, which provide legal identity documents free of charge to anyone whose birth has been registered in Mexico.

50. Between 2019 and 2021, the National Population Registry used the "I am Mexico" programme to promote birth registration among Mexican-Americans returning to the country to safeguard their right to an identity and dual nationality. Over this same period, the authorities electronically validated more than 49,000 birth certificates issued in 43 states of the United States by consulting the National Association for Public Health Statistics and Information Systems, thus removing the need for an apostille and facilitating birth registration with the Mexican civil registry.

51. The groundwork was laid to allow the unique population registry code to be assigned in an inclusive manner to vulnerable populations. This involves issuing the code in indigenous languages whenever the National Population Registry has a translation available; issuing it in Braille to persons with visual impairments; and incorporating an inclusive government logo into the code issuance record, which will be rolled out gradually to facilitate access to official procedures and services for persons with disabilities.

52. The National Institute of Migration, in conjunction with the Commission on Assistance for Refugees and with technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR), developed a programme to provide housing alternatives other than migrant holding centres for foreigners in respect of whom administrative immigration proceedings have been instituted because they are in Mexico illegally and who have applied to the Commission for recognition of refugee status. Between 1 June 2020 and 31 January 2022, the programme benefited 1,691 such migrants.

53. The Institute published a guide for the care of migrant children and adolescents, an internal instrument that serves to advise Institute officials on the procedures and practices to be followed and services to be provided, including food and medical care, from initial contact until the completion of the relevant administrative immigration proceedings in accordance with the Migration Act, the General Act on the Rights of Children and Adolescents and other applicable legal instruments.

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55. In cooperation with UNICEF Mexico, the Institute also devised a guide for child protection officers of the National Institute of Migration on the transfer of migrant children and adolescents and guidelines for protection officers to facilitate interaction with migrant children and adolescents. The purpose of these instruments is to improve interaction with migrant children in a more empathetic and proactive manner and to detect situations of risk.

56. For the development of this policy, in April 2019 the National System for the Comprehensive Protection of Children and Adolescents approved the creation of the Commission for the Comprehensive Protection of Migrant and Asylum-seeking Children and Adolescents and the Road Map for the Comprehensive Protection of the Rights of Children and Adolescents.

57. The aim of the Road Map is to safeguard the rights of migrant children and adolescents by identifying the stages at which each of the relevant offices should intervene to protect and restore their rights, with the best interests of children as a primary consideration.

58. An initial stage involves a preliminary procedure in which migratory movements are monitored. This is followed by four further stages: (1) entry to the territory, detection and urgent measures; (2) best-interests determination; (3) restoration of rights; and (4) preparation for and transition to independent living, with a set of indicators for monitoring and assessment.

59. The National System for the Comprehensive Development of the Family designed a virtual course to distribute and raise awareness of the Road Map. A total of 1,260 people were trained the first time it ran, in 2021, and 2,583 officials of the National System for the Comprehensive Development of the Family and the corresponding state and municipal systems attended the four courses held in 2022.

60. The Commission for the Comprehensive Protection of Migrant and Asylum-seeking Children and Adolescents devised the Strategic Plan of Action for the Care of Migrant Children and Adolescents to plan and coordinate actions in two priority areas: human security and governance, and the human rights of children and adolescents.

61. The Plan includes, inter alia, a programme for issuing identity cards to migrant children between 0 and 5 years of age, the establishment of a vaccination team in the country's border states and the preparation of a diagnostic study on the situation of migrant and asylum-seeking children.

62. The Commission on Assistance for Refugees drafted an operational guide for processing asylum applications submitted by accompanied, separated and unaccompanied migrant children and adolescents, with the aim of harmonizing the Refugees, Complementary

Protection and Political Asylum Act with the General Act on the Rights of Children and Adolescents.

63. In relation to the use of force, abuses of authority and migrants' access to justice, the Criminal Defence Unit of the Federal Public Defender Service has provided assistance to 12 migrants: 3 Honduran, 1 Spanish, 3 Venezuelan and 5 Colombian nationals.

64. The Federal Public Defender Service's Legal Assistance Unit assisted 132 people (52 women and 80 men) in a similar situation: 10 Venezuelan, 4 Nicaraguan, 6 Guatemalan, 8 Colombian, 64 Honduran, 8 Salvadoran, 6 Tajik, 10 Cuban, 12 Haitian, 1 Eritrean, 1 Spanish and 2 Pakistani nationals.

65. The Council of the Federal Judiciary has trained judicial authorities and support staff and officials of other institutions on international standards concerning the use of force and torture. Furthermore, to encourage public awareness and foster a culture of equality, the Council has circulated information on 29 commemorative days and sent 44 bulletins related to the prohibition of discrimination to all Council officials. Several training courses and awareness-raising activities have been organized on these matters.

66. Following the update of the procedural protocol for justice administrators in cases concerning migrants and persons in need of international protection,²¹ section F of the protocol, entitled "Guide for trying cases concerning migrants and persons in need of international protection", identifies the most common disputes in administrative immigration proceedings and proceedings related to applications for asylum as a form of international protection.

67. The powers of the National Guard in the context of migration are set out in the National Guard Act. They include conducting checks, except in facilities used for the international transit of persons, in coordination with the National Institute of Migration, to ensure that foreign nationals are in the country legally, and, where applicable, presenting migrants in an irregular situation to the appropriate authorities for the purposes established by law.²²

68. The fact that it performs activities in coordination with the National Institute of Migration does not imply that the National Guard, as a decentralized administrative unit of the Ministry of Public Security and Citizen Protection, directly and independently performs migration-related duties; the right to free movement can be curtailed only by the administrative authorities in accordance with the legal framework for migration matters.

69. As regards racial profiling practices that restrict the rights of migrants, especially those belonging to Afrodescendent or indigenous communities and groups, the National Council for the Prevention of Discrimination, in collaboration with Office of the Undersecretary for Population, Migration and Religious Affairs of the Ministry of the Interior and the National Institute of Migration, prepared a guide for the prevention of racial profiling practices, a useful and easily applicable tool that helps federal migration officers to avoid such practices in their everyday work.

70. The guide is an instrument for training and awareness-raising among federal migration officers and officials of auxiliary migration authorities on the issue of racial profiling.

71. The Council has been working in coordination with OHCHR on a proposed training course for trainers to help disseminate the contents of the guide within the framework of a broad agenda with the National Institute of Migration.

72. The Institute provides all its staff with training on prevention of racial profiling practices, based on the guide for the prevention of such practices. Between 1 January 2021 and 31 January 2022, 2,095 public officials were trained, and training will continue with a particular focus on staff posted at international transit points.

²¹ The instrument can be accessed at <https://www.scjn.gob.mx/derechos-humanos/protocolos-de-actuacion/en-casos-que-involucren-personas-migrantes-y-sujetas-de-proteccion>.

²² Article 9, paragraphs XXXV and XXXVI, of the National Guard Act.

73. As part of an information strategy to prevent xenophobia in the various contexts of migration, the Council distributes material to break down prejudices and stereotypes that fuel racist, classist and xenophobic practices and to help debunk myths about migrants and refugees.

74. It prepared a document entitled *Mitos y realidades sobre la Caravana Migrante y las personas refugiadas* (Myths and realities concerning the migrant caravan and refugees),²³ which refutes seven myths or prejudices surrounding migration crises. The text examines expressions of xenophobia, racism and classism in connection with the migrant caravan with a view to breaking down the stereotypes that fuel these expressions, thereby helping to debunk myths about migrants.

75. With messages such as “Migrants are not a threat to health”, “Migrants enrich the diversity of their host communities” and “Our country helps lighten the load for Haitian migrants, refugees and asylum-seekers”, it seeks to counteract xenophobia and other forms of intolerance, which undermine diversity and foment the exclusion and persecution of various social groups.

76. In the health sector, a 2019 amendment to the General Health Act established free health-care services throughout the country and made them available on request to anyone in the national territory. It covers public health services, medicines and related supplies.

77. The Integrated Health-care Plan for the Migrant Population was developed in 2019 with the aim of coordinating health care, including psychological, emergency, hospital, rehabilitative and palliative care, on first contact and ensuring timely reporting of potential public health risks.

78. In January 2020, the Ministry of Health held an inter-institutional workshop to integrate the mental health component into the Plan. As a result, strategies were developed for providing psychological first aid, brief therapy, individual and group support and crisis intervention.

79. The National System for the Comprehensive Protection of Children and Adolescents and the Directorate General for Health Promotion provided training on basic mental health care for migrant children and adolescents to non-specialized staff of public and private shelters.

80. Institutions providing psychiatric and mental health care, addiction clinics and centres promoting the health of children and adolescents arranged training courses on the Mental Health Gap Action Programme for the care of migrant children and adolescents, aimed at primary health-care personnel and staff of shelters and refuges not specialized in mental health. Virtual mentoring and access to online psychiatric consultations for children and adolescents were also provided by the Dr. Juan N. Navarro Children’s Psychiatric Hospital.

81. Sexual and reproductive health, including maternal and perinatal health and the prevention, detection and treatment of HIV and other sexually transmitted infections, is covered by the public health-care component. Contraception, including emergency contraception where required; rapid HIV tests, including for pregnant women; sex education and counselling; and education in life skills and self-care are available.

82. During the pandemic, measures were taken to care for migrants, including the adoption of a coronavirus disease (COVID-19) protocol for use in migrant holding centres and provisional holding centres of the National Institute of Migration, whereby assessments are carried out and medical certificates are issued and, if specialized treatment is required, the person in question is referred to a public health centre.

83. Regarding the labour sector, in 2018 the International Organization for Migration, the Ministry of Labour and Social Security and the National Employment Service began work on the organization, promotion and dissemination of job fairs throughout the country to promote a labour inclusion policy and assist jobseekers, including women, young people

²³ Available at https://www.conapred.org.mx/userfiles/files/Mitos%20y%20realidades_personasMyR.pdf.

without work experience, older persons, people with disabilities, migrants and refugees. Such work has been done mostly in the south of the country and at migrant integration centres.

84. A project to promote the socioeconomic integration of refugees and displaced persons is being developed with the International Labour Organization (ILO) and UNHCR. It will allow the Ministry of Labour and Social Security to facilitate such persons' access to formal employment.

85. ILO and UNHCR have established a national advisory committee, comprising representatives of employers, trade unions and the Government, to develop the project.

86. The National Council for the Prevention of Discrimination, the Ministry of Labour and Social Security and the National Institute for Women have established voluntary mechanisms for compliance with the standards for decent work as defined under the applicable national legislation, including Official Mexican Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination.

87. This is a voluntary certification for recognizing workplaces with labour equality and non-discrimination practices that encourage the overall development of their employees. It is open to public, private and social sector organizations of any size and in any line of work. Thus far, 523 workplaces, including 226 private companies and 297 public institutions,²⁴ have been certified.

88. Regarding labour inspection, a decree amending the Federal Labour Act and other laws on labour justice, freedom of association and collective bargaining were published in the Official Gazette on 1 May 2019. Paragraph XXXI was added to article 132 of the Act to require employers to implement, by agreement with their workers, a protocol to prevent discrimination on the basis of gender, deal with cases of violence and sexual abuse or harassment, and eradicate forced labour and child labour.

89. In September 2019, the Government of Mexico announced its commitment before ILO to become an Alliance 8.7 pathfinder country, with the aim of achieving target 8.7 of the Sustainable Development Goals by 2025. Accordingly, it undertook to develop and implement better legislation, plans or national policies to expedite its efforts to that end and to become a world leader in the fight against child labour, forced labour and trafficking in persons.

90. A working group on forced labour was formed, and the Ministry of Labour and Social Security submitted, for its approval, a proposed model protocol for workplaces and supply chains for the detection and prevention of risks of labour exploitation, child labour, forced labour and trafficking in persons. The working group formed a technical committee to review the proposed model protocol, which is undergoing its final reading before being presented at the next ordinary meeting of the working group.

91. Among the non-judicial actions taken by the Supreme Court was the publication of a handbook on the gender-sensitive adjudication of labour matters,²⁵ which is aimed at judicial officials and makes reference to decent work as work that fully respects human dignity and is free from discrimination on grounds such as ethnic or national origin.

92. As for the issue of agricultural day labourers, the Ministry of Labour and Social Security prepared the COVID-19 Response Guide for Agricultural Workplaces in cooperation with the Ministry of Health to advise workers in the agricultural sector on action and measures to mitigate the spread of COVID-19. The Guide offers informational material and a series of practical recommendations for planning, training, prevention, protection and monitoring at agricultural workplaces in response to the health crisis, taking into account the regulatory framework for safety in the agricultural sector. It also includes frequently asked

²⁴ For more information, see

https://www.gob.mx/cms/uploads/attachment/file/691408/Padr_n_de_CT_certificados_NMX_7_de_enero_de_2022.pdf.

²⁵ Available at [https://www.scjn.gob.mx/derechos-](https://www.scjn.gob.mx/derechos-humanos/sites/default/files/Publicaciones/archivos/2021-12/Manual%20para%20juzgar%20con%20perspectiva%20de%20ge%CC%81nero%20en%20materia%20laboral_0.pdf)

[humanos/sites/default/files/Publicaciones/archivos/2021-12/Manual%20para%20juzgar%20con%20perspectiva%20de%20ge%CC%81nero%20en%20materia%20laboral_0.pdf](https://www.scjn.gob.mx/derechos-humanos/sites/default/files/Publicaciones/archivos/2021-12/Manual%20para%20juzgar%20con%20perspectiva%20de%20ge%CC%81nero%20en%20materia%20laboral_0.pdf).

questions, guiding principles, general control strategies and a care plan to limit the spread of COVID-19.

93. Agricultural day labour was incorporated into the system of occupational minimum wages for the first time by a 16 December 2020 decision of the Council of Representatives of the National Commission on Minimum Wages.²⁶

94. From 1 January 2021, the minimum wage for agricultural day labourers was set at 160.19 pesos (Mex\$) for the centre and Mex\$ 213.39 for the north of the country. Pursuant to a Council of Representatives decision of 1 December 2021,²⁷ the minimum wage for 2022 is Mex\$ 195.43 for the centre and Mex\$ 260.34 for the north of the country. The sector has requested an increase to Mex\$ 300²⁸ by 2024.

95. Through the agricultural day worker mobility subprogramme of the Employment Support Programme, the National Employment Service promotes the hiring of jobseekers with experience in agriculture who can travel to countries, federative entities or municipalities outside their place of residence to work in the agricultural sector.

96. The subprogramme is divided into three categories: internal mobility of agricultural day labourers, the Mexico-Canada Seasonal Agricultural Workers Programme and the external mobility mechanism for agricultural day labourers. Between 1 September 2020 and 31 August 2021, jobs were arranged for 12,320 agricultural workers in Mexico. However, the ongoing pandemic meant that only 3,375 took up the jobs.

97. Employment was found for 362 regularized migrants out of a total of 2,087 considered, who included refugees and asylum-seekers. Under the Mexico-Canada Seasonal Agricultural Workers Programme, 23,157 workers were placed in jobs that ensured their professional development and enjoyment of their labour rights.

98. Under the external mobility mechanism for agricultural day labourers, which operates primarily in the United States, 1,795 workers were given job placements in legal and secure conditions during the reference period, thereby guaranteeing full respect for their human rights.

99. Furthermore, in March 2021, the Government of Mexico presented employers' organizations and workers' representatives with the 2021 Inspection Programme to improve working conditions and safeguard workers' rights through preventive and corrective measures.

100. The Programme focuses on oversight in agricultural areas to eradicate child labour. It seeks to improve the methodology and planning of inspections and to update the Government's computer systems to allow strategic inspections to be conducted following a preliminary information analysis and cross-referencing of data between the authorities that hold tax, social security and other records. The goal is to prioritize the inspection of companies identified as being more likely to be in breach of regulations and thus improve the effectiveness of inspections.

101. Between 1 September 2020 and 30 June 2021, 22,350 workplaces were inspected, benefiting 3,055,208 workers and meeting the objectives set out in the annual programmes to prevent and correct breaches and violations of labour regulations.

102. The Federal Public Defender Service's Legal Assistance Unit provided support to two individuals – an indigenous Náhuatl woman and a Venezuelan man – in their cases concerning labour exploitation, including forced labour.

²⁶ Published in the *Diario Oficial de la Federación* on 23 December 2020. Minimum wage table for 2021:

https://www.gob.mx/cms/uploads/attachment/file/602096/Tabla_de_salarios_m_nimos_vigente_a_partir_de_2021.pdf.

²⁷ Published in the *Diario Oficial de la Federación* of 8 December 2022. Minimum wage table for 2022: https://www.gob.mx/cms/uploads/attachment/file/686336/Tabla_de_Salarios_M_nimos_vigentes_a_partir_del_1_de_enero_de_2022.pdf.

²⁸ Announcement of the "Campo Justo" (Fair Countryside) alliance of November 2021: <https://fundar.org.mx/aumento-salario-personas-jornaleras/>.

Indigenous peoples and communities

103. According to the 2020 census, the indigenous-language-speaking population in Mexico increased in absolute terms from 6,913,362 in 2010 to 7,364,645 in 2020. A total of 23,229,089 people self-identify as indigenous (19.4 per cent of the population aged 3 years and over) and 11,979,483 people belong to indigenous households (9.5 per cent of the total population).

104. According to the census, 48.6 per cent of the population aged 3 years and over who speak an indigenous language are men and 51.4 per cent are women, and 87.2 per cent of the indigenous-language-speaking population also speak Spanish.

105. The most widely spoken indigenous language is Náhuatl, with 1,651,958 speakers, followed by Maya (774,755 speakers), Tzeltal (589,144), Tzotzil (550,274), Mixtec (526,593), Zapotec (490,845) and Otomí (298,861).

106. The federative entities where the highest percentage of the population aged 3 years and over speak an indigenous language are Oaxaca (31.2 per cent), Chiapas (28.2 per cent), Yucatán (23.7 per cent), Guerrero (15.5 per cent), Hidalgo (12.3 per cent) and Quintana Roo (11.7 per cent). Campeche, Puebla, San Luis Potosí and Veracruz are also above the national average (6.5 per cent). Women account for over half of the indigenous-language-speaking population in the following federative entities: Guerrero (53.3 per cent), Mexico City (53.5 per cent), Oaxaca (52.9 per cent), Puebla (52.9 per cent), Mexico (52.7 per cent), Veracruz (51.8 per cent), Hidalgo (51.5 per cent), Morelos (51.2 per cent), Chihuahua (51.1 per cent), Chiapas (51.0 per cent) and Michoacán (51.0 per cent).

107. The National Institute of Indigenous Peoples was created on 4 December 2018, replacing the National Commission for the Development of Indigenous Peoples. As the federal executive authority responsible for indigenous and Afro-Mexican affairs, its purpose is to define, regulate, design, establish, execute, guide, coordinate, promote, monitor and evaluate policies, programmes, projects, strategies and public actions to ensure the exercise and implementation of the rights of indigenous and Afro-Mexican peoples.

108. Its mandate is based on the premise that indigenous and Afro-Mexican peoples should be recognized as subjects of public law entitled to exercise self-determination and autonomy and to freely define their development processes and welfare in accordance with their cultures and identities.

109. As well as the Special Programme for Indigenous and Afro-Mexican Peoples, the National Institute of Indigenous Peoples has adopted the Institutional Programme (2020–2024),²⁹ which sets out the policies and actions that it will carry out to ensure comprehensive development, community welfare and recognition and respect for the rights of indigenous and Afro-Mexican peoples and communities.

Economic, social and cultural rights

110. The National Institute of Indigenous Peoples has incorporated comprehensive measures concerning the implementation of rights, the promotion of the indigenous economy, the protection of cultural heritage, traditional medicine and basic social infrastructure into its Programme for the Comprehensive Well-Being of Indigenous Peoples.³⁰

111. That programme serves as a comprehensive response to the structural conditions of poverty, marginalization, discrimination and inequality experienced by indigenous and Afro-Mexican peoples and communities in all areas of daily life. The actions taken under the programme have been developed through participatory planning processes, in accordance with a sustainable vision and in consideration of the legitimate demands, claims and life aspirations of the people of those communities.

²⁹ Published in the *Diario Oficial de la Federación* on 9 September 2020. Available at https://www.dof.gob.mx/nota_detalle.php?codigo=5600020&fecha=09/09/2020.

³⁰ Published in the *Diario Oficial de la Federación* on 31 December 2020. Available at https://www.dof.gob.mx/nota_detalle.php?codigo=5609373&fecha=31/12/2020.

112. Its purpose is to contribute to the comprehensive development and common welfare of indigenous and Afro-Mexican peoples as subjects of public law, by promoting the implementation and effective exercise of their rights; their access to justice; the use and conservation of their lands, territories, natural resources, biodiversity and environment; support for their strategic economic and productive activities; the construction of roads and infrastructure for basic services; and the strengthening of their cultural heritage in line with their right to self-determination, autonomy and forms of organization.

113. The Indigenous Residential Schools Programme helps to ensure that girls, boys, teenagers and young students from 5 to 29 years of age belonging to indigenous and Afro-Mexican peoples and communities can access, remain in, progress through and graduate from public schools at the basic, upper-secondary, tertiary and master's levels. It does so by providing meals, accommodation, support and complementary activities with a focus on young people who have no access to education in their community, in order to reduce dropout rates, to prevent them from falling behind and to enable them to effectively exercise their right to education.

114. Between January and December 2020, support was provided to 79,134 indigenous and Afro-Mexican children, adolescents and young students at 1,060 homes and canteens for indigenous children, 280 homes and community canteens for indigenous students and 2 indigenous university canteens. In addition, 3,390 grants were authorized and awarded to 3,380 indigenous and Afro-Mexican students in higher education.

115. As at 30 September 2021, support was being provided to 79,800 indigenous and Afro-Mexican children, adolescents and young students at 1,067 homes and canteens for indigenous children, 287 homes and community canteens for indigenous students and 2 indigenous university canteens.

116. As well as guaranteeing access for indigenous children, the Indigenous Residential Schools Programme takes action in favour of persons in the situations of vulnerability identified in its operating rules.

117. In 2020, support was provided to children, adolescents and young people belonging to 61 indigenous and Afro-Mexican peoples, including 185 children, adolescents and young people with hearing, intellectual, motor, psychosocial, visual, physical or linguistic disabilities belonging to 26 indigenous peoples.

118. In 2021, support has been provided to 208 children with disabilities in 121 different localities across 18 federative entities.

119. In 2020 and so far in 2021, faced with the suspension of in-person classes owing to the measures taken to address the COVID-19 pandemic, the Indigenous Residential Schools Programme has pursued a strategy of delivering food packages in order to safeguard the best interests of the child and guarantee the right of children to food.

120. Under a mechanism of supplementary support for higher education (at the bachelor's degree or equivalent and master's degree levels) and other qualifications, economic resources are being sent to low-income indigenous groups to facilitate access to the country's public universities and to reinforce the commitment to supporting the professional training of academically gifted indigenous executives.

121. In 2020, support was provided to 3,369 indigenous and Afro-Mexican students in higher education from 23 federative entities, including 1,327 men and 2,042 women. In 2021, 3,359 supplementary support packages for higher education (at the bachelor's degree or equivalent and master's degree levels) and other qualifications were awarded to 3,329 indigenous and Afro-Mexican students in higher education, including 2,031 women and 1,298 men.

122. Under the same supplementary support mechanism, support was also provided to persons with disabilities from different federative entities. The number of beneficiaries was 21 in 2020 and 17 in 2021.

123. The Directorate General for Indigenous, Intercultural and Bilingual Education works alongside the National Institute of Indigenous Peoples on a project aimed at providing services at shelters and social integration centres. A diagnostic plan is scheduled to be rolled

out in the State of Chiapas. The social integration centres play an important role in ensuring that Tzotzil, Tzeltal, Cho'ol, Zoque, Tojolabal, Mam and Kakchiquel children receive adequate services and that their right to education is upheld.

The right to consultation

124. Under article 2 (B) (XI) of the Constitution, indigenous peoples have the right to be consulted in the drafting of the National Development Plan and the plans of federative entities.

125. The procedure by which indigenous and Afro-Mexican communities and peoples participate in decision-making processes on matters that concern them or, where appropriate, by which their consent is obtained is compatible with the provisions of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169),³¹ the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples.

126. Laws on indigenous peoples' right to be consulted have been enacted in the States of Durango, San Luis Potosí and Oaxaca.

127. The Supreme Court has handed down judicial rulings under which international standards on consultation must be adapted to specific cases and the State agency or body that issues the administrative or legislative measure is responsible for ensuring that this fundamental right is upheld. Therefore, no one body assumes sole responsibility for guaranteeing the right to consultation; rather, any entity or agency that issues an administrative or legislative measure that could affect the rights of the communities will be obliged to carry out the relevant consultation processes.

128. Under article 4 (XXIII) of its establishing act, the National Institute of Indigenous Peoples oversees the technical aspects of processes concerning the free, prior and informed consultation of indigenous peoples and communities. Accordingly, it prepared a document entitled "The right of indigenous peoples to free, prior and informed consultation: foundations, principles and methodology for its implementation within the framework of the federal administration", stating that, in order to organize and carry out consultation processes, public authorities must have the support and advice of a specialized technical body.

129. On 3 June 2019, the National Institute of Indigenous Peoples and the Office of the Undersecretary for Democratic Development, Social Participation and Religious Affairs of the Ministry of the Interior signed a protocol on free, prior and informed consultation for the process of constitutional and legal reform concerning the rights of indigenous and Afro-Mexican peoples and issued a corresponding notification with a view to promoting the constitutional and legal recognition of their fundamental rights, in line with international legal instruments and judicial criteria.

130. That consultation process was carried out in June and July 2019 and comprised 54 forums held in indigenous regions in 27 federative entities, including a forum specifically for the Afro-Mexican people, a forum for indigenous migrants in the United States of America, a working group in Villa Hidalgo Yalag, Oaxaca, and two consultative assemblies. A national forum was held in August 2019.

131. In order to ensure that all information provided in relation to the consultation forums was culturally appropriate, announcements about the organization and scheduling of forums were sent out in the indigenous languages of the communities where they were to take place. In addition, a special media strategy was developed for the 21 radio frequencies that make up the Indigenous Culture Radio Broadcasting System, as well as for the Ecos Indígenas radio platform and the social media accounts of the National Institute of Indigenous Peoples.

132. A Technical Committee of Experts, an analysis and deliberation body made up of women and men specialized in legal, legislative and technical matters related to indigenous rights, and an Inter-Agency Technical Group, composed of agencies and organs of the federal

³¹ Article 6 sets out the obligation of States to consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.

administration with a mandate related to indigenous and Afro-Mexican peoples and communities, were also formed as part of this process.

133. Notification of the follow-up sessions on the agreements reached under the free, prior and informed consultation process for constitutional and legal reform on the rights of indigenous and Afro-Mexican peoples was published in the Official Gazette on 9 June 2021.

134. Between 19 June and 25 July 2021, 62 follow-up assemblies were held involving the participation of more than 20,000 representatives of municipal, agrarian and community authorities of indigenous and Afro-Mexican peoples. Their contributions were taken up and discussed by the Technical Committee of Experts at its eighth meeting on 9 August 2021 to strengthen the draft proposal, which was presented to the Office of the President of the Republic in VÍcam in the Yaqui territory on 28 September 2021, with a view to its submission to the legislature.

135. The Chamber of Deputies also adopted a decision approving the proposed General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities. On 22 April 2021, the draft³² was referred to the Senate's Committee on the Interior, Committee on Indigenous Affairs and Second Legislative Study Committee, jointly acting as review chamber.

136. This law will become the legal mechanism regulating both the right to and the process of free, prior, informed, good-faith and culturally appropriate consultation of indigenous and Afro-Mexican peoples and communities as an expression of their self-determination and an instrument of democratic participation in decision-making on all matters that concern them, particularly in the context of legislative or administrative measures that may affect them.

137. With respect to the regulation of the consultation procedure, the Directorate for Indigenous Peoples, which is attached to the Coordination Unit for Social Participation and Transparency of the Ministry of the Environment and Natural Resources, has drafted a decision announcing the procedure for the prior, free, informed and culturally appropriate consultation of indigenous and Afro-Mexican peoples and communities on environmental matters.

138. The decision was drafted in collaboration with the Coordination Unit for Legal Affairs, and technical opinions from different departments within the Ministry of the Environment and Natural Resources were also sought in order to ensure the consideration and inclusion of relevant environmental and human rights criteria, including the collective rights of indigenous and Afro-Mexican peoples and communities.

139. Upon its signing by the Ministry of the Environment and Natural Resources, the decision will be published in the Official Gazette and will come into force throughout the country.

140. At the judicial level, the Supreme Court has handed down several rulings concerning respect for the right to consultation. The Court has invalidated several legislative provisions related to indigenous and inclusive education³³ because indigenous and Afro-Mexican peoples and communities and persons with disabilities had not been consulted about regulations that would affect their rights.

141. In matters concerning mining activities³⁴ and in constitutional texts concerning the recognition of indigenous and Afro-Mexican peoples' and communities' existence, general

³² See https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2021-04-22-1/assets/documentos/Minuta_Puelos_Indigenas_Afromexicanas.pdf.

³³ Application for constitutional review No. 178/2020 (decided on 21 October 2021), application for constitutional review No. 239/2020 (decided on 21 October 2021), application for constitutional review No. 240/2020 (decided on 21 October 2021), application for constitutional review No. 291/2020 (decided on 21 October 2021), application for constitutional review No. 121/2019 (decided on 29 June 2021), application for constitutional review No. 179/2020 (decided on 24 May 2021).

³⁴ *Amparo* appeal No. 928/2019 (decided on 13 January 2021).

rights, personality, self-determination, autonomy, development and inclusion,³⁵ the Court has also referred to the obligation to carry out prior, free and informed consultations.

Land, territory, natural resources and forced displacement

142. With respect to the reclamation and restitution of land and the provision of necessary legal recognition and safeguards, the National Institute of Indigenous Peoples supports processes for the recognition, protection, defence and conservation of indigenous peoples' lands, territories, goods and natural resources, and provides assistance and guidance, in coordination with relevant bodies, for addressing and resolving agrarian conflicts.

143. Regarding particular cases, on 28 September 2021, at a ceremony to ask forgiveness from the Yaqui people for past wrongs, the Government of Mexico signed decrees to return land, territory and water to the Yaqui tribe. The ceremony was held in Vícam Pueblo, Sonora, the first capital of the Yaqui tribe, and the decrees were published in the Official Gazette on 29 September 2021.

144. The decree ordering 2,943 hectares, 73 square decametres and 89.23 square metres of land in the municipalities of Guaymas, Cajeme, Empalme and San Ignacio Río Muerto in the State of Sonora to be transferred to the Yaqui people constitutes a first step towards restoring their collective land tenure rights.

145. The decree establishing Irrigation District 018 of the Yaqui people, comprising the communities of Vícam Pueblo, Primera Cabecera, Pótam, Segunda Cabecera, Tórim, Rahum, Huírivis, Belem, Loma de Bácum and Cócorit-Loma de Guamúchil, guarantees the tribe's right to water for agricultural use over a total of 126,259 hectares on the right and left banks of the Yaqui River, with a potential capacity of 673 million cubic metres of water that, according to technical studies, will be sufficient to irrigate up to 61,223 hectares of crops, to be incorporated progressively.

146. Irrigation District 018 will be administered by the people's own Jiaki Water Commission, whose membership and operations will be in line with the culture, forms of organization and community institutions of the Yaqui people, thereby strengthening its autonomy and ensuring the sustainable management of its territory and natural resources.

147. The United Peoples' Coordinator for the Care and Protection of Water has also received support as part of efforts to achieve the recognition of the human right to water through a process of indigenous consultation, which resulted in a decree establishing the Aquifer 2025 regulated zone in Valles Centrales, Oaxaca. The decree was published in the Official Gazette on 24 November 2021.

148. A project on the strengthening and defence of territorial rights and the implementation of internal regulations on the care and protection of water in the 16 communities of the Xnizaa region was also authorized.

149. This led to the establishment of a regulated zone for the administration, management of extraction, exploitation and use, and conservation of groundwater, based on the recognition of the human right to access and use water and sanitation, while respecting and harmonizing the rights to water and natural resources.

150. Each of the communities located in the area of the aquifer in Valles Centrales will have the right to a community licence and community regulations. This will strengthen the self-determination, and consequently the autonomy, of indigenous communities and peoples.

151. With regard to forced displacement, the actions carried out under the Programme for the Comprehensive Well-Being of Indigenous Peoples include the provision of emergency support for family survival with a focus on indigenous and Afro-Mexican women in situations of forced internal displacement. This assistance comprises economic support for food, clothing, personal hygiene products and decent housing, as well as, where necessary, counselling and referral services.

³⁵ Application for constitutional review No. 285/2020 (decided on 13 July 2021).

152. In 2021, the National Institute of Indigenous Peoples responded to requests for support from 16 women's groups in the States of Oaxaca, Chiapas and Chihuahua. Support was given to 811 female heads of household, benefiting 2,777 people in total.

153. The draft decree on a general law on preventing, addressing and providing full reparation for forced internal displacement was approved in September 2020. The legislature, local governments, international organizations, the academic sector and civil society organizations were all involved in coordinating and contributing to the legal analysis, studies, research, data and technical documents that were used as the basis for the explanatory note, background and articles of the draft law.

154. This new legal framework will protect people who have fled their homes for public safety reasons, including gender-based violence; social, political, cultural and religious conflicts; disputes over natural resources; natural disasters; and discrimination.

155. At the judicial level, the Supreme Court has issued decisions establishing the scope of indigenous peoples' and communities' right to territorial autonomy in relation to other property rights within the same geographical area.

156. The issues that it has addressed include establishing the boundary between two states with multi-ethnic groups of communal landholders,³⁶ determining which party's land rights should prevail in disputes involving a claim to ancestral possession and ownership obtained by communal landholders,³⁷ and establishing the scope of indigenous communities' right to existence and personality, self-identification, self-determination and territorial autonomy.³⁸

Access to justice

157. In 2020, 61 public defenders conversant with the Chatino, Chol, Huichol, Maya, Mazatec, Mixe, Mixtec, Náhuatl, Otomí, Purépecha, Tlapanec, Triqui, Tzeltal, Tzotzil, Yaqui and Zapotec languages were assessed and accredited, and 12 evaluators conversant with the Chatino, Maya, Mixtec, Náhuatl, Purépecha, Triqui, Tzeltal, Tzotzil and Yaqui languages were also assessed and accredited. In October 2021, a Chichimec-speaking defender was assessed.

158. To pursue the process of assessment and accreditation of indigenous-language-speaking public defenders, a meeting was held in November 2021 to make arrangements for the assessment and accreditation of 60 public defenders.

159. Between September 2019 and 2021, the National Institute of Indigenous Peoples, in accordance with articles 2, 3 and 4 of its establishing act and guidelines, now known as the Operating Rules of the Programme for the Comprehensive Well-Being of Indigenous Peoples, has carried out the following actions:

<i>Assessment year</i>	<i>Prison release assistance</i>	<i>Interpreters and translators</i>	<i>Indigenous rights promoters</i>
September to December 2019	37	571	68 people in 244 instances of support
2020	23	1 070	123 people in 840 instances of support
January to November 2021	20	2 000	177 people in 1 561 instances of support

160. Between 1 January 2019 and 30 September 2021, the Federal Judicial Training School of the Council of the Federal Judiciary carried out 77 training activities on human rights, covering issues related to discrimination, the rights of indigenous and Afrodescendent peoples and communities, torture and gender-based violence. This training was designed for different public servants within the Council of the Federal Judiciary, such as circuit

³⁶ Constitutional challenge No. 121/2012 (decided on 16 November 2021).

³⁷ Direct *amparo* application No. 33/2020 (decided on 30 June 2021).

³⁸ Direct *amparo* appeal No. 607/2020 (decided on 7 October 2020).

magistrates, district judges, public defenders and secretaries of judicial bodies, as well as the Council's administrative areas and the general public.³⁹

161. The Criminal Defence Unit of the Federal Public Defender Service offered legal assistance on discrimination-related issues to 11 persons belonging to peoples and communities of African descent in the State of Oaxaca, including 10 men and 1 woman. The Legal Assistance Unit offered legal assistance on discrimination-related issues to 12 indigenous people, including 10 men and 2 women, 11 belonging to communities in Mexico and 1 from Honduras.

162. From 1 September 2019 to December 2021, the Federal Public Defender Service also carried out 15 training activities on racial discrimination and access to justice for indigenous peoples, people of African descent and migrants.⁴⁰

163. The Federal Public Defender Service has 59 bilingual lawyers who have been assessed and accredited by the National Institute of Indigenous Languages; 18 public defenders specialized in access to justice for indigenous peoples and people of African descent, assigned to the Criminal Defence Unit; and 11 bilingual federal legal advisers trained to provide legal advice in indigenous languages, assigned to the Legal Assistance Unit.

164. From 1 January 2019 to October 2021, three capacity-building activities on the protection of the rights of indigenous peoples and communities were organized for staff of the Federal Public Defender Service, including a training course, an analysis session and a discussion forum. A total of 800 defenders, 236 advisers and 1,298 support and operational staff took part in those activities.

165. Through the Directorate General for the Promotion of a Human Rights Culture, the Processing of Complaints and Inspections, the Office of the Special Prosecutor for Human Rights of the Prosecutor General's Office set up 36 online courses on a distance learning platform. Between 2019 and 2021, a total of 17,463 public servants took part in 397 training activities on human rights. Of those participants, 16,803 work for the Prosecutor General's Office and 660 work in other institutions; 9,045 self-identified as women and 8,418 as men.

166. The importance of documenting acts of torture is emphasized in the protocol to be applied by public defenders in relation to agencies of the Federal Prosecution Service prior to the prosecution of cases. Under the protocol, upon determining the psychophysical state and the status of the defendant, the public defender is obliged to establish whether the defendant belongs to a vulnerable group, including indigenous persons, to ensure that the necessary reasonable accommodation can be provided, such as accessible formats, and that a differentiated and specialized approach is applied to ensure that the person represented is effectively protected in accordance with the obligations laid down by law.

167. The protocol for trying cases involving the rights of indigenous persons, communities and peoples is currently being updated and a new protocol on people of African descent and Afro-Mexicans is in the process of being drafted.

168. The Indigenous Justice Chamber of the High Court of Justice of the State of Oaxaca has been created and brought into operation as part of a pluralistic approach that recognizes indigenous legal systems and indigenous jurisdiction. This is a step towards overcoming the monist tradition in legal theory and transitioning to a vision that recognizes and guarantees the diversity of legal systems found in the State of Oaxaca, under a paradigm of harmony and coordination with State law.

169. In 2021, the Supreme Court provided the personnel of local judicial bodies with training on indigenous persons, peoples and communities.⁴¹ A total of 1,484 people took part in the training.

170. In 2021, a judicial reform was carried out to address the following key issues: consolidation of the judicial career for all categories; limitation of judges' and magistrates'

³⁹ See annexes 3 a and 3 b.

⁴⁰ See annex 4.

⁴¹ The training material is available at the following link: <https://www.scjn.gob.mx/derechos-humanos/capitaciones-inicio/pueblos-indigenas>.

discretion in making judicial appointments; strengthening of institutional powers to combat corruption and nepotism; and establishment of regional plenaries to replace circuit plenaries as the bodies of the federal judiciary charged with handing down conflicting holdings decisions for the circuits within their jurisdiction, as well as resolving all conflicts over jurisdiction between different courts in the country.

171. The Supreme Court's Centre for Constitutional Studies published the first edition of a jurisprudence handbook on the right of indigenous persons to be assisted by interpreters and defenders in trials and judicial proceedings.⁴² The Supreme Court's jurisprudence has built a strong precedent of recognizing self-identification as the primary criterion to be applied by judicial authorities when deciding whether to recognize someone as an indigenous person and, therefore, to consider him or her to enjoy a set of specific rights.

172. On access to justice, the Supreme Court has ruled⁴³ that conflicts that arise within indigenous communities do not necessarily fall under the jurisdiction of the indigenous authorities, meaning that the Mexican State must adopt the necessary measures to ensure that their cultural specificities are taken into account in proceedings brought before the ordinary justice system and that their human right of access to justice is effectively upheld.

173. For the first time, the Supreme Court authorized special indigenous courts,⁴⁴ rather than ordinary criminal courts, to hear certain cases as part of its efforts to eliminate one of the long-standing barriers to justice that indigenous communities have faced. The Supreme Court considered both jurisdictions to be part of the paradigm of legal pluralism that characterizes Mexico, maintaining that the decision as to whether a particular case should be brought before a special indigenous court or an ordinary court is contingent on personal, territorial, objective and institutional factors, which must be analysed together.

174. With regard to investigations, in Miscellaneous Case No. 1396/2011⁴⁵ the Supreme Court assessed how to give effect to the judgment and reparation measures ordered by the Inter-American Court of Human Rights in the case of *Fernández Ortega et al. v. Mexico*. In that case, it was established that from the moment the State became aware that a rape had been committed against a person who was particularly vulnerable owing to her status as indigenous and as a girl, it had the obligation to carry out a thorough and effective investigation to verify the facts and identify the perpetrators.

175. As a result, in November 2020, the Supreme Court updated the protocol on gender-sensitive adjudication, which addresses the issue of gender-based violence, identifying femicidal violence as its most extreme form, and describes the places or contexts in which violence may occur.

176. In the specific section on gender-sensitive adjudication, there is an important passage on the obligation to identify whether or not the case in question involves power relations or contexts of structural inequality and/or contexts of violence that, owing to gender issues, reveal an imbalance between the parties to the dispute.

177. In November 2021, handbooks with a gender perspective were published to facilitate the adjudication of cases in accordance with human rights standards and to contribute to specialized training on issues that are essential for the administration of justice.

178. The handbooks on gender-sensitive adjudication in criminal, family and labour cases are characterized by their methodological rigour. They present fundamental principles on the application of human rights in each type of proceeding, as well as other elements related to evidentiary reasoning, reparations and the enforcement of judgments from a gender perspective.

179. A manual on gender-sensitive adjudication in administrative matters is in the process of being drafted. It will provide an overview and more detailed explanations of the process

⁴² Since August 2021, it has been available for consultation at the following link: <https://www.sitios.scjn.gob.mx/cec/biblioteca-virtual/derecho-de-las-personas-indigenas-ser-asistidas-por-interpretas-y-defensores-en>.

⁴³ *Amparo* appeal No. 202/2021 (decided on 29 September 2021).

⁴⁴ Direct *amparo* application No. 6/2018 (decided on 21 November 2021).

⁴⁵ Decided on 11 May 2015.

from a gender perspective, address the issues of evidence and evidentiary reasoning, and explore the issues of sanctions and reparations, also from a gender perspective. The manual is expected to be published in 2022.

Freedom of expression

180. With respect to community and indigenous public-interest radio stations that are eligible to provide government advertising, the Federal Telecommunications Institute has published on its website a list of the community and indigenous public-interest radio licence holders that have notified the regulatory body that they are operational, meaning that they are entitled to receive an equitable share of 1 per cent of the advertising budget of federal public entities, federative entities and municipalities, as established in article 89 (VII) of the Federal Telecommunications and Broadcasting Act.

181. In coordination with the Directorate General for Communication Regulations of the Ministry of the Interior, the Federal Telecommunications Institute has made the list⁴⁶ publicly available in order to make this information as widely known as possible and to facilitate consultations on the licence holders that can access public resources through the sale of advertising.

182. As of July 2021, the Federal Telecommunications Institute had granted 467 new licences to provide broadcasting and telecommunications services for social, community, indigenous or public use. Non-commercial licence holders can access various sources of funding, and community and indigenous licence holders are entitled to receive a share of 1 per cent of the communications budget of public entities.

183. On 24 July 2015, general guidelines on the granting of the licences referred to under Title Four of the Federal Telecommunications and Broadcasting Act were published in the Official Gazette. The purpose of the guidelines is to establish the terms and requirements that must be met by applicants interested in obtaining any of the types of licence provided for under that legislation, such as the Single Licence for Indigenous Public-Interest Communication, the Radio Spectrum Licence for Indigenous Public-Interest Communication and the Orbital Resources Licence for Indigenous Public-Interest Communication.

184. In order to facilitate understanding of the procedure and requirements for obtaining an indigenous public-interest communication licence, the Federal Telecommunications Institute produced a guide explaining, in simple and appropriate terms, the procedure for obtaining such a licence.⁴⁷

185. The aim of the Programme for the Promotion and Development of Community and Indigenous Broadcasting is to provide indigenous communities and peoples with information and advice to enable them to obtain a broadcasting licence, in accordance with the Annual Programme of Frequency Bands 2021.

186. The purpose of this programme, which is part of the Federal Telecommunications Institute's annual workplan for 2021 and is aligned with the provisions of the Federal Telecommunications and Broadcasting Act, is to support and work alongside applicants to ensure that their projects succeed and achieve their aims. This will ensure that indigenous peoples and communities have their own media sources and can receive information and content that they have generated themselves, as a means of promoting their identity and preserving their values, traditions, languages, worldview and interpretation of events.

187. Each year, in its Annual Programme of Frequency Bands, the Federal Telecommunications Institute announces the frequencies that are available to be assigned directly as licences for public-interest, community, indigenous or other uses. Regarding licences for public-interest use, the programme provides for several locations from which to

⁴⁶ The list can be consulted and downloaded in Excel or PDF format at <http://www.ift.org.mx/concesiones-uso-social-comunitario-indigena>.

⁴⁷ The Federal Telecommunications Institute's guide to obtaining an indigenous public-interest communication licence is available at <http://www.ift.org.mx/sites/default/files/conocenos/pleno/otrosdocumentos/javier-juarez-mojica/guiaparaobtenerunaconcesiondeusosocialindigena.pdf>.

broadcast frequency modulation (FM) radio or digital terrestrial television in different states.⁴⁸ Such licences may be requested for community and indigenous use.

188. The programme also establishes the periods during which applications for these licences may be submitted to the Federal Telecommunications Institute. There were two opportunities in 2021, from 3 to 14 May and from 11 to 22 October. For 2022, the application periods are from 2 to 13 May and from 3 to 14 October.

189. According to the Annual Programme of Frequency Bands 2022,⁴⁹ the following frequency bands are reserved for community and indigenous public-interest radio licences: 106–108 MHz (FM) and 1605–1705 KHz (AM).

190. Made up of 22 radio stations, the Indigenous Culture Radio Broadcasting System broadcasts to 17 federative entities in 35 of the 68 language groups of Mexico, in addition to Spanish. It has an audience of approximately 16.5 million people and is a reliable source of information for indigenous and Afro-Mexican communities. It has helped to disseminate information to prevent infections and save lives during the COVID-19 health crisis.

191. La Voz de la Costa Chica, a radio station located in the State of Oaxaca, has adapted its programmes in response to the needs of the Afro-Mexican people.

192. At the judicial level, the Supreme Court⁵⁰ ruled on the right to freedom of expression, the right to participate in cultural life and the right to non-discrimination in relation to the use of the radio spectrum, finding that commercial radio broadcasters may not limit the use of indigenous languages to indigenous licence holders. Such limitations were held to violate the rights to freedom of expression, to participate in cultural life and to non-discrimination, as well as the rights of indigenous communities to self-determination and autonomy and the rights of members of an indigenous community to preserve and enrich their native languages, knowledge, culture and identity.

Indigenous women and women of African descent

193. The National Programme for Equality between Women and Men was published on 22 December 2020, with the priority aim of building a country where everyone has access to health and can enjoy a culture of peace and well-being through the development of strategies designed to ensure women's right to decent employment, health, education, well-being and a life free from violence.

194. The Programme's goal is to close long-standing gaps in equality, both between women and men and among the various groups of women. To that end, priority is given to groups with the greatest historical vulnerability and disadvantages, such as indigenous women, women with disabilities, women of African descent, domestic workers, women living in poverty and transsexual women, among other groups of women who have faced multiple discrimination. The Programme includes 20 actions specifically targeting indigenous and Afro-Mexican women.

195. Actions are also taken under the Programme for the Comprehensive Well-Being of Indigenous Peoples to enhance the enjoyment of the rights of indigenous and Afro-Mexican women in the various phases of their lives and situations of vulnerability so that they can contribute to achieving substantive equality between men and women.

196. Indigenous and Afro-Mexican Women's Houses are places where indigenous and Afro-Mexican women provide other women with culturally appropriate assistance with a gender and human rights focus. The Houses work in two main areas: sexual and reproductive rights and the prevention of and response to gender-based violence.

⁴⁸ Aguascalientes, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila de Zaragoza, Colima, Hidalgo, Jalisco, Morelos, Nayarit, Durango, Guerrero, Michoacán, Nuevo León, Oaxaca, Puebla, Sinaloa, Sonora, Tamaulipas, Veracruz and Zacatecas.

⁴⁹ The Federal Telecommunications Institute's Annual Programme on the Use of Frequency Bands 2022 is available at <http://www.ift.org.mx/industria/espectro-radioelectrico/programa-anual-de-uso-y-aprovechamiento/programa-anual-2022>.

⁵⁰ *Amparo* appeal No. 622/2015 (decided unanimously by 5 votes on 20 January 2016).

197. The Houses' main activities are: assistance, guidance, referrals, support and follow-up with State justice and health-care institutions, as well as information dissemination and training in, inter alia, gender equality, violence prevention and sexual and reproductive rights. Some Houses also provide pregnancy care and midwifery services. There are currently 35 Indigenous and Afro-Mexican Women's Houses in 17 federative entities.

<i>Federative entity</i>	<i>Number of supported Houses</i>	<i>Federative entity</i>	<i>Number of supported Houses</i>
Baja California	2	Oaxaca	3
Chiapas	3	Querétaro	1
Chihuahua	1	Quintana Roo	1
Mexico	2	Puebla	4
Guerrero	6	San Luis Potosí	1
Hidalgo	1	Sonora	1
Jalisco	1	Veracruz	2
Michoacán	3	Yucatán	2

198. In addition, support is given for the training of experts in indigenous rights and indigenous women's rights. Financial support is provided to training projects run by academic institutions, international organizations, institutions at the three levels of government and federal and state autonomous organizations to train indigenous and Afro-Mexican individuals as interpreter/translators and defenders with knowledge of the language and culture and to strengthen their leadership skills.

199. On 5 November the Latin American Faculty of Social Sciences launched a course on the human rights of indigenous and Afro-Mexican women with a class of 30 indigenous and Afro-Mexican women on scholarships.

200. Furthermore, support is provided for economic projects and tourism services with a community or regional impact aimed at promoting food sovereignty and self-sufficiency, job creation and generation of sufficient income, as well as climate change mitigation and adaptation measures, with a view to ensuring the realization and effective enjoyment of the fundamental rights of indigenous and Afro-Mexican communities and of groups of indigenous and/or Afro-Mexican women.

201. Similarly, financial support is provided to academic institutions, international organizations, institutions at the three levels of government and federal and state autonomous organizations for projects designed to facilitate the exercise of the rights of indigenous and/or Afro-Mexican women, their communities and peoples, with a view to achieving substantive equality. Support is provided to projects that the central Government deems to be feasible and necessary owing to their geographic scope or target population or to the relevance of the issue tackled and the proposed solutions.

202. In this connection, during the 2021 fiscal year, 309 economic and environmental community-impact projects were authorized and granted support. At the regional level, 40 projects were authorized, including 29 on the theme "Rights of indigenous and Afro-Mexican women", focusing on the response to, prevention and eradication of gender-based violence. The other 11 are comprehensive projects whose objectives encompass the rights of indigenous and Afro-Mexican women, among other topics.

203. The community outreach programme on the rights of indigenous and Afro-Mexican women is aimed at involving such women in community outreach activities relating to women's rights, the prevention of gender-based violence, and sexual and reproductive rights and in the provision of guidance and support in cases of women's rights violations. In the current fiscal year, there are 134 women outreach workers nationwide, including 2 who belong to the Afro-Mexican people of Oaxaca State.

204. Concerning the health of indigenous and Afro-Mexican women, the Sectoral Health Plan 2020–2024 runs culturally appropriate health services to promote comprehensive care for the indigenous population. The services take into account the contributions of traditional

medicine and involve the participation of indigenous language interpreters and translators, training in indigenous rights and the intercultural approach, and the design and implementation of health programmes under the Comprehensive Integrated Primary Care system.

205. In 2018, the health-care services of Guerrero State and the federal Ministry of Health jointly developed a document entitled “The Intercultural Component of the Integrated Model for the Prevention of and Response to Domestic and Sexual Violence: Tools for its implementation with community participation”.

206. The chief purpose of the Model’s intercultural component is to prevent domestic and sexual violence against indigenous women and provide assistance to victims, whether at a health-care establishment or directly in the community, through the implementation of actions described in the Model in the following areas: community participation, health education, health communication, support groups and self-help.

207. The phased roll-out of the intercultural component began in 2021 and will be completed gradually in the country’s 32 entities. Following a prioritization exercise, a few federative entities were selected, with a particular emphasis on the regions with a significant proportion of indigenous inhabitants. The goal is to conduct an intercultural diagnosis to identify and bring together community response capacity and health services.

208. In 2021, the National Council for the Prevention of Discrimination, through technical cooperation with the Economic Commission for Latin America and the Caribbean, carried out an exploratory study on health-care and discriminatory practices, inter alia with regard to indigenous and Afrodescendent populations, with the aim of proposing remedial action.

209. The National Centre for Gender Equity and Reproductive Health, attached to the Ministry of Health, and the National Institute for Women launched the campaign “For your safety, pay attention to your body’s signals” targeting rural and indigenous women. The campaign consists of nine radio spots on maternal health and the signs of obstetric emergencies, in Spanish and 36 indigenous languages. The National Institute of Indigenous Peoples coordinated the transmission of the spots via radio and the Internet and continues to provide the National Institute for Women with information on their impact and reach.

210. From 1 July to 30 September 2021, or 92 days, the radio spots were broadcast in 16 federative entities through 27 cultural broadcasters of the National Institute of Indigenous Peoples a total of 4,964 times (2,473 for the spots in Spanish and 2,473 for those in indigenous languages).

211. Regarding the sexual and reproductive health of indigenous and Afro-Mexican women, the federal Ministry of Health carries out community-based promotion activities, provides guidance to community-based obstetrics assistants, builds linkages with traditional birth attendants, ensures support for transfers in the event of obstetrical emergencies, promotes the establishment of accommodation for pregnant women and encourages the incorporation of intercultural liaison officers and indigenous language translators in health-care units.

212. As for care during pregnancy, labour and childbirth, the Patient-Centred, Intercultural and Safety-focused Model for Pregnancy, Childbirth and Post-Natal Care is considered a component of the frame of reference for the priority project “Enabling environments for a positive experience in comprehensive maternal and perinatal health care”. The aim is to adapt physical spaces, processes and protocols in maternal and perinatal health care in keeping with evidence and recommendations regarding safe, quality and people-centred care.

213. The Model for Intercultural Health Care for Indigenous and Afro-Mexican Peoples was restructured in 2020. The Model contains important elements for the health of indigenous women, including a chapter on sexual, reproductive and perinatal services with an intercultural approach and on the participation of traditional indigenous midwives.

214. In addition, the Model on Mutual Enrichment Meetings between Health-Care Professionals and Traditional Midwives was developed to promote a horizontal and participatory relationship and, thus, the building of community linkages for the practice of health-care professionals.

215. In 2022, the Ministry of Education, in accordance with its rules of procedure and in collaboration with the National Coordination Committee for the Benito Juárez Well-Being Grants and local education authorities, plans to publish a call for applications for the Basic Education Support Grant for Young Mothers and Pregnant Adolescents Programme and to follow up on, monitor and assess the roster of beneficiaries. The goal of these grants is to help girls between the ages of 12 and 18 who are in a vulnerable situation aggravated by early pregnancy and motherhood to remain in and complete basic education.

216. Regarding nutrition, the “La Milpa” model for healthy and culturally relevant Mesoamerican food has been updated with the aim of empowering indigenous women to adopt a healthy diet while taking advantage of the diversity of flavours and know-how in the region.

217. Concerning women’s participation in political and public life, the National Institute for Women, through the Observatory of Women’s Political Participation in Mexico, headed also by the National Electoral Institute and the Electoral Tribunal of the Federal Judiciary, called a meeting of the mechanism’s working group in September 2020 to explore, discuss and make proposals to establish affirmative action measures – from a gender perspective and taking into account the principle of parity enshrined in the Constitution – to ensure that the indigenous and Afro-Mexican population has access to decision-making forums.

218. At the meeting, the National Electoral Institute and the Electoral Tribunal of the Federal Judiciary undertook to introduce affirmative action measures to offset exclusion and discrimination and ensure political participation by both groups. The National Electoral Institute subsequently issued guidelines on the registration of indigenous candidates for federal deputy positions in the 2020–2021 electoral process. However, the Electoral Tribunal of the Federal Judiciary ordered in a ruling that the applicable criteria be changed and expanded to strengthen the participation of underrepresented groups.

219. Consequently, the National Electoral Institute established that political parties must register a certain number of candidates from underrepresented groups for the office of federal deputy. There must be at least 21 indigenous candidates, including at least 11 women, for positions elected by relative majority and 9 indigenous candidates, including at least 5 women, for positions elected in accordance with the principle of proportional representation. Furthermore, there must be 3 Afro-Mexican candidates for positions elected by relative majority and 1 for positions elected in accordance with the principle of proportional representation, taking into account the principle of parity.

220. Following the vote on 6 June 2021, six Afro-Mexicans were elected, including four men and two women. Of these, three women and one man were elected by relative majority and one man and one woman were elected in accordance with the principle of proportional representation.

221. At the judicial level, staff of the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons, under the Prosecutor General’s Office, participated in various training sessions on human rights between 2019 and 2021. During this period, 98 training activities were conducted in which 119 public servants, of whom 105 identified as women and 14 as men, took part.

222. In addition, from January 2019 to December 2021, training was provided in the human rights-based approach to offences relating to violence against women and children and trafficking in persons and in the Mexican Amber Alert Programme. Some 5,622 people, of whom 3,456 identified as women and 2,166 as men, took part in the 70 training activities.

223. In 2021, through collaboration with civil society organizations, the National Electoral Institute rolled out a project to raise awareness of indigenous women’s political and electoral rights through community and indigenous radio stations. As part of the project, a guide on the topic was developed for community radio hosts, and 83 people (22 per cent men and 78 per cent women) in 19 federative entities received training. The project also includes the production of radio content (15 testimonials, 10 information spots, 8 scripts and 2

programmes) to be broadcast by community radio stations and on streaming platforms; they are also available in a digital archive.⁵¹

224. In addition, the National Electoral Institute has implemented the National Programme to Foster the Political Participation of Women through Civil Society Organizations to boost substantive equality between women and men through projects run by civil society organizations promoting women's human rights (particularly political and electoral rights), including projects designed to realize gender parity and prevent and respond to gender-based political violence against women. During the 2021 edition of the Programme, the National Electoral Institute provided support to 54 organizations, of which 25 focus on the indigenous population and 3 focus on the Afro-Mexican population.

Peoples and communities of African descent

225. With regard to recognition under the Constitution, in 2019 the federal legislative branch added a section C to article 2 of the Constitution to recognize Afro-Mexican peoples and communities, regardless of how they self-identify, as a part of the pluricultural composition of the nation and to guarantee their self-determination, autonomy, development and social inclusion.

226. In 2020, article 4 of the Constitution was amended to recognize Afro-Mexicans as priority beneficiaries of economic support for persons with disabilities and the non-contributory pension scheme from the age of 65.

227. These amendments have contributed to the inclusion of the Afro-Mexican people in sectoral programmes concerning the economy, energy, governance, foreign affairs, tourism, and public safety and protection, as well as the special programme on human rights.

228. Furthermore, Oaxaca and Guerrero States recognize the Afro-Mexican people in their local constitutions and laws on indigenous rights, granting them the same rights as indigenous peoples and communities.

229. Coahuila State, through Decree No. 803, declared the Negros Mascogos tribe an indigenous people, while the constitution of Mexico City recognizes persons of African descent and grants them the rights enshrined therein.

230. As for the production of data and statistics, as a first step, a question on self-identification was included for the first time in the 2015 intercensal survey designed by the National Institute of Statistics and Geography, which showed that 1.2 per cent of the population considered itself to be of African descent. The 2017 national discrimination survey revealed a rise to 2.9 per cent with the inclusion of ancestry as part of self-identification. In the 2018 national survey of demographic trends, 5.9 per cent of the population self-identified as being of African descent.

231. Lastly, the 2020 population and housing census recorded that 2 per cent of the population (or 2,576,213 people) self-identify as Afro-Mexican or Afrodescendent; of these, 7.4 per cent speak an indigenous language. The average age of the Afro-Mexican and Afrodescendent population is 32 years, higher than the national average of 29 years.

232. Some 56.3 per cent of the Afro-Mexican population is concentrated in six entities: Guerrero, with 11.8 per cent; Mexico, with 11.5 per cent; Veracruz, with 8.4 per cent; Oaxaca, with 7.5 per cent; Mexico City, with 7.3 per cent; Jalisco, with 5.4 per cent; and Puebla, with 4.4 per cent.

233. The goal of including the question on persons of African descent in the 2020 population and housing census was to establish, by means of self-identification, how many people consider themselves to be Afro-Mexican or Afrodescendent, how they are distributed across the national territory and what features characterize their sociodemographic and economic profile.

⁵¹ For more information, see https://igualdad.ine.mx/wp-content/uploads/2021/11/MICROSITIO_Repositorio_Materiales_Graficos_Radios_Indigenas_Genera1.pdf.

234. The question posed to quantify the population that self-identifies as Afrodescendent or Afro-Mexican was the following: “In the light of his or her ancestry, and in accordance with his or her customs and traditions, does (name) consider himself or herself to be Afro-Mexican, black or Afrodescendent?”

235. The term “black” was used in the question because, in many regions of the country, Afro-Mexicans and persons of African descent self-identify in this manner. It should be noted that the term “black” is the ethnonym that is most useful for understanding the state of being Afrodescendent, especially in areas with a historical presence of Afrodescendants, without involving matters of phenotype or genotype. Other terms – ancestry, customs and traditions – were also included to better describe the Afrodescendent ethnicity.

236. The question, which was included in the short- and long-form censuses, was worded in such a way as to ascertain how individuals spontaneously self-identify, or not, as Afro-Mexican, black or Afrodescendent.

237. Regarding data on the socioeconomic situation of people who self-identify as Afro-Mexican or Afrodescendent, including their access to employment, education and health-care services, the census revealed that the illiteracy rate of those over 15 is 5.3 per cent, higher than the national average of 4.7 per cent. The average years of schooling completed by those 15 years or older is 9.8 years. Of the school-age population (6 to 14 years), the rate of non-enrolment is 5.7 per cent and is higher among boys (6.0 per cent) than among girls (5.4 per cent).

238. At the national level, the economic participation rate of the population aged 12 and older that self-identifies as Afro-Mexican or Afrodescendent was 65.7 per cent in 2020. Within this group, the total size of the economically active population was 1,412,375, of whom 1,386,787 (98.2 per cent) were employed.

239. According to data from the 2020 census, 74.8 per cent of the Afro-Mexican and Afrodescendent population was affiliated with a health-care institution, mainly the Mexican Social Security Institute (49.3 per cent), the Health for Well-Being Institute (People’s Insurance or New Generation (Century XXI)) (35.5 per cent) and the Institute of Social Security and Social Services for State Employees (8.5 per cent).

240. Regarding social programmes, the Programme for the Comprehensive Well-Being of Indigenous Peoples encourages the expression of indigenous and Afro-Mexican cultural heritage, thus contributing to the exercise and effective enjoyment of civil, political, social and cultural rights as a means of promoting these groups’ inclusion in society and active participation in public and political life, including in decision-making positions.

241. Under the Indigenous and Afro-Mexican Communication component, support was provided in 2021 to the project “Black peoples of the Costa Chica area of Oaxaca”, whose aim is to highlight the cultural presence and strengthen the way of life and cultural manifestations of the black Afro-Mexican people through a series of 12 stand-alone 30-minute radio programmes available in a bilingual Spanish-Mixtec format and designed to help achieve equality among peoples and build bridges between cultures.

242. In this context, during the 2021 fiscal year, the following four projects on the prevention of violence against women were being implemented specifically for the Afro-Mexican population: “Rights of Afro-Mexican women, prevention and elimination of gender-based violence and assistance for victims” in the Azoyú community, Azoyú, Guerrero State; “Rights of Afro-Mexican women” for the Negros Mascogos tribe in Coahuila State; “Afrocaracolas: Itinerant wisdom” for the Cuajinicuilapa, Ayutla, San Luis Acatlán, Xochistlahuaca and Santiago Jamiltepec peoples in Guerrero and Oaxaca States; and “Empowerment and collective rights of Afro-Mexican women” in the La Matamba and Las Iguanas communities, Jamapa, Veracruz State.

243. Under the Programme for the Comprehensive Well-Being of Indigenous Peoples, support was provided for the establishment of the first Afro-Mexican Women’s Development House in March 2020, located in the municipality of Santa María Cortijo, Oaxaca State, on the border with Guerrero State. The House includes a shelter for victims and medical, legal and psychological services.

244. Furthermore, the structure of the National Institute of Indigenous Peoples across the country consists of 23 branch offices and 103 Indigenous Peoples' Coordination Centres, including the newly established Afro-Mexican People's Coordination Centre in Pinotepa Nacional, Oaxaca State, where there is a large Afro-Mexican population. The Coordination Centres have first-hand information about key aspects of public health that are important for its dissemination.

Article 6

245. The Federal Act on the Prevention and Elimination of Discrimination establishes the requirements for respecting, protecting, ensuring and promoting the right to equality and non-discrimination.

246. At the local level, the 32 federative entities have anti-discrimination laws, and 29 of them have anti-discrimination provisions in their local constitutions. The criminal codes or other laws of 31 states include one or more of the prohibited grounds enumerated in article 1 of the Convention (race, colour, national or ethnic origin, descent), either as an element of the offences of discrimination, harm to the dignity and equality of persons, gender-based violence or cultural discrimination or as an aggravating circumstance in relation to other offences (homicide, bodily harm and hate crimes).

247. Apart from Hidalgo State, all the state-level anti-discrimination laws include ethnic origin as a prohibited ground of discrimination. All the anti-discrimination laws of the federative entities include national origin as a prohibited ground of discrimination, while 15 include race as a prohibited ground of discrimination,⁵² 13 include racial segregation as a prohibited ground of discrimination,⁵³ 10 refer to racial discrimination⁵⁴ and 22 include skin colour as a prohibited ground of discrimination (some of the laws use only the term "colour" but it is understood to refer to skin colour).⁵⁵

248. The National Council for the Prevention of Discrimination is responsible for receiving complaints⁵⁶ of alleged discriminatory acts, omissions or social practices attributable to federal public servants in the performance of or in connection with their duties, to legal persons and to private individuals.

249. The National Council can initiate a conciliation procedure between the parties. However, when a discriminatory act, omission or social practice is found to have been committed by a federal public servant, a federal public authority or a private individual, the National Council has the authority to issue a decision⁵⁷ ordering administrative measures and reparation.⁵⁸

250. The complaints procedure before the National Council is administrative in nature and aimed foremost at conciliation between the parties for alleged acts of discrimination. As for reparation, the National Council can apply the following administrative measures: restitution of the infringed right, compensation for the harm caused, public reprimand or public or

⁵² Baja California, Baja California Sur, Mexico City, Coahuila, Durango, Jalisco, Michoacán, Morelos, Nuevo León, Querétaro, Quintana Roo, San Luis Potosí, Tamaulipas, Tlaxcala and Zacatecas.

⁵³ Campeche, Chiapas, Mexico City, Colima, Durango, Mexico, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo and Tabasco.

⁵⁴ Campeche, Chiapas, Coahuila, Colima, Durango, Nayarit, Puebla, Quintana Roo, Sonora and Tabasco.

⁵⁵ Aguascalientes, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Durango, Guerrero, Hidalgo, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sonora, Tabasco, Tlaxcala and Yucatán.

⁵⁶ A complaint is the mechanism by which cases of alleged discriminatory acts, omissions or social practices committed by private individuals, legal persons, federal public servants or a federal public authority can be brought before the National Council.

⁵⁷ A binding reasoned decision rendered by the National Council when it has determined that a discriminatory act or social practice was committed, in which it imposes administrative and reparation measures on the person found responsible for the act or practice (Federal Act on the Prevention and Elimination of Discrimination, art. 1 (X)).

⁵⁸ Federal Act on the Prevention and Elimination of Discrimination, art. 20 (XLVI).

private apology. Pursuant to article 43 of the Federal Act on the Prevention and Elimination of Discrimination, during the period 2019–2021, the National Council registered seven complaints and claims regarding alleged acts of discrimination on grounds of race, colour, ethnic origin and national origin.⁵⁹

Article 7

Education and teaching

251. During the 2020/21 academic year, the Directorate General for Indigenous, Intercultural and Bilingual Education of the Ministry of Education provided services to slightly more than 1.2 million indigenous students, in collaboration with more than 59,000 teachers, as shown in the table below.

Students and teachers in indigenous education, by education level and gender

2020/21 academic year

Level of education	Students			Teachers		
	Girls	Boys	Total	Women	Men	Total
Early	19 999	20 187	40 186	2 073	283	2 356
Preschool	198 428	201 617	400 045	16 593	2 899	19 492
Primary	390 779	401 653	792 432	17 473	19 931	37 404
Total	609 206	623 457	1 232 663	36 139	23 113	59 252

Source: Directorate General of Education Planning, Programming and Statistics, Ministry of Education.

252. Forty-nine per cent of the students were girls, while 61 per cent of the teachers were women.

253. Under an agreement reached with the Ministry's Directorate General for Curriculum Design, the study plans for the various levels of basic education contained in the new proposed curriculum reflect an intercultural approach.

254. Guidance on support for indigenous migrant children in mainstream primary schools was piloted in eight federative entities to identify students of indigenous origin in urban mainstream primary schools, with a view to developing state strategies and actions to address the ethnic, cultural and linguistic diversity of indigenous migrant children.

255. In addition, a project for child readers and writers of indigenous languages is being developed to promote written culture and reading in indigenous languages and to foster cultural pride.

256. The Tenth Meeting of Developers and Users of Information and Communications Technologies in Indigenous, Intercultural and Bilingual Education took place in November 2021 to open a space for communication between experts and teachers in underprivileged (indigenous, migrant, multilingual, Afrodescendent) contexts, identify and analyse education-related problems linked to the COVID-19 pandemic and disseminate multimedia educational materials in bilingual and multilingual formats to support the learning of bilingual and monolingual students in urban and rural areas with indigenous and Afrodescendent populations.

257. The event Towards Indigenous, Intercultural and Bilingual Education was held in December 2021 to establish a dialogue and set the course for indigenous, intercultural and bilingual education in order to strengthen education services for indigenous, migrant and

⁵⁹ See annex 6.

Afrodesscendent children and adolescents and to promote the professionalization of teachers and specialized research.

258. The Directorate General for Indigenous, Intercultural and Bilingual Education works with the Ibero-American Campaign for Linguistic Pride of the Organization of Ibero-American States for Education, Science and Culture, whose aim is to showcase and disseminate the importance of indigenous languages and their speakers in the Ibero-American region, promote the study of these languages and empower those who speak them.

259. In 2020 the National Council for the Prevention of Discrimination led six mini-workshops on a support strategy for migrant children and adolescents at the Las Agujas migration centre in Mexico City. The strategy consists of age-appropriate games to teach them about their human rights, including the right to non-discrimination. A total of 127 migrants took part in the activities.

260. In March 2020, the National Council led a mini-workshop on racial discrimination, xenophobia and racial profiling, with the main goal of preventing practices of racial discrimination that undermine human dignity from being committed by federal immigration officers in the performance of their duties, taking an equality and rights-based approach. The mini-workshop, which lasted two hours and was held at Mexico City International Airport, was intended for public servants of the National Institute of Migration who carry out immigration control and verification at international transit points; 13 people, including 6 women and 7 men, took part.

261. In 2021, the National Council provided training to 206 staff of the Commission on Assistance for Refugees on the basis of a needs assessment conducted in October 2021. In the light of the findings of the needs assessment, the National Council developed a syllabus for a workshop course entitled “Rights, guiding principles and tools for discrimination-free processing of migrants, refugees and asylum-seekers”, whose methodology is based on the principles of education in and for human rights, popular education and peace education.

262. Two sessions were held, in which 81 people, including 31 men and 50 women, took part, the goal being for participants to understand how discrimination affects the enjoyment of human rights, equality and non-discrimination by groups recognized as historical victims of discrimination, such as migrants, refugees and asylum-seekers, especially women, persons of diverse sexuality and children and adolescents.

263. The initiative “Migrant and Refugee Backpacks: What if you had to pack up and go?” was developed to promote empathy and solidarity towards persons who, for various reasons, arrive in or transit through Mexico.

264. In addition, the Conéctate platform is designed to expand awareness-raising and training about the right to equality and non-discrimination through 18 self-paced courses, notably a course on migration and xenophobia aimed at identifying the main features of migration flows and the causes of discrimination and xenophobia, with a view to preventing and eradicating these phenomena.

265. Between 2018 and February 2022, 12,508 people took the courses, including 7,148 women, 5,357 men and 3 people with another gender identity. Of these, 8,141 were public servants, of whom 4,678 identified as women and 3,463 as men.

266. As for in-person education activities, between January 2020 and December 2021, the National Council held 15 training sessions on themes relating to refugees, migration, racism and xenophobia. There were 504 participants, including 120 men, 232 women and 152 people of unreported gender, from the Las Agujas migration centre run by the National Institute of Migration, the Commission on Assistance for Refugees, UNHCR, the National Institute of Migration, the Tapachula office of the National System for the Comprehensive Development of the Family, the British Council and the municipality of Querétaro.

267. The objective of the course “The Afro-Mexican population’s right to equality and non-discrimination” is to raise awareness of the important historical presence of the population of African origin in Mexico in order to enhance understanding, in the light of the historical and current contexts, of the reality of Afro-Mexican communities and reflect on the racial discrimination and racism they face.

268. Between 2018 and December 2021, 7,902 people completed the course, of whom 4,610 identified as women and 3,287 as men. Of these, 5,713 were public servants, of whom 3,327 identified as women and 2,386 as men.

269. Furthermore, the National Council, in coordination with the Interdisciplinary University Seminar on Racism and Xenophobia and the Centre for Interdisciplinary Research in the Sciences and Humanities of the National Autonomous University of Mexico, is working to shed light on and combat racism and xenophobia through the online diploma course “Racism and Xenophobia in Mexico”, designed to enable learners to understand and analyse what racism and xenophobia are in general terms and what forms they take in Mexico in particular and to compare them with the situations in other countries in Latin America and around the world.

270. Awareness-raising and training activities have also been carried out with regard to the enjoyment and protection of the rights of individuals and groups who have historically been victims of discrimination.⁶⁰

Culture

271. In preparation for the International Decade of Indigenous Languages 2022–2032, the National Institute of Indigenous Languages has proposed a strategic road map for the design of the Mexican action plan based on the fundamental principle of the Los Pinos Declaration [Chapoltepek] – Making a Decade of Action for Indigenous Languages, namely the centrality of indigenous peoples (“Nothing for us without us”).

272. In this connection, the National Linguistic Planning Meeting was held virtually in February 2021, with the participation of 72 representatives of 50 government institutions from 27 federative entities. The purpose of the meeting was to establish inter-entity coordination of the linguistic planning relating to national indigenous languages, as part of the recognition of the pluricultural composition of Mexico, in preparation for the Action Plan for the International Decade of Indigenous Languages 2022–2032.

273. To that end, communication and coordination has been established with members of all the indigenous peoples, following the division of the country into five ethnolinguistic regions: the Northern Region, the Bajío-Pacific Region, the Central-Huasteca-Gulf Region, the South Pacific Region and the Mayab or South-Eastern Region.

274. Under the road map, the National Institute of Indigenous Languages has put particular emphasis on community-based linguistic planning. Thus, on 9 August 2021, it signed an agreement with the Oaxaca state, municipal and community authorities regarding the linguistic planning process for the Ngiba language (Chocholtec).

275. In addition, the National Conference on Linguistic Reconstruction was held in September 2021 simultaneously in five administrative centres and a national location, all interconnected via the Internet, to establish a forum for discussion at the regional level through which to put forward and explore participation mechanisms to ensure the centrality of indigenous peoples and thus create the conditions for holding a national convention of indigenous peoples in 2022.

276. The National Institute of Indigenous Languages, together with the National Coordination Office for Child Cultural Development and the Oaxaca State Secretariat for Indigenous and Afro-Mexican Peoples, have rolled out “Renewing Voices: Children and Youth as Agents of Indigenous Language Revitalization”, a programme aimed at training local promoters to work on revitalization projects for highly endangered languages, with the participation of children and adolescents.

Information

277. The 2017 national discrimination survey – the outcome of joint efforts by the National Institute of Statistics and Geography, the National Council for the Prevention of Discrimination, the National Human Rights Commission, the National Autonomous

⁶⁰ See annex 5.

University of Mexico and the National Science and Technology Council – was designed to generate statistical information in order to determine the scale, causes and manifestations of discrimination in Mexico and to improve understanding of who experiences discrimination and in what social settings, as well as the sociodemographic and cultural factors that come into play, as a basis on which to define indicators to inform the design of laws and public policy.

278. The national discrimination survey covers various population groups, including women, children, adolescents, young people, indigenous persons, persons of African descent and persons belonging to various religions. It also allows for sociodemographic analysis on the basis of skin colour, as reported by respondents.

279. The choice of indicators in the 2017 national discrimination survey was intended to illustrate the effects of structural discrimination and to show how the inequalities faced by social groups that experience discrimination in the exercise of their rights and their access to goods and services are mutually reinforcing.

280. Based on the national discrimination survey, the disadvantages historically experienced by indigenous peoples and Afrodescendent ethnicities are not exclusive to these groups; there are factors associated with racism that limit access to opportunities and the full exercise of fundamental rights.

281. The National Council for the Prevention of Discrimination and the National Human Rights Commission jointly developed the 2018 survey of discrimination on grounds of sexual orientation and gender identity, whose purpose is to identify the structural discrimination and violence experienced by persons whose sexual orientation or gender identity is non-normative.

282. It should be noted that both the 2017 national discrimination survey and the 2018 survey of discrimination on grounds of sexual orientation and gender identity included a question on African descent. According to the 2017 national discrimination survey, 2.9 per cent of the country's population is of African descent and 99.8 per cent of that number are Afro-Mexicans.

283. The National Discrimination Information System was set up in 2019 as a specialized platform containing objective, historical and verifiable information on discrimination, as well as important elements for monitoring progress on observance of the right to equality and non-discrimination in Mexico.⁶¹

284. The online platform brings together all the information produced by the National Council for the Prevention of Discrimination in collaboration with other government institutions on the topic of discrimination, presenting information in a structured, disaggregated and timely manner.

Other recommendations

Ratification of treaties

285. Mexico is a party to the following human rights treaties.

286. On 21 January 2020, the Ministry of the Interior published the decree promulgating the ILO Domestic Workers Convention, 2011 (No. 189).

287. On 10 October 2019, the Senate unanimously approved a proposal that Mexico should become a party to the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

288. On 21 January 2020, the Ministry of Foreign Affairs deposited the instrument of accession to the Inter-American Convention against Racism, Racial Discrimination and

⁶¹ For more information on the National Discrimination Information System, see <http://sindis.conapred.org.mx/>.

Related Forms of Intolerance at the headquarters of the Organization of American States (OAS) in Washington, D.C., United States of America.

289. On 21 January 2020, the Ministry of Foreign Affairs deposited the instrument of ratification of the Inter-American Convention Against All Forms of Discrimination and Intolerance at OAS headquarters in Washington, D.C. On 20 February 2020, the Ministry of the Interior published in the Official Gazette the decree promulgating this instrument, which entered into force on that same date.

290. In April 2019, the legislature presented a resolution urging the federal executive branch to accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Consultations with civil society

291. In June 2019, the National Council for the Prevention of Discrimination, the Ministry of Foreign Affairs, the National Institute of Indigenous Peoples and the Migration Policy, Registration and Identity Unit held a forum to establish a dialogue between Mexican civil society organizations and representatives of public bodies on actions to combat racial discrimination against indigenous and Afro-Mexican peoples and communities, migrants and refugees. The goal was also to identify progress made and remaining challenges in the light of the recommendations issued by the Committee on the Elimination of Racial Discrimination following its review of the combined eighteenth to twenty-first periodic reports of Mexico on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

292. Representatives of civil society and academia tasked with monitoring the human rights agenda and discrimination against indigenous and Afro-Mexican peoples and communities, migrants and refugees in Mexico were invited to attend the forum.

293. As part of the process to develop the National Programme for Equality and Non-Discrimination 2021–2024, the Equality and Non-Discrimination Thematic Forum was held with the aim of sharing and collecting the experiences and proposals of civil society, academia and the Government on the various forms of discrimination that disproportionately affect groups that have historically been victims of discrimination.

294. Some of the topics broached related to groups such as women; persons with disabilities; lesbian, gay, bisexual, transgender and intersex persons; migrants; and indigenous peoples and communities. The topic of age discrimination (including towards children, adolescents and young people) was also discussed.

Dissemination of information

295. The System for Follow-up and Action on International Human Rights Recommendations⁶² is a platform run by the Ministry of Foreign Affairs that systematizes international recommendations issued in respect of Mexico by human rights treaty bodies, mechanisms and special procedures since 1994. It also contains information on the actions taken by various authorities, linking them and the recommendations with the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

296. The System is helping to build a historical record of recommendations and resulting actions in order to provide data and indicators to illustrate the evolution of the human rights situation in Mexico.

297. The legal search tool,⁶³ a joint creation of the Supreme Court and OHCHR, is designed to promote the dissemination and use of international human rights standards. It is a platform for finding and consulting legal information, including content emanating from the United Nations and inter-American systems.

⁶² See <https://seridh.sre.gob.mx/publico>.

⁶³ See <https://sistemadenu.scjn.gob.mx/buscadornu/>.

298. As part of the process of updating the National Discrimination Information System, a module on international jurisprudence, standards and recommendations in the area of equality and non-discrimination is being developed. The module will include an interactive search function to classify information in an orderly and consistent manner, as well as a download feature.
