



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Implementation of the Convention on the Rights of Persons with Disabilities

**Initial reports submitted by States parties in accordance with
article 35 of the Convention**

Mexico*

[27 April 2011]

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** Annexes may be consulted in the files of the secretariat.

I. Methodology

1. This document is an executive summary of the initial report of Mexico (see annex 1), the drafting of which involved a broad array of departments of the executive and legislative branches of the Federal Government, the judiciary, national authorities, the National Human Rights Commission, the Human Rights Commission of the Federal District and academic institutions.
2. The initial report contains input and comments from civil society, obtained in a public survey held between 22 February and 7 March 2011 via the websites of the Ministry of Foreign Affairs and the current National Council for the Development and Inclusion of Persons with Disabilities. The Working Group on the Rights of Persons with Disabilities of the Commission on Government Human Rights Policy, which is made up of federal government bodies and representatives of civil society organizations, was also consulted.
3. The working methodology was established at a training workshop on the preparation of the initial report of Mexico, which was held at the Ministry of Foreign Affairs on 27 and 28 April 2010 and attended by experts from the Committee on the Rights of Persons with Disabilities and the Office of the United Nations High Commissioner for Human Rights (see annex 2).
4. The Guidelines on treaty-specific documents to be submitted by States parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (CRPD/C/2/3) were consulted during preparation of the report.

II. Introduction

5. The implementation of the Convention on the Rights of Persons with Disabilities represents a major challenge for both the Government and Mexican society, because of the changes inherent in the introduction of new standards for the promotion and protection of the rights of persons with disabilities. Thus, the main task facing the country in the immediate future is to ensure that measures taken are consonant with a thorough understanding of how disabilities are regarded under the Convention and, in particular, on the incorporation of the social model of disability, whereby disability is seen as the result of barriers placed before people with impairments or limitations and which hinder them from participating fully in society on equal terms with other people.
6. Mexico could thus be considered in general terms to be in a transitional phase as part of a broader process of mainstreaming human rights throughout the Government's activities.

III. Implementation of the articles of the Convention

Articles 1 to 4

Legislative measures

7. The overhaul of legislation designed to safeguard the rights to equality and non-discrimination in the country began in 2001 with the amendment of article 1, paragraph 3, of the Constitution of the United Mexican States, which prohibits all forms of discrimination, *inter alia*, on the grounds of disability. Thereafter, the constitutions of 12

federal states were amended to explicitly prohibit discrimination or refer to the right to equality.¹

8. In 2003, the Federal Act on the Prevention and Elimination of Discrimination was adopted (see annex 3). According to this Act, discrimination is understood to be any distinction, exclusion or restriction based, among other reasons, on disability, and it lists the types of discriminatory behaviour that are prohibited. It also sets forth positive and compensatory measures that public bodies and the federal authorities should adopt in order to promote equality of opportunity for various historically vulnerable groups.

9. Similarly, 17 states have passed laws to prevent and eliminate discrimination.² All establish that discrimination may be based on disability, but in four the term “differently abled” is employed and will need to be amended.³

10. The General Act on the Inclusion of Persons with Disabilities, of 2011, has made it possible to bring domestic legislation into line with the Convention (see annex 4). In accordance with article 2, section XXI, a “person with a disability” is understood to mean “any person who suffers congenitally from or has acquired one or more physical, mental, intellectual or sensory impairments, whether permanent or temporary, which, in the face of barriers encountered in the social environment, may prevent the full and effective inclusion of such persons in society on equal terms with others”.

11. The Act seeks to address the rights of persons with disabilities according to the new standards set by the Convention and taking into account the need to facilitate full development and equal opportunities for them. Under the Act, a national system has been established for the development and integration into society of persons with disabilities. This is made up of federal government departments and agencies, state governments and municipal councils, and natural or legal persons in the public and private sectors that provide services to persons with disabilities. The Act also provides for the establishment of the National Council for the Development and Inclusion of Persons with Disabilities as a decentralized public agency, with its own legal personality and resources. In order to fulfil its mandate, it will have the technical and managerial freedom to develop policies, activities, strategies and programmes deriving from the Act.

12. In most states, except Baja California Sur and the State of Mexico, laws on persons with disabilities are in force (see annex 5). Most of these laws are being reviewed or require a review in order to be made fully compliant with the Convention. For example, in the titles and text of the laws of Baja California, Campeche, Guanajuato and Nayarit, incorrect terms such as “different abilities” or “handicapped” still appear. Texts on certain rights also need to be overhauled since, for example, some laws limit the concept of “accessibility” to physical accessibility.

13. The 2010 Federal District Act on the Integration and Development of Persons with Disabilities is designed to promote the full integration and development of persons with disabilities and makes it incumbent on the Government of the capital to take steps to provide public transport that allows access to persons with disabilities (see annex 6).

14. In March 2011, Congress completed the process of amending 11 articles of the Constitution in the area of human rights (see annex 7), thereby shifting Mexican legislation

¹ Chiapas, Coahuila, Durango, State of Mexico, Guanajuato, Hidalgo, Michoacán de Ocampo, Morelos, Nuevo León, San Luis Potosí, Tabasco and Yucatán.

² Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Federal District, Durango, Guerrero, Hidalgo, State of Mexico, Michoacán de Ocampo, Nayarit, San Luis Potosí, Tamaulipas, Yucatán and Zacatecas.

³ Colima, State of Mexico, Tamaulipas and Yucatán.

from a dualist to a monist model with regard to the incorporation of international human rights law into domestic legislation. Human rights enshrined in the Constitution and international human rights treaties to which Mexico is a party, including the Convention on the Rights of Persons with Disabilities, are part of the supreme law, may be invoked directly in any court and must be interpreted in accordance with the jurisprudence of the international human rights treaty bodies.

15. Since 2007, the National Council for the Prevention of Discrimination has been studying legislation in order to determine how to align various federal and local laws. This has led to the review of a total of 550 instruments and the submission of more than 90 legal opinions. The National Human Rights Commission and the National Council for the Development and Inclusion of Persons with Disabilities, in conjunction with its advisory council, have both carried out studies of legislation and various regulations.

Planned measures

16. Public policy on the rights of persons with disabilities is governed by the National Development Plan for 2007–2012 and the National Programme for the Development of Persons with Disabilities for 2009–2012 (see annex 8). In addition to health care, education, work, welfare and accessibility, the latter includes, for the first time in the country's history, areas that had not been considered in the past, such as civil and political rights, legal safeguards, and the participation of persons with disabilities in political life, culture and sport.

17. Section 3 of the National Development Plan for 2007–2012 states that the purpose of social policy is to achieve human development and the well-being of all Mexicans through equality of opportunities. Efforts in that context will be focused on vulnerable groups, including, among others, persons with disabilities.

18. In 2008, the National Human Rights Programme for 2008–2012 was made public as the Federal Government's instrument for the promotion and defence of human rights and a mandatory benchmark for all decision-making stakeholders (see annex 9).

19. The programme's proposed objectives include "improving the provision of full care for people with disabilities subject to existing international commitments", and "promoting a culture of respect and help for, solidarity with, and protection of the human rights of persons with disabilities in the federal public administration and civil society".

20. In July 2009, the National Programme for the Development of Persons with Disabilities was made public, whose goal is to dovetail public policy and take the lead on strategy in public and/or private sector institutions and at the three levels of government, in order to contribute to the development and full inclusion of persons with disabilities in all areas of life, within a framework of equal rights and opportunities, without discrimination and taking into account a gender perspective. In achieving its objectives, the programme's guiding principles fully coincide with those of article 3 of the Convention.

21. The views of organizations of and for people with disabilities around the country, canvassed in regional consultations conducted by the National Scheme for the Comprehensive Development of the Family, were taken into account in the preparation of the programme.

22. In the programme it is acknowledged that persons with disabilities remain one of the most marginalized groups in society, and that they are victims of discrimination in several respects, including participation in political and public life, access to education and employment, and freedom of movement.

23. The National Council for the Development and Inclusion of Persons with Disabilities is coordinating the process of mainstreaming the disability perspective in

federal public administration programmes, including budgets. During the 2010 fiscal year, an extraordinary budget allocation of Mex\$ 250 million was made to the Persons with Disabilities Fund to support and develop special long-term programmes which could be repeated in subsequent years.

24. Several states have institutions responsible for coordinating efforts on disability (Baja California Sur, Campeche, Colima, Jalisco, Nayarit, Tlaxcala, Zacatecas and the Federal District).

25. On 17 March 2010, the Board of Governors of the National Council for the Prevention of Discrimination adopted the draft National Programme for the Prevention and Elimination of Discrimination 2010–2012, which sets forth a series of goals, strategies and initiatives aimed at helping the federal public administration to combat discrimination.

26. Mexico has also made substantial efforts to promote the exercise by persons with disabilities of their social and economic rights, including through such initiatives as: building basic accessible social infrastructure in rural and urban communities; designing universally accessible public spaces; providing special services for children with disabilities, thereby assisting the most economically disadvantaged mothers to enter the labour market; creating infrastructure to help rehabilitate persons with disabilities living in marginalized communities; facilitating access for civil society organizations that work with and for persons with disabilities and run projects to create jobs and generate income; and conducting public awareness-raising campaigns aimed at promoting the social inclusion of this sector of the population.

27. The Persons with Disabilities Programme and the Families and Vulnerable Groups Programme are the two leading policy programmes for persons with disabilities within the National Scheme for the Comprehensive Development of the Family.

Budget for the Persons with Disabilities Programme as a percentage of the annual budget of the National Scheme for the Comprehensive Development of the Family

(Mex\$ million)

<i>Year</i>	<i>Budget of the National Scheme for the Comprehensive Development of the Family (A)</i>	<i>Budget for the Persons with Disabilities Programme (B)</i>	<i>Percentage (C) = B/A</i>
2008	1 604.6	332.8	20.7%
2009	1 668.7	486.4	29.1%
2010	1 668.5	234.4	14.0%

28. The Human Rights Programme of the Federal District includes a comprehensive chapter on the rights of persons with disabilities with initiatives calibrated to implementation of the Convention. The programme, which was developed with the participation and consensus of public bodies, autonomous public bodies, international human rights bodies, and civil society and academic organizations, and which constitutes a model for the implementation of the Convention, is binding on the relevant agencies.

Article 5

Equality and non-discrimination

29. Anyone may submit claims or complaints to the National Council for the Prevention of Discrimination. These non-judicial mechanisms protect the right to equality and non-discrimination and are based on the goodwill of the parties. Claims may be lodged against federal civil servants for acts committed in the course of carrying out or in connection with

their official duties, and complaints may be made against private persons. Complaints are resolved through a conciliation procedure. Where conciliation procedures fail, investigations may continue until a decision is reached in civil or criminal proceedings.

30. The claims and complaints section of the council processed 163 such petitions related to disability between 2008 and 2010 (see annex 10). Many more complaints were submitted by persons with motor disabilities than by those with intellectual or sensory disabilities (visual/hearing).⁴

31. Of claims⁵ filed with the National Council for the Prevention of Discrimination between 1 January 2008 and 31 May 2010, 21 were for alleged discriminatory behaviour on the grounds of disability.

32. The complaints and claims filed with the council in 2010 indicate that the rights for which they are filed by persons with disabilities are the following: accessibility of public spaces; education and/or the delivery of educational services; the right to work and related matters, such as promotion, training and job security; decent treatment and equal opportunity; recreation and leisure; rights of the child; and the rights of older persons.

33. The National Human Rights Commission has a complaints department. At the end of 2010, it was reported that it had processed around 400 complaints of alleged violations of the rights of persons with disabilities. The commission has also launched five cases challenging the constitutionality of certain laws containing discriminatory terminology.

Article 6

Women with disabilities⁶

34. Public strategies and policy on the promotion and protection of the human rights and fundamental freedoms of women have been founded on a series of domestic laws⁷ but, above all, on the various international instruments ratified by Mexico⁸ and recommendations made by their follow-up mechanisms.⁹

35. The rights of women and girls with disabilities are upheld by nine federal laws (see annex 11) in acknowledgement of the fact that they face double discrimination and numerous limitations on the exercise of their human rights. Nineteen states also have laws on equality between women and men. One of them has a corresponding set of regulations and five operate state systems.

⁴ The figures do not show complaints and claims made by persons with mental or psychosocial disabilities.

⁵ Reports or petitions filed for allegedly discriminatory behaviour by the federal authorities or federal civil servants.

⁶ Mexico has complied with its obligation to submit timely reports to the Committee on the Elimination of Discrimination against Women.

⁷ The Federal Act on the Prevention and Elimination of Discrimination; the General Act on Equality between Women and Men; the General Act on Women's Access to a Life Free of Violence and its regulations; and the Act to Prevent and Punish Human Trafficking and its regulations, among others.

⁸ Such as the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará).

⁹ The National Institute for Women has made the general recommendations of the Committee on the Elimination of Discrimination against Women, including general recommendation No. 18 on "disabled women" widely known to federal public administration bodies, state departments of women's affairs, the judiciary, legislature and civil society organizations.

36. National policy is set out in the National Programme for Equality between Women and Men (see appendix 12) and directed through the National System for Equality between Women and Men.¹⁰ The system is coordinated by the National Institute for Women and made up of departments and bodies of the federal public administration, and state, Federal District and municipal authorities.

37. Objective 1 of the National Programme for the Development of Persons with Disabilities is to promote a cultural change, with a focus on gender, in the general population in order to help persons with disabilities to exercise their rights fully and to benefit from equality of opportunities.

38. Mexican Standard NMX-R-025-SCFI-2009 on working equality between women and men is a certification instrument that has no equivalent anywhere in the world and which enables the measurement of policies on equality in the workplace adopted by public and private sector organizations.

39. Between 2008 and 2010, the Ministry of Labour and Social Welfare, through the General Coordinating Office of the National Employment Service, dealt with 30,331 women with disabilities, 8,837 of whom were placed in jobs (see annex 13). The National Labour Link Network dealt with 10,278 women with disabilities, 1,704 of whom were found jobs between 2009 and 2010 (see annex 14). The Directorate-General of Training provided distance courses to 215 women with disabilities and classroom training to 30 between 2009 and 2010 (see annex 15). The Office of the Federal Procurator for the Defence of Labour provided legal advice in 16 cases and initiated court proceedings in 9 cases involving women with disabilities between 2008 and 2010 (see annex 16).

40. The National Institute for Women, through its Proequidad Fund, has financed projects run by civil society organizations for persons with disabilities (see annex 17).

41. The goal of the Programme to Organize Indigenous Women for Production, under the National Commission for the Development of Indigenous Peoples, is to help improve the living conditions and social position of indigenous women who live in highly or very highly marginalized areas, and to help them organize themselves better and participate more in decision-making through the development of productive projects.

Article 7

Children with disabilities

42. Article 4 of the Constitution, from a human rights point of view, enshrines the right of children to have their needs met in terms of food, health care, education and healthy recreation in order to foster their full development. The provision acknowledges the existence of a specific and independent set of rights; obliges the State to do whatever is necessary to safeguard the dignity of children and the effective exercise of their rights; establishes the duty of parents, guardians and custodians to safeguard those rights; and makes it incumbent on the State to provide facilities to help individuals to contribute to the fulfilment of the rights of children and adolescents.

43. The Act on the Protection of the Rights of Children, which regulates article 4 of the Constitution, seeks to guarantee the full and comprehensive development of children. It

¹⁰ Strategic objectives 2, 3, 5 and 6 of the programme seek to guarantee equality before the law and access to justice, to boost the capacities of women, including those with disabilities, and to empower them in economic terms.

acknowledges the rights of children and adolescents with disabilities and stresses that they are entitled to fully develop their skills and live as integrated members of society.

44. Articles 11 and 13 of the Federal Act on the Prevention and Elimination of Discrimination include a series of affirmative action and compensatory measures to foster equal opportunities for children with disabilities.

45. The constitutions of 19 states currently include references to the best interest of the child and all states have laws for the protection of children in line with the Act on the Protection of the Rights of Children. In 15 states girls are specially protected by laws on the right of women to live free of violence (see annex 18).

46. The Mexican Social Security Institute, through the integrated learning model used in inclusive childcare centres, provides care for 3,330 children with disabilities around the country. In an effort to boost institutional understanding, a national visits programme is in place that brings together children with and without disabilities to encourage mixing and integration. Standard 3000-001-0011 governing the care of children with disabilities in inclusive childcare centres is being updated in the light of the Convention.

47. As of June of 2010, 2,441 children with disabilities had been accepted in 1,775 child day-care centres under the child day-care support programme for working mothers of the Ministry of Social Development. From 2008 to June 2010, the Association for Persons with Cerebral Palsy trained 1,455 persons to run such day-care centres, thereby easing the path for working mothers with limited means and without access to public childcare to study or enter the labour market, confident that their children would be well looked after.

48. In June 2010, the National Council for the Prevention of Discrimination filed a complaint because it considered that regulations governing the services of day-care centres for the well-being and development of children run by the Institute of Social Security and Services for State Employees limited access to the centres on the grounds of certain medical conditions and/or disability. Representatives of both institutions are at present working to amend the regulations and thereby ensure that such children are able to attend those centres without fear of discrimination.

49. The Ministry of Education, in conjunction with civil society organizations, designed a programme to support the development of students and to prevent risk situations (the Construye-T Programme), which promotes the full educational development of young people in a supportive environment characterized by equality and democratic participation. The programme currently operates in 1,686 upper secondary schools throughout the country, reaching approximately 1.5 million students.

50. Further information on initiatives undertaken for children with disabilities appears in other sections of the report.

Article 8

Awareness-raising

51. The National Council for the Development and Inclusion of Persons with Disabilities believes that raising awareness is a key to achieving the full social inclusion of persons with disabilities. Strategy 1.2 of the National Programme for the Development of Persons with Disabilities states that, in order to integrate persons with disabilities into society and the productive life of the country, it is essential to raise public awareness and promote a culture of inclusion, respect, and recognition of their rights.

52. The Subcommittee on the Rights of Vulnerable Groups of the Commission on Government Human Rights Policy has asked departments of the federal public

administration and the states to encourage civil servants to use the correct terminology for persons with disabilities.

53. Annex 19 sets forth the main initiatives that have been undertaken in order to raise the public profile of disability, a task that will require a sustained cultural transformation, the effects of which will take a generation to filter through.

Article 9

Accessibility

54. The first official efforts to make public buildings accessible date back to the end of 1990, when an inter-institutional group to remove barriers was established. The group was at the forefront of efforts to persuade various institutions to begin to make their facilities accessible to persons with disabilities and to adopt strategies, the results of which, although visible, it has not been possible to quantify.

55. Although statistical information is lacking on how accessible federal public administration buildings really are, it may be said that Mexico is in a basic initial phase of rendering those facilities accessible to people with motor disabilities, and that some institutions have also made progress in improving accessibility for people with visual and hearing impairments.

56. The Federal Building Accessibility Scheme of the Institute for the Management and Valuation of National Assets has assessed the level of accessibility of 4,258 federal buildings, about 10 per cent of the total.¹¹ Of those buildings, 2,544 survey certificates reveal that progress in making them accessible can be estimated at 35 per cent and that, in general, they do not yet meet all accessibility requirements. Progress has been made with basic services such as access ramps and parking spaces, and to a lesser degree with regard to, for example, service units, specially adapted toilets and sign-posting.

57. The main obstacle faced by institutions wishing to improve accessibility is one of cost. Departments do not have the funds to carry out works to facilitate access to, mobility in and use of the indoor and outdoor spaces of federal buildings for persons with disabilities.

58. Another serious hindrance is the failure to standardize the plethora of technical specifications laid down under the various regulations of the three levels of government.

59. To that end, in 2009 the National Council for the Development and Inclusion of Persons with Disabilities took part in the process of updating standard NOM 233-SSA1-2008 on access to hospitals, Federal District construction regulations and the accessibility standard of the National Institute for Education Infrastructure. It also established the Committee on Accessibility and Universal Design.

60. For its part, the National Council for the Prevention of Discrimination has been involved in inter-agency coordination activities, such as discussion sessions on accessibility and transport held by the Council for the Integration and Development of Persons with Disabilities, under the Federal District's Scheme for the Comprehensive Development of the Family. In compliance with its mandate to issue legal opinions, it has also worked with the Metropolitan Autonomous University to develop a set of general building regulations.

61. Mexico can nevertheless boast a variety of best practices. Annex 20 lists the main measures that have been adopted, of which the following should be highlighted:

¹¹ It is estimated that there are about 25,900 federal public administration buildings altogether.

- (a) Seventeen states now have laws on making buildings and other public places accessible to persons with disabilities;¹²
- (b) A fund was established under the 2011 federal budget to assist the states with the provision of accessible public transport;
- (c) Learning support tools for pupils with disabilities have been introduced in 146,996 classrooms of the fifth and sixth grades of primary school, and 14,087 first-grade classrooms in secondary school are equipped with technological equipment;
- (d) In the 2010 financial year, the National Institute for Education Infrastructure planned to build, adapt or modify ramps for students with disabilities in 3,480 schools throughout the country, and developed regulations on accessibility in educational facilities for persons with disabilities (see annex 21);
- (e) Work is being carried out in State-run technological institutes to facilitate access of students with disabilities to higher education. By July 2010, work had been completed in 106 such institutions;
- (f) The major public and private institutions of higher education have been adapted for persons with disabilities and offer subjects or programmes that are either inclusive or related to the issue of disability;
- (g) Since 2008, the health sector has received funding in order to improve accessibility and facilities in national health institutes;
- (h) The Mexican Social Security Institute has issued guidelines on accessibility for persons with disabilities, in the drafting of which civil society was involved, and has established a prototype plan to ensure accessibility to medical care for all, which has been implemented in 16 local general hospitals;
- (i) The Institute of Social Security and Services for State Employees has issued a guide to assessing the accessibility of its offices, a set of design standards and guidelines for building design adapted to the needs of persons with disabilities;
- (j) In 2010, the Special Housing Fund Loans Programme of the Institute of Social Security and Services for State Employees established a fast-track mortgage scheme for persons with disabilities;
- (k) In early 2010, the Trust Fund of the National Social Housing Fund and the National Council for the Development and Inclusion of Persons with Disabilities developed an affordable housing model for low-income families that have a member with disabilities;
- (l) The Ministry of Communications and Transport promotes a culture of accessibility in buildings and urban environments, in land, sea and air transport, in communications, and in relation to tourism (see annex 22);
- (m) Most of the country's airports are accessible to persons with motor disabilities. The main bus terminals in the states are in the process of being made accessible;
- (n) In Mexico City, the new integrated Metrobús mass transit system will have accessible stations and vehicles on its two existing lines. Two other lines and Line 12 of the

¹² According to the National Human Rights Commission: Baja California, Chiapas, Chihuahua, Colima, Federal District, Durango, Hidalgo, Michoacán de Ocampo, Morelos, Nuevo León, Oaxaca, Querétaro, Tabasco, Tamaulipas, Tlaxcala, Veracruz and Zacatecas. In Sonora and Guerrero there are plans to introduce similar legislation.

Metro will be fully accessible. The suburban train line, which is run by the Ministry of Communications and Transport, is also fully accessible;

(o) The cities of León and Guadalajara, and the Federal District, have at least one line of transport that is accessible for persons with disabilities. Efforts are also being made to improve the accessibility of buildings, urban spaces and transport in states including Chiapas, Colima, the State of Mexico and Tabasco;

(p) There are hotels throughout the country with varying levels of accessibility to common spaces and one or two accessible rooms. The Ministry of Tourism highlights destinations such as Cancún, Puerto Vallarta and Mexico City;

(q) The TURISSTE network of tourism agencies run by the Institute of Social Security and Services for State Employees promotes travel and leisure activities with special discounts and free access for persons with disabilities in tours and travel at home and abroad, as well as transport by air, land and sea;

(r) Work to improve accessibility has not been restricted to the cities and buildings. The Cortés Pass in the Izta-Popo National Park has an accessible rest area and there are accessible walking trails with ramps in 16 archaeological sites;

(s) Minimum requirements in terms of facilities have been set for museums to allow persons with disabilities to visit them;

(t) It is possible to take part in 19 different sports at the Mexican Paralympic Centre, a facility covering 3,000 square metres on 6,000 square metres of land;

(u) In 2009, the National Human Rights Commission joined the Federation of Mexican Architects' Associations and the civil society organization Libre Acceso in developing a national accessibility evaluation method for federal public administration buildings, including 72 Federal Government buildings in various states.¹³ It also ran an awareness-raising campaign on the use of guide animals for the visually impaired in public buildings.

Article 10

Right to life

62. Article 1 of the Constitution protects the right to life, among others, by providing that no one shall be deprived of his life. Mexico has also ratified international treaties that guarantee this fundamental right, with no reservations.

Article 11

Situations of risk and humanitarian emergencies

63. Mexico has institutions, programmes and a legal framework for dealing with situations of risk and humanitarian emergencies. Steps are being taken to incorporate a disability perspective, for which national legislation and protocols will need to be further developed or revised. Significant progress has nevertheless already been made, as explained below.

64. The General Civil Defence Act gives priority to vulnerable and low-income social groups, which include persons with disabilities. The National Civil Defence Programme

¹³ Available at www.cndh.org.mx/sites/all/fuentes/documentos/AulaCNDH/1.pdf (26 September 2011).

2008–2012 is the Government’s planning tool for streamlining and fine-tuning public civil defence policy, with input from communities, organized social groups and the authorities.

65. The National Standards Advisory Committee on Civil Defence and Disaster Prevention established an ad hoc group in 2010 to issue civil defence recommendations relating to the care of persons with disabilities in emergency situations, with a view to improving on current practice.

66. The Ministry of Health updated its manual on health care in disaster situations in 2008, incorporating minimum accessibility criteria for temporary shelters that must be borne in mind by emergency services nationwide when selecting refuge sites.

67. Some states have incorporated specific actions for persons with disabilities into their civil defence programmes.

68. The Refugees and Subsidiary Protection Act of 2010 ensures that asylum seekers and refugees enjoy, without any discrimination, all the guarantees and freedoms enshrined in the Constitution, legislation and the international treaties to which Mexico is party.

69. The Mexican Commission on Assistance to Refugees provides an institutional structure for effectively meeting the needs of refugees with disabilities. Together with the National Migration Institute of Mexico, the Commission issued supplementary provisions to the Population Act and its regulations to broaden the scope of care for asylum seekers and refugees. If an asylum seeker with disabilities is being held in a migrant holding centre, the Commission may recommend that the Institute allow the individual to be moved to a place where he will receive the necessary care.

70. Pursuant to an agreement between the Ministry of the Interior and the National Health and Welfare Commission, refugees are covered by the people’s health insurance scheme, a social security system for persons without any other means of accessing medical and hospital care, free of charge.

Article 12

Equal recognition before the law

71. In Mexico, pursuant to article 22 of the Federal Civil Code, “the legal capacity of natural persons is acquired through birth and is lost through death”. However, the civil, family and procedural codes of the states, along with article 450 of the Federal Civil Code itself, continue to limit the legal capacity of persons with disabilities.

72. Article 23 of the same Code further limits their legal capacity by providing that “a declaration of legal incompetency and other incapacities (sic) established by law are restrictions on legal personality which shall not undermine the dignity of the person concerned or jeopardize the integrity of the family; however, incompetent persons (sic) may exercise their rights or take on obligations through their representatives”.

73. Certain provisions relating to the procedure for declaring a person legally incompetent, common to the various procedural codes at the national level, have already been declared unconstitutional by the Supreme Court, as they violate the fundamental principles of due process established in the Constitution, in particular the right to a hearing.¹⁴

74. Both the National Council for the Development and Inclusion of Persons with Disabilities and the National Council for the Prevention of Discrimination believe that these

¹⁴ See case decisions Nos. 186574, 165233, 192152, 257680, 205434 and 205426.

restrictions need to be removed in order to comply with the Convention on the Rights of Persons with Disabilities, which currently stands as the instrument that provides the greatest protection for the rights of such persons and should prevail over any other. The creation of support systems to facilitate the expression of will, and the parallel removal of restrictions on legal capacity, are challenges which remain to be tackled in the future.

75. Two seminars were held in 2010 to decide how the country's civil codes should be amended with regard to legal capacity. The outcome was a series of recommendations for the implementation of article 12 of the Convention on the Rights of Persons with Disabilities in Mexico. Similarly, the National Human Rights Commission, the judiciary and the Scheme for the Comprehensive Development of the Family of the State of Tabasco organized a discussion forum on the rights of persons with disabilities, and the Commission published a book entitled "Legal Capacity of Persons with Disabilities" (*Capacidad Jurídica de las Personas con Discapacidad*).

76. The Mexican legal system protects the exercise of legal capacity by any person against conflicts of interests, coercion, injury, error, malice, violence and other flaws in legal proceedings or transactions, through the regular system of annulments, criminal responsibilities and formalities provided for under civil law.

77. According to the Ministry of Finance and Public Credit, there is no provision whatever relating to financial and tax matters that limits the rights of persons on disability grounds. In other words, persons with disabilities enjoy the same rights and responsibilities under legislation applicable to the financial system as the rest of the population. No special guardianship arrangements are envisaged under that legislation for persons with disabilities, besides those provided for any user or investing public. However, there continue to be cases of blind or visually impaired persons not being allowed to hold a bank account, for example.

Article 13 **Access to justice**

78. The federal judiciary has decided to participate actively in the implementation of the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations, thereby helping to reduce social inequality in our country.¹⁵

79. The Mexican Association of Justice Officials adopted a charter of rights and obligations of users of the Mexican justice system, endorsed by the Supreme Court, at its fourth ordinary general assembly in October 2009.¹⁶ Among the rights recognized in the charter is the right "to access and receive a free and impartial service, without any kind of discrimination on grounds of [...] disability [...] having the aim of nullifying or undermining individual rights and freedoms".

80. The General Act on the Inclusion of Persons with Disabilities provides that institutions responsible for the management and administration of justice shall have at their disposal specialists in various disabilities and Mexican sign-language interpreters, and

¹⁵ In a closed session, on 5 August 2008, the Supreme Court plenary approved the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations, which had been adopted at the Fourteenth Meeting of the Latin American Judicial Summit, held in Brasilia, Brazil, from 4 to 6 March 2008 (see annex 23).

¹⁶ Available at www.amij.org.mx/M_asambleas/4/antecedentes/mesa%20acceso%20a%20la%20justicia/Carta%20de%20derechos%20y%20obligaciones%20vers%20final.pdf (26 September 2011).

support for producing documents in Braille. They shall also run programmes to build staff capacity and awareness in relation to catering for persons with disabilities. The federal executive and the governments of the states shall facilitate the availability of communication resources and the necessary technical and human assistance for persons with disabilities in their respective jurisdictions.

81. In 2010, the National Council for the Development and Inclusion of Persons with Disabilities, jointly with other institutions, organized a seminar for national and international experts on the right of access to justice for persons with disabilities. The outcome document, entitled “Fundamental Principles for the Right of Access to Justice for Persons with Disabilities”, will serve as a guide for authorities that provide services relating to the management, attainment and administration of justice (see annex 24).

82. The National Council’s Committee on Legal Certainty and Access to Justice, established in January 2010, is composed of representatives from the Ministry of the Interior, the National Human Rights Commission, the National Council for the Prevention of Discrimination, the National Scheme for the Comprehensive Development of the Family, the United Nations Development Programme and civil society organizations for persons with disabilities, among others.

83. The National Council for the Prevention of Discrimination has made comments and suggestions regarding various initiatives submitted to Congress in this regard (see annex 25).

84. According to the bases and criteria of the National Commission for the Protection and Defence of Users of Financial Services, free legal advocacy services should be offered to persons with physical disabilities and the terminally ill as a priority. This National Commission has also decided to issue recommendations to financial institutions to urge them to provide equal treatment for persons with disabilities when contracting financial products or services.

85. The Ministry of Public Security has launched a free legal counselling programme within the comprehensive system of services for crime victims. Likewise, the Office of the Attorney-General of the Republic has strengthened programmes for the benefit of persons with disabilities; it has visited 66 places of detention to provide legal safeguards for indigenous persons tried and convicted for committing a federal crime, giving special attention to persons with disabilities; and it has negotiated 256 claims before the Decentralized Administrative Office for Prevention and Social Rehabilitation. It also provides legal and social counselling for persons with disabilities who use these facilities.

86. The National Council for the Prevention of Discrimination offers training in the administration of justice to various agencies of the federal public administration and individual states (see annex 26).

87. The Ministry of Public Security trains its own staff, along with the staff of the decentralized administrative bodies and the federal prison system, with the support of the National Human Rights Commission, the Office of the United Nations High Commissioner for Human Rights, the International Organization for Migration, private aid organization Sin Fronteras IAP (Without Borders), the National Autonomous University of Mexico, the Ibero-American University and civil society organizations specializing in human rights. During the present Government’s term of office, 63,396 public servants have been trained on the rights of persons with disabilities and 26,996 public servants have received training via 12 videoconferences.

88. The Attorney-General’s Office has launched a seminar on non-discrimination and the rights of persons with disabilities, with reference to the Convention on the Rights of

Persons with Disabilities, as part of a series of professional development activities for its staff.

Article 14

Liberty and security of the person

89. The Attorney-General's Office deals with people held in its facilities by the Federal Prosecution Service. Detainee assistance units, the main task of which is to monitor respect for prisoners' rights, pay special attention to the needs of persons with disabilities.

90. According to institutional policy, convicts with mental disabilities are held in state facilities rather than Federal Social Rehabilitation Centres. The exception is the Federal Psychosocial Rehabilitation Centre, as it is equipped with detention facilities ideally suited to such cases.

91. The Ministry of Public Security and the Federal Police Force have a programme under which special teams provide psychological support and legal guidance to police officers who have sustained a disability in the line of duty and to members of their families. The programme aims to rehabilitate, both psychologically and emotionally, police officers who sustain a physical disability during confrontations or other violent acts in the course of their police duties.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

92. Torture and injuries indicating cruel, inhuman or degrading treatment or punishment are criminalized at both federal and state levels, and various local laws establish that an aggravating circumstance arises if the victim is a person with disabilities.¹⁷

93. In addition, administrative and legislative measures are in place to prevent persons with mental disabilities from being subjected to medical or scientific experiments, in compliance with human rights standards. The Committee on Research Ethics, endorsed by the National Bioethics Commission, reviews and assesses research projects, ensuring that they comply with international human rights standards.

94. Similarly, official Mexican standard NOM-025-SSA2-1994 establishes that institutionalized persons with disabilities may refuse to be subjected to scientific research, without jeopardizing the quality of hospital care they receive.¹⁸

95. The National Human Rights Commission, in its role as National Preventive Mechanism against Torture, has made initial monitoring visits to the eight psychiatric hospitals under the authority of the Federal Government, and to three private clinics in the Federal District that care for persons with mental disabilities. In the course of those visits, the Commission checked compliance with the provisions of official Mexican standard NOM-025-SSA2-1994, particularly in cases where the user had been admitted to a facility involuntarily.¹⁹

¹⁷ See Federal District Criminal Code, arts. 223 (IX), 138 (VIII) and 254 (XVII).

¹⁸ See standard NOM-025-SSA2-1994, art. 8.13.

¹⁹ Report no. 4/2008 was produced for the attention of the Ministry of Health and the Mexican Social Security Institute on the basis of these visits, which were conducted within the framework of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading

96. The Ministry of Health has trained the staff of those facilities in the prevention of the torture and degrading treatment of mental health service users. Three events have been held, attended by over 400 people from medical facilities from across the country, the National Human Rights Commission, the Pan American Health Organization/World Health Organization and the psychiatric care services of the Ministry of Health.

Article 16

Freedom from exploitation, violence and abuse

97. Various forms of exploitation, violence and abuse are criminalized, at both federal and local levels. The Federal Criminal Code establishes the offences of corruption, sex tourism, exploitation, procuring, and trafficking of minors, and the fact that the perpetrator is also the carer of the person or persons with disabilities constitutes an aggravating circumstance.²⁰ Likewise, various local criminal codes penalize the exploitation of minors or persons with disabilities for labour purposes.²¹

98. The working group on the rights of persons with disabilities of the Commission on Government Policy on Human Rights established a subsidiary working group to review the measures in place for protecting persons with disabilities from violence, physical or mental abuse, neglect or negligence, ill-treatment and sexual exploitation.

99. Research and training have been conducted through the Ramón de la Fuente National Institute of Psychiatry with a view to developing prevention and treatment models. In addition, people have been trained to train others in caring for victims of exploitation, violence and abuse, with a gender perspective.

100. The Mexican Social Security Institute has a programme offering free social welfare benefits to persons with disabilities, as a priority, which helps to prevent violence and abuse related to gender, age and disability. In addition, 35 delegation committees have been established to monitor all programmes and activities relating to the rights of persons with disabilities.

101. The Institute of Social Security and Services for State Employees runs a training course for facilitators of support groups set up for the rehabilitation of perpetrators and victims of partner violence. It uses screening forms at the national level to identify any danger of violence, ill-treatment or abuse. It also runs two courses per year for carers of older persons with disabilities, covering aspects of care, the prevention of ill-treatment and the importance of gender equity.

102. The National Centre for Gender Equity is facilitating a review of compliance with standard NOM-046-SSA2-2005 on domestic and sexual violence and violence against women, and with the operating manual for the integrated model for prevention of, and services relating to, domestic and sexual violence. Under both instruments, persons with disabilities are considered to be at greater risk of violence than other groups.

103. The Attorney-General's Office created a specialized agency within the Federal Prosecution Service for attending to persons with mental disabilities, which merged with the service's conciliatory agency, running since 1995, to form the Conciliatory and Specialized Agency of the Federal Prosecution Service.

Treatment or Punishment.

²⁰ See Federal Criminal Code, arts. 200 to 205 bis.

²¹ See, for example, Federal District Criminal Code, art. 190 bis.

104. In 2005, the Attorney-General's Office signed a general cooperation agreement with the National Council for the Prevention of Discrimination, on the basis of the Federal Act on the Prevention and Elimination of Discrimination, with the aim of sensitizing its staff to human rights in general and the right to equal treatment regardless of disability status in particular.

Article 17

Protecting the integrity of the person

105. Official Mexican standard NOM-025-SSA2-1994 provides that persons with disabilities shall be treated with dignity and humanity by mental health personnel²² and that specialist medical care shall be delivered "in accordance with the relevant ethical standards applicable to mental health professionals".²³

106. The Health Act and regulations, and standard NOM-168-SSA1-1998 on clinical records, provide for the use of letters of informed consent. These are written documents signed by health service users, or their legal representatives, indicating their acceptance, on the basis of sufficient information, of the risks and expected benefits of medical or surgical procedures proposed for diagnostic, curative or rehabilitative purposes (see annex 27).

107. The National Scheme for the Comprehensive Development of the Family has introduced the use of letters of informed consent in rehabilitation centres, pursuant to standard NOM-168-SSA1-1998, to ensure that persons with disabilities are promptly and correctly informed of their diagnosis and treatment (see annex 28). The Ministry of the Navy also applies informed consent requirements and a set of fundamental rules concerning patients' rights, while the Ramón de la Fuente National Institute of Psychiatry provides that patients may be institutionalized only subject to their will and consent.

108. In 2008, the Commission on Government Policy on Human Rights submitted a proposal to the Ministry of Health to amend standard NOM-025-SSA2-1994 with a view to removing the possibility of involuntary admission to hospital facilities providing comprehensive medical and psychiatric care, and to establish multidisciplinary teams for individual follow-up. The Ministry of Health has begun to explore the possibility of changing the way persons with mental or psychosocial disabilities are cared for, within the relevant legal framework, and of introducing a specific bill to this end.

Article 18

Liberty of movement and nationality

109. In Mexico, there are no limitations or special requirements regarding nationality and citizenship affecting persons with disabilities.²⁴ Article 30 of the Constitution establishes that Mexican nationality is acquired either by birth or by naturalization. Similarly, article 11 provides that every person has the right to enter or leave the Republic, travel within its territory and change his or her place of residence without need for an identity card, passport, safe conduct or any similar document, which is in line with the provisions of article 18, paragraph 1, of the Convention on the Rights of Persons with Disabilities.

110. Amendments to regulations concerning passports and other identity and travel documents, prepared in consultation with civil society organizations, will shortly be

²² See standard NOM-025-SSA2-1994, art. 8.1.

²³ Ibid., art. 8.10.

²⁴ See Constitution of Mexico, arts. 30 and 34.

published, bringing the regulations into line with article 18 of the Convention and more specifically paragraph 1 (b) thereof.

111. There are no limitations on the rights of persons with disabilities to be registered at birth in a civil register, to know their biological parents and to be cared for by them, as provided for by law.

112. All adults with disabilities, except those declared legally incompetent, are free to choose their residence on an equal basis with others.

Article 19

Living independently and being included in the community

113. The National Scheme for the Comprehensive Development of the Family is responsible for coordinating social welfare activities relating to the development of the individual, the family and the community, in accordance with the main strategic objectives of the National Development Plan 2007–2012.

114. In this context, the operating rules of the Persons with Disabilities Programme envisage activities for the development of the family and the community; support is given to community-based rehabilitation projects designed to enable persons with disabilities to lead their lives and fully exercise their rights within the community.

115. The National Scheme likewise provides support specifically for civil society organizations striving to change community attitudes and behaviour towards persons with disabilities.

116. The Second Intercontinental Congress on Community-Based Rehabilitation, held in Oaxaca in 2010, explored the theme of community-based rehabilitation within the framework of international development strategies, with a view to building a social inclusion model enabling persons with disabilities to exercise their rights within the community.

Article 20

Personal mobility

117. Since 2008, the “Habitat” programme and “3 x 1” programme for migrants, coordinated by the Ministry of Social Development, have been supporting the creation of basic social infrastructure to enable persons with disabilities to exercise freedom of movement. The programmes also support the construction, extension, renovation and equipping of basic rehabilitation units and community development centres for the benefit of persons with disabilities living in marginal urban areas.

118. The National Housing Commission has incorporated accessible routes into its design and construction criteria for adaptable and accessible housing, thus enhancing occupants’ mobility in shared spaces and along pathways in housing developments, as well as in the broader urban environment.

119. On the basis of policies established under the National Scheme for the Comprehensive Development of the Family, the state governments provide functional aids to economically disadvantaged persons with permanent disabilities, with a view to improving their quality of life and enabling them to integrate fully into society.

120. The states’ family development schemes based on the policies of the National Scheme, offer rehabilitative treatment with physical and occupational therapy sessions in

order to help people carry out day-to-day activities independently by enhancing their personal mobility.

<i>Year</i>	<i>Number of people attended</i>	<i>Number of sessions</i>
2008	45 024	1 864 378
2009	53 995	2 149 060
2010	56 637	2 257 134

121. The National Rehabilitation Institute likewise provides services designed to foster independent mobility, with and without technical aids, and has an orthosis and prosthesis laboratory at its disposal. It also manages the Fideprótesis trust fund, which helps pensioners and retirees of the Mexican Social Security Institute and the Institute of Social Security and Services for State Employees obtain prostheses and orthopaedic devices, and is pushing to extend this support to uninsured persons.

Article 21

Freedom of expression of opinion, and access to information

122. Freedom of expression and the right to information are enshrined in article 6 of the Constitution.

123. Article 24 of the Federal Act on Transparency and Access to Public Government Information provides, without prejudice to other provisions of law, that responses to requests for information must be supplied in a format that the requesting party can understand. Any requesting party that receives a response in an unintelligible format may initiate review proceedings before the Federal Institute for Access to Information and Data Protection.

124. Similar laws exist in individual states. For example, the State of Tabasco has a law recognizing people's inherent right to information and establishing the state government's fundamental obligation to guarantee that right.

125. The Government of Mexico has started applying language policies to make information accessible to the entire population. The Technical Standard for Competency in Interpreting between Mexican Sign Language and Spanish, of 2009, outlines the conditions for the provision of simultaneous and consecutive interpretation and sight translation, and serves as a reference point for training programmes for sign-language interpreters. It thereby meets one of the priorities of the deaf community in Mexico, namely to make extensive use of interpreters in various environments to break down communication barriers and ensure the inclusion of deaf persons.

126. By December 2010, 41 interpreters had been certified under the Technical Standard and 19 had been accredited but were awaiting certification. A further 150 individuals had applied for, or were about to embark on, the certification process.

127. The television channel of the National Polytechnic Institute, "Canal Once", has launched a news programme with interpretation into Mexican sign language.

128. The Internet System of the Office of the President is reviewing a website improvement programme to ensure that government websites include pages that are accessible to all, in compliance with the accessibility guidelines laid down by the World Wide Web Consortium. As a result, federal administration websites have been modified to enable users with a visual or hearing impairment to access their content (see annex 29).

Article 22

Respect for privacy

129. Personal, medical and administrative information, and any other information relating to the care of persons with disabilities, is protected by law. Official Mexican standard NOM-168-SSA1-1998 provides that, in all medical facilities, the information contained in clinical dossiers shall be handled with discretion and confidentiality and shall only be disclosed to third parties at the orders of the competent authority or the National Medical Arbitration Commission.

130. The National Statistical and Geographical Information System and its data-collection activities — through censuses, administrative registers and surveys — are guided by the principles of accessibility, transparency, objectivity and independence. The principles of confidentiality and discretion also apply, however, and any respondent has the right to file a complaint before the administrative or judicial authorities if these are not respected (see annex 30).

Article 23

Respect for home and the family

131. According to legal provisions applicable at the local level,²⁵ all persons with disabilities, with the exception of those declared legally incompetent, may marry and exercise their right to parenthood if they so wish. If they start a family, they are entitled to bring up, have custody of and exercise parental authority over their children. All parents and legal guardians, regardless of their disability status, are responsible for the registration, education, social development and social inclusion of any minors under their care.²⁶

132. The National Scheme for the Comprehensive Development of the Family is implementing a subprogramme for highly vulnerable individuals and families,²⁷ under the Vulnerable Groups and Families Programme, to ensure that persons with disabilities are not separated from their families.

133. The National Scheme is also running a school programme to grant parents of children with disabilities access to comprehensive rehabilitative treatment, disability information and guidance to ensure their child's full inclusion in society. A total of 334 courses were held in 2008, with 11,874 participants; 252 courses in 2009, with 5,724 participants; and 1,303 courses in 2010, with 7,531 participants. The family development systems of individual states and the Ministry of Defence also run school programmes for parents of children with disabilities.

134. The Mexican Social Security Institute conducts sex education campaigns to encourage contraception use among the general public, including persons with disabilities.

²⁵ See, for example, Federal District Civil Code, art. 156 (X).

²⁶ Ibid., art. 414 bis onwards.

²⁷ Under this programme, temporary economic support is offered to residents of the Federal District and the greater metropolitan area in the following cases: if the family breadwinner has a permanent disability; if one of the family breadwinners has a chronic, degenerative or terminal illness that makes it impossible for that person to work; or if the family includes older persons or persons with disabilities who do not have their own income. Other recipients of economic support include children, adolescents, adults, older persons and persons with disabilities who require medical care or medical treatment for curative or psychiatric purposes, and who are being cared for by family members, and persons with a chronic illness or disability who live alone and are not able to meet their basic needs.

135. The Ministry of Health family planning programme is inclusive and services offered under the National Health System are free of charge for all. As a means of ensuring respect for the free choice of method of contraception, surgical sterilization procedures are not permitted without a letter of informed consent signed by the individual concerned, subject to prior counselling. In the case of persons with disabilities who have been declared legally incompetent, the guardians may make this decision on their behalf.

136. The Institute of Social Security and Services for State Employees runs family planning and reproductive health programmes in all its medical facilities at the national level, which are open to all, but treat persons with disabilities as a priority, offering them the opportunity to engage in lifelong health education, join mutual support groups and participate in health fairs.

Article 24

Education

137. In Mexico there is currently a debate regarding the need to reform the national education system in order to move towards an inclusive education model, with mainstream education playing the leading role, supported by special and indigenous education.

138. While the awareness-raising process for reforming the education system may have begun, the approaches based on education integration and on inclusive education will probably continue to coexist over the next few years.

139. In 2002, the Ministry of Education, with the participation of the 32 federal states, implemented a programme to promote special education and educational integration at national level, which fully respects the federal nature of the educational system, in that each state is responsible for the creation of special education services and the recruitment of the necessary multidisciplinary and teaching staff.

140. For the period 2007–2012, the lines of action of the programme to promote special education and educational rehabilitation are designed to strengthen the normative and legal framework of the education system, by improving the basic curriculum, the administrative regulations for the basic education system and the design of the “911” questionnaires, used as statistical tools, as well as by drafting legislative proposals. The programme also focuses on assisting schools in the basic education system and special education services, through the transfer of funding to individual states. The services offered by the special education system are as follows:²⁸

(a) Support services: the Mainstream Education Support Service Units and the Pre-school Education Centre for Psycho-pedagogical Support provide, within the mainstream school system, theoretical and methodological support tools relating to nursery and basic education for pupils with disabilities;

(b) School-based services: multi-service centres offer nursery, preschool, primary, and secondary education services, as well as life skills and vocational training for quality employment to children and young persons with disabilities. They also offer vocational training to pupils aged between 15 and 22;

²⁸ In 2010, for the country as a whole, educational services were provided by 3,577 mainstream education support service units; 1,482 multi-service centres, 176 resource and information centres, 27 public guidance units and 235 nursery education centres for psycho-pedagogical support to pupils with special educational needs associated with a disability, exceptional aptitude or other conditions. For 2009, the Ministry of Education reports that 128,984 students with disabilities received special educational support within the basic education system.

(c) Career guidance services: the Resource and Information Centres for Educational Integration and the Public Guidance Units provide information, legal advice and training to staff in the national education system, as well as to families and the community, concerning educational options and support strategies for pupils with specific educational needs.

141. In 2009, the Ministry of Education drew up an internal document on a qualitative analysis of inclusive education trends relating to pupils with disabilities in basic education schools in Mexico, in order to obtain information on progress achieved with regard to inclusive education for pupils with disabilities.

142. In 2010, in response to interest on the part of civil society in taking the necessary steps, throughout the national education system, to ensure that students with disabilities could access, remain in and complete their school careers, the National Council for the Development and Inclusion of Persons with Disabilities and the Ministry of Education drew up the following documents, currently under examination, in order to assess the best implementation strategy: (a) a proposal for a national action plan to strengthen inclusive education; and (b) a proposed guide entitled “mainstream inclusive schooling model and definition of poles of development, aimed at achieving inclusive education”.²⁹

143. For its part, the Federal Administration of Educational Services in the Federal District offers the following services to children and young persons with disabilities: (a) the development of strategies for mathematics teaching; and (b) specific strategies using methodological approaches that focus on cooperation between all educators and foster the participation of all pupils.

144. The Special Education Digital Resource Centre³⁰ offers a platform for persons interested in inclusive education, which promotes the further and ongoing training of teachers, managers, technical advisers and administrative support staff.

145. Another substantive programme operated by the National Scheme for the Comprehensive Development of the Family focuses on the educational inclusion of minors with disabilities, with the aim of promoting inclusion through equal opportunities from the outset in mainstream and/or special schooling (as applicable), fostering children’s development and their ability to adapt to their social environment. In 2010, the programme supported 1,073 children with disabilities (34 per cent girls and 66 per cent boys, of whom 36 per cent attended special schools and 64 per cent attended mainstream schools). Similarly, the “Gaby Brimmer” national research and training centre for rehabilitation and educational integration, the only such centre in the country, cooperates with the National Scheme for the Comprehensive Development of the Family and the Ministry of Education.

146. The community educational inclusion project of the National Council for the Promotion of Education aims to ensure educational support for students in the most socially deprived communities in the country, through inclusive activities in the classroom and the community, as well as the creation of inter-institutional support networks.

147. The National Commission for Free Textbooks publishes and distributes the required texts for grades 1–6 of primary school in Braille format.³¹

²⁹ This guide, drafted jointly with the Ministry of Education, targets 196 schools in 32 states that are likely to become regional inclusive education hubs at primary and secondary level for students with disabilities. The guide provides details of the various sets of equipment, technical support and training materials that each school should have in order to care for students with disabilities.

³⁰ Available at <http://educacionespecial.sep.df.gob.mx/> (26 September 2011).

148. In 2008, the Ministry of Education introduced an out-of-school baccalaureate programme for pupils with disabilities.³² This programme follows a flexible study model, within the regulatory framework for the open secondary school system, which sets no time or age limit for the completion of studies. As at June 2010, 2,429 students were enrolled on the programme, in 46 service centres.

149. In Mexico, 113 degree programmes designed to train specialists in the field of disability are offered by 17 private and 46 public institutions. Of those programmes, 82 are offered by public institutions. The curriculum of the bachelor's degree in special education is also taught in 58 teacher training colleges.

150. In 2009, the first open competition took place for entrance to the open- and distance learning higher education system. As at July 2010, 11,072 students had enrolled on general subject courses common to all the study programmes in the system. Of those students, 1.6 per cent had a visual, motor or auditory impairment, and they included 92 women and 94 men.

151. There are also 134 university support and access centres throughout the whole of Mexico, equipped with hardware and software infrastructure designed for students with disabilities, and with specially accessible facilities.

152. The National Polytechnic Institute has a total of 2,037 higher education students with disabilities, of whom 65 per cent are men and 72 per cent are persons with a visual impairment.

153. At state level, experiments have included programmes such as "Let's go on learning ... in hospital", run by the National Rehabilitation Institute and the state of Nuevo León, Mexican sign language workshops for teachers in Colima and the "Standards and specifications for studies, projects, construction and facilities relating to accessibility" in Chiapas (see Annex 31).

154. In 2005, the National Institute for Adult Education and the National Council of Education for Life and Work launched a "talking computers" strategy in order to expand opportunities for access to, continued attendance at and completion of basic and higher secondary education, vocational training, and computer literacy and life skills courses for visually impaired persons.

155. The National Institute for Adult Education has developed a project designed to promote the inclusion of persons with disabilities, which aims to ensure that persons with a visual or motor impairment are able to complete their basic education with the help of modules from the Education for Life and Work model.

156. The National Institute for Adult Education and the National Scheme for the Comprehensive Development of the Family have signed an agreement on a virtual learning centre for adults with disabilities and family members with educational difficulties aimed at

³¹ Since the Convention entered into force, the National Commission for Free Textbooks has published a total of 14,047 books in Braille, equivalent to 37,919 volumes, as well as 43,650 books in macro type for use in the first to sixth grades of primary school. Moreover, during 2008 and 2009, 10,884 books printed in macro type and 10,522 printed in Braille were distributed and, during the first semester of 2010, 143 books in macro type and 9,621 in Braille were published. The publishing of macro type books was discontinued, however, because of budget problems and author copyright issues (those texts require a special ISBN), which reflects the need to sign agreements, including at international level, in order to reduce costs.

³² The target population group for this service consists of persons with a visual, auditory, motor, speech or intellectual impairment, who have completed their secondary education and wish to obtain their school-leaving certificate, but are experiencing difficulties in gaining access to the school system.

supporting persons with disabilities. As a consequence of this agreement, the National Institute for Adult Education created 20 community places in seven of the comprehensive rehabilitation centres of the National Scheme for the Comprehensive Development of the Family, in seven Mexican states. On average, the scheme provides support to 1,854 persons with disabilities and their families each month.

157. The National Institute for Adult Education and the National Support Fund for Social Enterprises signed an agreement in 2008 and, since 2009, the National Institute for Adult Education has participated in the national meeting of social businesspeople with disabilities, in order to promote educational services.

Article 25

Health

158. Article 4 of the Mexican Constitution enshrines the right to health care.³³

159. The 2007–2012 National Health Programme aims to strengthen comprehensive care and rehabilitation for persons with disabilities. Additionally, the general aim of the 2007–2012 Programme for Targeted Action for Comprehensive Health Care for Persons with Disabilities is to help persons with disabilities enjoy the right to the highest attainable standard of health, without discrimination.

160. The Ministry of Health operates a neonatal hearing test and early intervention programme³⁴ and, as part of the operational programme for outpatient surgery, 20,449 surgical procedures have been performed, including cataract, pterygium and strabismus operations.

161. The support programme for persons with disabilities aims to contribute to reducing health inequalities or gaps through targeted action, providing care and rehabilitation services, and implementing projects drawn up at state and municipal level within the framework of the state and municipal Schemes for the Comprehensive Development of the Family and by civil society organizations which promote social development.

162. The National Scheme for the Comprehensive Development of the Family compiled a document entitled “A social model for persons with motor disabilities and their families. A

³³ This right is also regulated by the Persons with Disabilities Act, the Federal Act on the Prevention and Elimination of Discrimination, the Health Act, the Social Welfare Act, the Act concerning the Rights of Older Persons, the internal regulations of the Ministry of Health, and the official Mexican standards (see Annex 32).

³⁴ In 2010, the programme came into operation in 32 states. Around 200,000 neonatal hearing tests were carried out to detect hypoacusis. The same year, 100 cochlear implants were acquired for surgery on children with a confirmed diagnosis of severe bilateral hypoacusis, and the first 30 surgeries were performed on children covered by the New Generation Health Insurance Scheme. Moreover, five federal centres were established which performed surgical cochlear implant procedures, as well as a state cochlear implant centre in the regional hospital of Veracruz. Funds from the New Generation Health Insurance Scheme were used to purchase 450 pieces of equipment to measure otoacoustic emissions for the early detection of hypoacusis in the 335 hospitals of the Ministry of Health, which handle more than 90 per cent of births in the hospital. Likewise, 45 sets of equipment to measure evoked auditory response in the brain stem were acquired, as were 36 sets of audiometric equipment and 35 pieces of acoustic impedance measuring equipment, in order to equip the 32 states with cutting edge technology to diagnose hypoacusis in children under the age of 1. In 2010 courses were given to train 900 health-care professionals in the use of equipment to measure otoacoustic emissions, while at national level courses were given to train audiologists and auditory verbal therapists in 25 and 21 states respectively.

compilation of best practices in 20 institutions in the National Scheme for the Comprehensive Development of the Family and civil society organizations”, to serve as a basis for improving and replicating the most successful care models and practices implemented by the state and municipal systems and the care centres run by the National Scheme for the Comprehensive Development of the Family, and by civil society organizations.

163. Efforts to strengthen the institutional infrastructure in order to provide better services to persons with disabilities have led to an increase in the use of services offered by the Mexican Social Security Institute. Reports for 2009 produced the following data:

<i>Activities</i>	<i>Number</i>
Medical consultations	7 980 679
Electromyography studies	74 159
Evoked potential studies	14 007
Occupational rehabilitation sessions	51 127
Speech therapy	94 120
Occupational therapy	942 789
Recreational therapy	23 607
Physiotherapy	7 646 196

164. In 2008, in order to achieve the fourth Millennium Development Goal, the Institute of Social Security and Services for State Employees introduced an expanded neonatal screening scheme. To comply with the fifth and sixth Millennium Development Goals, a prenatal care programme is being developed (based on the “Equal Start in Life” programme), as well as a programme to combat HIV infection and an institutional programme on healthy ageing.

165. The people’s health insurance scheme aims to provide health cover for all Mexicans who, owing to their employment status, do not have social security health cover and voluntarily request it, with priority given to the most vulnerable sections of the population. As at June 2010, the Seguro Popular had 277,121 affiliated members with disabilities.

166. In 2008, the health-care system of the Ministry of Defence provided care to a total of 352,277 users, in the form of physical therapy and rehabilitation treatment. In 2009, this service was provided to 471,283 persons, and in the early months of 2010, to 45,716 persons. Of these, 7,449 were persons with disabilities.

167. The National Rehabilitation Institute coordinates with various institutions in the health sector, which refer persons with disabilities to receive medical care and comprehensive rehabilitation, either free of charge or at a nominal cost, in the light of the corresponding socioeconomic test.

168. The states implement programmes to promote a culture of health, family planning, early disease detection and prevention of chronic degenerative diseases for persons with disabilities, as well as services relating to the diagnosis and assessment of the health of this sector of the population, and multifaceted rehabilitation programmes aimed at fostering the independence, employment and social integration of persons with disabilities.

Mental health

169. The Federal Government’s 2007–2012 Programme for Targeted Action for Comprehensive Health Care for Persons with Disabilities, aims to improve the standard of

mental health of the population by promoting policies and programmes to ensure that people are treated with dignity, by removing the stigmas and discrimination affecting service users and by facilitating their social reintegration through comprehensive, ongoing and quality community care.

170. In 2010, with the joint support of professionals and civil society representatives, and based on the results of clinical and economic studies, work began on updating and authorizing targeted care programmes for priority mental disorders featured in the universal catalogue of the people's health insurance scheme. This has created an excellent precedent in terms of investment and spending on mental health. The care that persons requiring such support can now claim covers preventive, curative and rehabilitation measures and treatment, and includes, among other measures, the diagnosis and treatment of disorders such as attention deficit and hyperactivity disorder (ADHD), generalized developmental disorders (autism), affective disorders (dysthymia, depression and bipolar disorder), anxiety disorders (generalized anxiety, anxiety attacks, panic attacks and severe stress reactions), adjustment disorders (post-traumatic stress disorder and adjustment disorder), psychotic disorders (schizophrenia, delusions, psychotic and schizotypal disorders) and epilepsy.

171. Community mental health care has gradually expanded. Health-care coverage is provided by 330 specialized medical units providing care to addicts and 34 specialist medical units specializing in mental health care, distributed across the states.

172. In order to promote respect for human rights with regard to mental health and disability, training workshops on the human rights and fundamental liberties of persons with mental disabilities, for the benefit of mental health workers, have been organized jointly by the National Human Rights Commission, the Pan American Health Organization/World Health Organization and the Ministry of Health.

173. In order to bring the mental health regulatory framework into line with human rights standards, a legislative study is being carried out with a view to preparing a draft proposal to update legal provisions in the field of mental health and psychiatric care services in institutions within the health sector.

174. In the interest of developing an innovative strategy to ensure that neglected patients with mental or neurological disorders are provided with care that adequately meets their needs and fully respects their rights, a pilot project will be implemented, with the support of Disability Rights International, to remove patients who do not require hospital care from an institutional setting, and to provide them with care in the community.

175. The Ministry of Health will issue an official request to the Pan American Health Organization to conduct an assessment of the organization and functioning of mental health services in Mexico, within the framework of human rights standards.

Article 26

Habilitation and rehabilitation

176. The comprehensive rehabilitation of persons with disabilities is regulated by official Mexican standard NOM-015-SSA3-2007 on comprehensive care for persons with disabilities.

177. The National Scheme for the Comprehensive Development of the Family has the largest network of rehabilitation services in the country and extensive experience in the field. As part of its care programme for persons with disabilities, it operates the following substantive programmes: an early detection programme for conditions leading to disability; a multiple early stimulation programme; a school programme for families of children with disabilities; an educational inclusion programme for minors with disabilities; a programme

to provide vocational rehabilitation and help persons with disabilities enter the job market; an inclusion programme for adapted physical education and sport; a programme for basic rehabilitation units and a programme for mobile rehabilitation units.

178. Annex 33 contains information on support services for persons with disabilities provided by the National Scheme for the Comprehensive Development of the Family between 2007 and 2010.

179. The National Scheme for the Comprehensive Development of the Family also has a line of action with the overall objective of helping persons in vulnerable situations experiencing economic, health, and/or social problems to overcome their difficulties by providing them with temporary financial support, support in kind (orthotic appliances, prosthetics and functional aids) or specialized care.

180. From 2008 to 2010, the National Scheme for the Comprehensive Development of the Family provided equipment to various rehabilitation centres belonging to the scheme at state level, in the form of orthotic and prosthetic equipment, as well as materials relating to civilian protection and accessibility support (see Annex 34).

181. In 2009, the Fideprótesis trust, which contributes to the provision of prostheses, orthoses and special attachments, earmarked a total of 15,709,812 pesos for the purchase of devices and technical aids to maintain and achieve maximum independence for persons with disabilities.

182. The National Rehabilitation Institute provides services to persons with disabilities of all ages. It runs an education and training programme for rehabilitation staff, which includes medical specialization, highly specialized courses, diplomas, master's courses and doctoral degrees and, together with the Rehabilitation Training School, courses to train physiotherapists, occupational and speech therapists, orthotists and prosthetists. It has research laboratories working on rehabilitation engineering and movement analysis, where assistive technologies and devices for persons with disabilities are manufactured. Research projects are carried out on tissues, chondrocyte transplantation for arthritis problems, the design of prosthetics and technical aids.

183. The Mexican Social Security Institute has developed 146 physical medicine and rehabilitation services for beneficiaries with disabilities, promoting free services in outreach and social security centres at all three levels of care.

184. The National Paediatrics Institute provides speech therapy, rehabilitation, neurological and neuro-developmental services to persons with disabilities who are aged under 18 and to workers requiring that form of assistance. The spectrum of the services offered is so broad that it covers all areas of disability and has a scientific and legal framework. The institute trains professionals in the fields of medicine, nursing, mental health and speech therapy, amongst others, with the aim of replicating models of care.

185. Under the National Scheme for the Comprehensive Development of the Family, ongoing training is provided throughout the year for staff who provide services to users of rehabilitation centres. In 2008, 3,617 such sessions were held, attended by 49,151 persons, while in 2009, 3,346 sessions were held, attended by 55,242 persons and in 2010, 3,573 sessions took place, attended by 66,923 persons.

186. In 2009, the Ministry of Education introduced a specialized training course in family and health assistance, and it was expected that, by the end of 2010, this specialized course would be taught in 45 centres throughout the country. Through its Continuing Medical Education Programme, the Ministry of the Navy disseminates the use of new technologies and scientific knowledge in the field of physical medicine and rehabilitation to health professionals in naval medical establishments.

Habilitation

187. The Training and Vocational Rehabilitation Centre implemented a programme designed to provide vocational rehabilitation and support to re-enter the workforce, by promoting the social and labour market reintegration of workers with disabilities affiliated to the Mexican Social Security Institute. In 2009, social security and information centres ran courses, workshops and life skills training attended by 59,633 users with disabilities.

188. In order to help persons with disabilities achieve the highest possible degree of independence, employment assessment and simulation modules have been developed in physical therapy and vocational rehabilitation services, involving an investment of more than 17 million pesos. That experience has shown that 6 out of 10 persons who receive targeted and specialized support successfully rejoin the workforce.

Article 27**Work and employment**

189. The “Opening Spaces” strategy seeks to promote — in all states — the creation and management of specialized employment agencies, the establishment of assessment centres to identify the skills and abilities of persons with disabilities who are seeking to enter the job market, and the establishment of lines of cooperation between public and private organizations with regard to the opening of services networks. As a result, between 2008 and 2010, 74,508 persons with disabilities benefited from these services, of whom 21,051 found work.

190. The National Labour Linkage Network is a strategy implemented in the states and municipalities by the Ministry of Labour and Social Security, which combines the efforts of public, private and social institutions to initiate, disseminate and facilitate measures to help disabled persons enter the job market and remain in employment, by establishing a link between potential employers and jobseekers and promoting cooperation to that end. Between 2009 and the first quarter of 2010, the network assisted 15,723 persons with disabilities.

191. The network also helps persons with disabilities to find work through its “ErgoDis software”, which facilitates the implementation of an ergonomic workplace analysis for persons with disabilities and proposes the relevant adjustments. So far, it has delivered a total of 96 software packages to members of the National Labour Link Network.

192. For its part, the National Scheme for the Comprehensive Development of the Family is developing a programme to help persons with disabilities enter the job market, based on the rights of persons with disabilities, which involves getting to know the persons in question, in order to identify their skills, abilities and interests, with a view to putting them forward as possible candidates to companies, in line with the relevant job profile, and facilitating their entry onto the labour market under the same conditions as the rest of the working population.

193. Programmes organized by other entities for the benefit of persons with disabilities include: a programme to promote youth employment, run by the Mexican Youth Institute; a day-care programme to support working mothers run by the Ministry of Social Development and a programme to support rural and indigenous women in the rural environment, run by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food. The National Institute for Women promotes mechanisms to ensure gender equality in the workplace.

194. The Office of the Under-Secretary for Small and Medium-sized Enterprises of the Ministry of Economy conducted a census on the number of persons with disabilities

working in the companies it supports. The census identified a total of 544 persons involved in 89 projects. The Office of the Under-Secretary increased the resources allocated for this purpose — by over 300 per cent — from 5.1 million pesos in 2008 to 21.2 million pesos in 2009.

195. At the federal level, specific measures are being taken. For example, the State of Colima has an employment agency and the State of Sonora supports productive projects and awards employment grants. Sonora also runs a programme to help persons with disabilities enter the job market, through which links have been established with 41 major state companies to recruit staff with disabilities.

196. In 2009, the Office for the Defence of Workers set up a national, confidential, toll-free telephone line to provide persons with disabilities with information and public legal counsel relating to employment issues.

197. Since 2005, the Ministry of Labour and Social Security has been promoting the “Gilberto Rincón Gallardo” Inclusive Companies Award (see annex 35), designed to acknowledge workplaces that promote equal opportunities and non-discrimination, as well as supporting workers’ independence and improving their conditions, expectations and career prospects.

198. Inclusive workplaces hire persons with disabilities and take measures to ensure equality with regard to pay and employment benefits, accessibility, safety, training, a supportive work environment and non-discrimination. Between 2008 and 2010, the inclusive workplace status was awarded to 105 workplaces employing 1,644 persons with disabilities, who make up 67.2 per cent of staff.

199. In 2007, the National Council for the Prevention of Discrimination launched a recognition award for a culture of non-discrimination, to contribute to the implementation of the principle of equality and no discrimination based on prejudices, beliefs or omissions. During the 2007–2010 period, 49 public, private and social enterprises received the award, acknowledging the work of 21,563 employees in those workplaces. Starting in 2010, the National Council for the Prevention of Discrimination replaced that implementation model with its own “strategy for non-discrimination in the public, private and social sectors”.

200. The Gender Equity Model implemented by the National Institute for Women, which aims to encourage private companies, public institutions and social organizations to undertake to review their policies and practices in order to incorporate a gender perspective and take affirmative action, certifies companies that take measures to support the inclusion of persons with disabilities.

201. The Mexican Social Security Institute runs an awareness-raising programme jointly with the Ministry of Labour and Social Security to encourage companies to recruit persons with disabilities, which 123 companies have joined at national level, with an average of 92 job placements found between 2008 and 2010.

202. In 2010 the National Programme for the Employment and Training of Persons with Disabilities was adopted, with the general objective of ensuring the development and implementation of policies for the labour market participation and self-employment of persons with disabilities, and generating and promoting the design and implementation of training activities that take into account the needs and characteristics of persons with disabilities and labour market demand. Similarly, in 2008, an agreement was signed establishing the Committee on Employment and Training of the National Council for the Development and Inclusion of Persons with Disabilities, currently involving 13 states and agencies of the Federal Government, as well as civil society representatives. This committee is responsible for coordinating the implementation of the programme and promoting the adoption of public policies in this field.

203. The Ministry of Labour and Social Security promotes policies and practices to foster training in productive organizations, in order to strengthen human capital and inclusive employment and to provide job training for persons with disabilities and training on their rights, decent work and the development of their productive capacities. Between 2009 and 2010, the scheme for the training of multiplier agents and distance learning in the virtual classroom provided on-site and distance training to a total of 454 persons with disabilities, helping them to develop their skills and increase their employability. Although its impact to date has been modest, more wide-reaching results are expected in the future.

204. The virtual classroom of the Distance Training Worker Programme has been developing applications and technological tools in order to provide broader access for persons with disabilities (see annex 36).

205. The Ministry of Education, in coordination with the Trust for the Americas, offers vocational training courses in POETA (Partnership for Employment Opportunities through Technology in the Americas) classrooms, which are educational spaces equipped with adaptive technology where courses are offered to persons with disabilities on various information technology-related subjects, with the aim of developing their office skills in order to help them find employment. At the end of the first quarter of 2010, there were 45 POETA classrooms operating in the country, with 2,184 students with disabilities enrolled on vocational training courses.

206. Through its support programme to help persons with disabilities to establish or expand a businesses, the National Fund for the Support of Social Enterprises provides cash support to persons with disabilities, as individuals or groups, or to social enterprises where at least 50 per cent of staff are persons with disabilities, to help them start or expand a business. Persons with intellectual disabilities may indirectly benefit from these support measures through their parents or guardians, as members or partners of the company concerned (see annex 37).

207. Article 222 of the Income Tax Act provides for tax rebates for employers who recruit persons with disabilities under the terms set out in the article, in addition to other tax incentives and means of encouraging labour market inclusion.³⁵

208. The Mexican Social Security Institute, alongside measures to comply with the general principles of the Convention, is conducting an analysis to examine the feasibility of

³⁵ The following are worth mentioning:

(a) Under the provisions of article 1 of the decree published on 8 March 2007 in the Official Journal of the Federation, income tax incentives are granted to taxpayers who employ persons with disabilities;

(b) Article 40 of the Income Tax Act provides for a 100 per cent tax deduction for investments in adaptations involving additions or improvements, provided that they are intended to facilitate access and use of taxpayer facilities for persons with disabilities;

(c) Article 61 of the Customs Act states that companies whose activities consist of providing care to persons with disabilities shall not be liable to pay import duty, provided that the goods concerned meet the needs of persons with disabilities or help to mitigate their disability and facilitate their physical, educational, professional or social development;

(d) Article 14 of the Public Sector Procurement, Leasing and Services Act provides that, with regard to tenders for the acquisition of goods or services, preference will be given to persons with disabilities, or companies with 5 per cent of persons with disabilities on their staff;

(e) Article 38 of the Public Works and Related Services Act provides that in the event of a tie between bidders, a contract must be awarded to a company that has 5 per cent of persons with disabilities in its workforce.

ensuring that persons with disabilities who receive a pension can enter the labour market without forfeiting their pension entitlements, which would be reactivated when they stopped working again. Moreover, steps were also taken to modify guidelines used to determine the medical fitness to work of Mexican Social Security Institute applicants, in order to eliminate discriminatory barriers on grounds of disability and help persons with disabilities find employment.

209. For its part, the Institute of Social Security and Services for State Employees has informed all its employees of the procedure for exercising their right to labour protection enshrined in the new Institute of Social Security and Services for State Employees Act, which allows for the reallocation of new tasks under fair and favourable conditions to persons with disabilities.

210. The Central Public Servants Register and the register on the labour market inclusion of persons with disabilities in the Federal Public Administration, which are currently being developed, will in the future provide precise detailed information on the number of persons with disabilities working for the Federal Government.

211. Some institutions, such as the Ministry of Labour and Social Security, have carried out censuses of public officials, in order to find out how many persons with disabilities work in those institutions. The data have been disaggregated by type of disability, gender and the proportion they represent of the total workforce.

212. In addition, some institutions, such as the National Pediatrics Institute, have established a quota of 10 per cent of persons with disabilities in their workforce.

Article 28

Adequate standard of living and social protection

213. Since 2008, the operating rules of the Ministry of Social Development's programmes have been amended to include criteria which take into account persons with disabilities on a low income. In 2009 and 2010 those criteria were added to the operating rules of the following programmes as well: the nurseries and childcare centres to support working mothers, 70 y más, Hábitat, Rescate de Espacios Públicos, Oportunidades, Welfare Milk Supply, Social Co-investment, Saving and Subsidy for Housing (Tu casa) and Rural Housing.

214. In 2010, for the first time, the National Council for Persons with Disabilities and the National Institute of Social Development launched a programme with a grant of 13 million pesos with the overall aim of encouraging activities in the ambits of education, accessibility and promotion for the development of adapted and applicable skills in the areas of communication, mobility, self-care, management, safety, health, functional learning, leisure and employment for persons with disabilities and their families, in order to give this group of the population access to equal rights and opportunities.

215. The National Scheme for the Comprehensive Development of the Family advises and refers persons requiring specialist care to civil society organizations and agencies that provide those services.

<i>Year</i>	<i>Support for specialist care</i>
2007	2 164
2008	3 971
2009	4 682
2010	3 776

Source: National Scheme.

216. The National Housing Programme 2008–2012 seeks to promote priority criteria for specific groups, including persons with disabilities, to help them build up assets from an early age.

217. The programme, Hogar a tu Medida, is run by the Institute of the National Housing Fund for Workers to enable persons with disabilities to obtain accessible housing. The programme is used to promote (a) access to mortgage finance on equal terms; (b) the acquisition of adaptable and accessible housing that meets the needs and requirements of persons with disabilities; and (c) accessibility in lodgings for which the Institute provides loans.

218. The housing programmes of the National Social Housing Fund aim to improve the quality of life of persons on low income and to adopt affirmative measures by prioritizing the care of persons with disabilities (see annex 38).

<i>Cycle*/programme</i>	<i>2008–2009</i>		<i>2009–2010</i>		<i>Total</i>	
	<i>Subsidies</i>	<i>Budget</i>	<i>Subsidies</i>	<i>Budget</i>	<i>Subsidies</i>	<i>Budget</i>
Tu Casa	5 168	62 306 228.90	2 315	31 440 716.13	7 483	93 746 945.03
Rural housing	1 293	12 097 681.25	876	8 705 598.06	2 169	20 803 279.31
Total	6 461	74 403 910.15	3 191	40 146 314.19	9 652	114 550 224.4

219. The Institute of Social Security and Services for State Employees operates a financing system which enables workers to obtain cheap and sufficient credit through the home equity loan for persons with disabilities.

220. The National Institute for Older Persons' membership card offers older persons with disabilities financial support by providing access to discounts to goods and services in over 15,000 establishments across the country with which the Institute has agreements.

221. The collegiate circuit courts have pointed out that in order to establish the amount of a general maintenance grant, it is particularly important to determine whether the beneficiary has disabilities, since the way in which his or her housing or rehabilitation needs have been met must be stated as a factor to be taken into account when the maintenance amount is set. The courts must also analyse the capacities of the person liable to pay maintenance, prioritizing the various needs of minors with disabilities, especially in cases where maintenance is the only means of meeting the requirements of the beneficiary.

Article 29

Participation in political and public life

222. Certain normative instruments in Mexico are designed to enable persons with disabilities to exercise their right to vote.

223. The Federal Electoral Institute has adopted several provisions to guarantee equal opportunities and non-discrimination during federal elections. In 2003, the General Council of the Federal Electoral Institute approved an agreement according to which all civil service officials, as well as local and district councillors, must remove any conditions leading to discrimination (see annex 39). The General Council has also concluded agreements which have made it easier for persons with disabilities to vote. Thus Braille has been used on ballot papers and in the 2006 election a specially designed partition was used for the first time to enable wheelchair users or people of small stature to vote.

224. In the Federal District, since the 2006 elections, agreements have been adopted to guarantee the right to vote of persons with disabilities through adaptations such as the above-mentioned.

225. However, the training for polling booth officers serving in electoral contests need to be extended and adapted. Amendments are therefore needed to the Federal Code of Electoral Institutions and Procedures and its equivalent in the country's federal agencies while the design and operation of the polling booths need to be improved in order to allow safe and easy access for persons with disabilities. It is also necessary to increase the participation of persons with disabilities in public office. In this respect, the National Programme for the Development of Persons with Disabilities proposes taking legislative and electoral action, such as amending the Federal Code of Electoral Institutions and Procedures and its equivalents in the states, in order to ensure that the political parties admit a certain proportion of candidates with disabilities in the different elections at the three levels of Government, promote the political participation of persons with disabilities in the political parties' electoral platforms, and raise awareness among all sections of the population of the right of persons with disabilities to be elected on equal terms.

226. Some political parties have included in their statutes provisions for the promotion of the participation of persons with disabilities as national delegates.

227. In the national agreement on the political rights of persons with disabilities of 1 October 2010, the political parties registered with the Federal Electoral Institute made a commitment to encourage the inclusion of this section of the population in political life (see annex 40). There is also an initiative by the Federal Code of Electoral Institutions and Procedures (see annex 41) proposing that the political parties adopt measures to progressively increase the number of men and women with disabilities in decision-making roles.

228. In 2011, the Electoral Tribunal of the Federal Judiciary introduced the institutional programme of accessibility for persons with disabilities with a view to promoting and protecting the human rights of persons with disabilities in terms of their right of access to electoral justice and their political-electoral rights.

229. In addition, since 2001 some persons with disabilities have held management positions within the Federal Government. Thanks to having high-ranking public officials with disabilities in the Office of the President, the country was able to promote the Convention before the United Nations.

Article 30

Participation in cultural life, recreation, leisure and sport

230. Annex 42 shows information on the various actions carried out to ensure the participation of persons with disabilities in cultural and recreational activities, leisure and sport.

Article 31

Statistics and data collection

231. In 2010, the National Council for Persons with Disabilities allocated a part of the fund for persons with disabilities to build the conceptual model of an information system on disability to be fully operational by the end of 2012.³⁶ The system will incorporate the National Register of Persons with Disabilities and a georeferencing information system to identify, for example, the services available for persons with disabilities, in terms of health, rehabilitation, education, work, social development, culture, sport and legal aid for different age groups and types of disability.

232. In 2010, the National Council for Persons with Disabilities designed and conducted a national survey on the perception of disability among the Mexican population.³⁷ This survey will mean that, for the first time in Mexico's history, the country will have a specific survey of the situation of persons with disabilities.³⁸

233. The National Institute of Statistics, Geography and Information Technology has made efforts to use the International Classification of Functioning, Disability and Health of the World Health Organization. The establishment and development of information sources on the subject will go towards the creation of the standardized system of information on persons with disabilities, for which a specialized technical committee on information on disability will be set up within the framework of the National Statistical and Geographical Information System, which is developing a disabilities identification card for persons with disabilities.

234. Furthermore, the committee for employment and training of the National Council for Persons with Disabilities, coordinated by the Ministry of Labour and Social Security, is building a register of persons with disabilities who work in the federal public

³⁶ Among other things, the system will make it possible to:

- (a) Establish a database of persons with disabilities in Mexico, thanks to which the main sociodemographic features of this population group may be identified, as well as certain other data allowing their needs and capabilities to be categorized;
- (b) Identify the demand and the type of services which persons with disabilities receive;
- (c) Identify and categorize the range of services available for persons with disabilities within the country;
- (d) Evaluate and follow up the policies and strategies developed for persons with disabilities;
- (e) Support assessment and accountability.

³⁷ The survey was conducted with a probability sample of 5,400 households in 30 states. The fieldwork was carried out in November and December and the first results are expected towards the end of the first semester of 2011. The survey will provide representative information both nationally and for urban and rural areas of the country.

³⁸ Its objectives are:

- (a) To ascertain the perception and attitudes of the Mexican population towards persons with disabilities;
- (b) To estimate the number and percentage of persons reported by a household respondent to have severe difficulties when carrying out daily activities;
- (c) To estimate the percentage of persons who themselves report severe functionality problems;
- (d) To describe the situation of persons with disabilities in the areas of health, employment, education, culture, leisure and society, with a gender perspective;
- (e) To describe the factors which limit or facilitate access of persons with disabilities to public places and agencies.

administration, which is also based on the International Classification of Functioning, Disability and Health, and which aims to continually identify persons with disabilities, their characteristics and their working conditions.

Article 32

International cooperation

235. In 2008 and 2009, the Ministry of Labour and Social Welfare, together with the Spanish Ministry of Labour and Immigration, developed the project to strengthen the national employment and training programme for persons with disabilities and develop a model programme for states and municipalities.

236. In the framework of the internationalization of sports, the National Sports Commission has focused on promoting the management of cooperation agreements and schedules, which help to foster physical education and sports, based on the principles of reciprocity and mutual benefit with other countries.³⁹

237. For over 10 years, the National Rehabilitation Institute has been collaborating with the Central American programme of the Pan American Health Organization, providing training to professionals from countries such as Honduras, El Salvador, Panama, Nicaragua and the Plurinational State of Bolivia.

238. The Institute of Social Security and Services for State Employees has established bilateral agreements for technical and scientific cooperation with the International Center of Neurological Restoration in Cuba, the Peto Institute in Hungary and the Guttmann Institute in Spain for the exchange of knowledge and practices concerning the neurological rehabilitation of persons with neurological motor impairments.

239. Through the Directorate of Technical and Scientific Cooperation, of the Ministry of Foreign Affairs, various projects with countries of Latin America have been developed. A description of those projects is set out in annex 43.

Article 33

National implementation and monitoring

240. In September 2009, the Government of Mexico announced that the National Council for Persons with Disabilities⁴⁰ had been designated the coordination mechanism in accordance with article 33, paragraph 1 of the Convention.

241. In February 2011, in line with article 33, paragraph 2, of the Convention, the Government of Mexico designated, before the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights, the framework to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities, which comprises the National Human Rights Commission and the 32 Public Bodies for the Defence and Protection of Human Rights of the states (see annex 44).

³⁹ Cooperation agreements are currently in place with Argentina, Brazil, Colombia, Canada, Costa Rica, Chile, Spain, Haiti, El Salvador, Nicaragua, Peru, Puerto Rico, the Bolivarian Republic of Venezuela, the Dominican Republic, Romania and Uruguay and are in the last stage of negotiations in countries including Russia, China and Poland.

⁴⁰ The National Council for Persons with Disabilities is the interministerial and inter-institutional coordination instrument which helps to establish State policy and to promote, support, encourage, monitor and evaluate actions, strategies and programmes.

242. This decision by Mexico fulfils the spirit of both the Convention and the thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention (A/HRC/13/29).

IV. Conclusions

243. The initial report of Mexico takes into account developments and advances in legislation, institutions and public policy to protect and promote the human rights of persons with disabilities in the country.

244. Mexico hopes that the Committee's recommendations, following its analysis of the report, will contribute in practical terms to strengthening the government programmes currently under way. These conclusions take into account the real possibilities for government action between this current report and the second periodic report of Mexico. They comprise specific commitments for the implementation of the Convention and Mexico hopes that the Committee will take those into consideration when drafting its recommendations.

Challenges and commitments

245. The Government of Mexico acknowledges that to achieve genuine equality of opportunities for persons with disabilities in the country, there needs to be a paradigm shift towards the development of policies that promote and facilitate the inclusion of persons with disabilities in the economic, social, political, legal and cultural life of the country on the basis of a human rights approach. It is therefore fundamental that the National Programme for the Development of Persons with Disabilities 2009–2012 should be strengthened to improve observance of the Convention on the Rights of Persons with Disabilities.

246. With regard to the follow-up to this report, the challenges and commitments indicated below refer to structural issues, in which progress needs to be made during this initial stage of implementation of the Convention. Such challenges and commitments take into account the opinions of civil society organizations, which have highlighted the importance of focusing efforts on articles 4 (legislative conformity); 8 (awareness-raising); 31 (national information system) and 33 (participation of civil society) (see annex 45).

1. Awareness-raising

247. The measures adopted must stem from a full understanding of the perspective of disability set forth in the Convention, since there are still widespread views which attribute the cause of the unequal situation of persons with disabilities to limitation, restriction and impairment, rather than to existing barriers and the consequent social obligation to break those down. This requires a shift from the notion of assistance in public policy to a recognition of persons with disabilities as individuals with rights.

248. In order to raise awareness of the right to live independently and to be included in the community, the following challenges have been taken into account:

- (a) The participation of all sectors of society at all levels, in line with the spirit of the Convention;
- (b) The need for legislation and public policy amendments to facilitate processes;
- (c) The fostering of an inclusive social culture opposed to any form of discrimination.

249. In that light, training activities for federal public administration officials will be strengthened with respect to the content and scope of the Convention, so that they may be better equipped to deal with persons with disabilities.

250. A high-impact public campaign on a national scale will also be launched, to generate a culture change among the population regarding the subject of disability, with support from accredited United Nations agencies in Mexico.

2. Equal recognition as a person before the law

251. There is a need for in-depth discussion on the implications and structural and sociocultural characteristics of the country in relation to the current regulations on the restriction of legal rights for persons with disabilities. In this respect it is necessary to discuss:

(a) The construction of an inclusive social model that guarantees the exercise of rights and the full participation of persons with disabilities within their communities;

(b) The full recognition of the legal capacity of persons with disabilities, including the implementation of a model to support the expression of their will.

252. As an expression of political will to create the necessary conditions to bring legislation, policies and programmes for the population in general fully into line with the Convention, so that they are inclusive of persons with disabilities, the Government of Mexico:

(a) Will launch a national debate on current regulations and practices regarding the restriction of legal rights and provisions that could potentially be established to conform with the Convention, while being compatible with the characteristics of the country, with the participation of multidisciplinary groups including persons with disabilities;

(b) Would expect, as a result of this debate, to arrive at an outline approach in 2012 to amend the country's Civil Codes, which could be implemented in two states in 2013 and 2014. The experience acquired would allow more ambitious aims to be set, such as;

(c) Drawing up a proposal of the various elements to take into account for the harmonization of specific laws on disability;

(d) Harmonizing the concepts and language used for the term "persons with disabilities" in the federal public administration based on the Convention;

(e) Reviewing the interpretative declaration made by Mexico upon ratification of the Convention, in relation to article 12.

3. Collection of data and statistics

253. In this area, the following challenges and commitments have been identified:

(a) Incorporating the disability perspective in the recording of information and the production of statistics in federal public administration institutions, at national, state and local levels, with a view to obtaining data with which to monitor the advances and failures related to the inclusion of persons with disabilities in all areas of life;

(b) Making greater efforts to compile data that enable persons with disabilities to be counted, identified and located, and listing public, private and social services for this sector of the population, incorporating the directory of bodies dealing with persons with disabilities, at the three levels of government and in the private sector;

(c) Promoting the design of the methodology, technical instruments and conceptual framework to consolidate the National Register of Persons with Disabilities;

(d) Promoting, as a prerequisite for the development of compatible and complementary information sources on disability, the adoption of the International Classification of Functioning, Disability and Health as a common conceptual framework. This would imply, for example, establishing a broad programme of dissemination, awareness-raising and training on the subject, aimed among others at officials responsible for producing information in the different institutions of the federal public administration at national and state levels and at those dealing with programmes for persons with disabilities;

(e) In addition, adopting a common conceptual framework for the development of statistical information sources, in order to encourage a cultural change with regard to disability and persons with disability, thereby fostering better consideration of this social issue and the inclusion of this group of the population ;

(f) Fostering the development of continuous, systematic and high-quality information sources on disability, especially administrative surveys and registers, thereby leading to a better knowledge of disability and supporting various appropriate responses;

(g) Ensuring the development and operation of the information system on disability within the framework of the National Statistical and Geographical Information System, in order to gain a better understanding of the needs and requirements of persons with disabilities, as well as the types of services that are available to them. To this end, it is vital to set up and launch the specialized technical committee on information on disability;

(h) Developing results and impact indicators, as well as measurement methods to assess and monitor the exercise of the rights of persons with disabilities set out in the Convention.

254. Measurement methods as well as results and/or impact indicators will be developed for activities related to the rights of persons with disabilities.

4. Accessibility

255. In order to improve the accessibility in the federal public administration buildings at the three levels of government, the accessibility system for federal buildings must be completed, which will allow the monitoring and evaluation of accessibility of public administration buildings. In addition, all government departments must earmark funding to improve accessibility in their facilities.

256. It is equally important to develop and disseminate regulations on access to urban transport, including vehicles and infrastructure, and to information and communications technology, as well as to improve access to the Internet in the federal public administration.

257. Other challenges which need to be addressed include improving accessibility in rural environments and applying a universal design for spaces, products and services which take into consideration various types and degrees of disability.

5. Specific challenges

258. While Mexico has made great efforts and progress towards the elimination of discrimination against specific sections of the population, suitable methodologies remain to be found for preventing multiple discrimination, which would have a positive effect particularly on women with disabilities.

259. It is necessary to extend and improve alternatives so that persons with mental disabilities may be included in the labour force, and to give them access to sources of employment ensuring reasonable accommodation.

260. At the same time, the dissemination and implementation of the national programme for the development of persons with disabilities will be improved and efforts to update it will be encouraged.

261. The strategies that the Federal Government is developing in favour of the inclusion of persons with disabilities in the labour force will continue to be consolidated, so that their coverage and social impact may continue to be extended. Facing this challenge is a priority in order to reduce the inequality gap affecting this part of the population and to support the professional development and independence of the persons concerned.

262. The Ministry of Education will promote inclusive education throughout the national education system, with a view to formulating inclusive policies and practices where the diversity of students is respected, accepted and valued.

263. The Ministry of Education will continue to encourage bilingual education for deaf students, by protecting their linguistic and cultural identity and training teachers of basic education in the use of Mexican sign language.

264. The high prevalence of mental disorders and their serious consequences for individuals and for their family, social, academic and working life is related to a range of challenges, including the following:

(a) Training medical staff as well as the families and carers of persons with disabilities in order to ensure fair and decent treatment, as a means of combating the stigma and discrimination encountered by persons with mental and intellectual disabilities;

(b) Updating mental health legislation;

(c) Extending budgetary resources for the operation and maintenance of mental and psychiatric health-care units. Funding is crucial for essential maintenance of mental and psychiatric health-care units;

(d) Increasing social protection for persons with mental disorders;

(e) Strengthening coordination between the health, education, housing and employment sectors, as a means of facilitating the social integration and full development of the human capacities of persons with mental disorders;

(f) Broadening dissemination of medical procedures committed to the full observance of human rights, through effective, holistic, continuous and quality interventions;

(g) Encouraging dialogue with civil society centered on the issue of public health.

265. An in-depth discussion is also needed on the structural and sociocultural implications and characteristics of the country with regard to the rules concerning the involuntary confinement of mental health service users with disabilities. In this respect, the following points need to be discussed:

(a) The construction of a social model of inclusion that guarantees the exercise of rights and the full participation of persons with disabilities within their communities;

(b) The removal or amendment of all regulations or measures which allow or encourage involuntary or compulsory confinement of persons with any type of disability.

266. In the light of the above, as an expression of political will to create the necessary conditions to bring legislation, policies and programmes for the population in general fully into line with the Convention, in order to ensure that they are inclusive of persons with disabilities, the Government of Mexico intends to:

(a) Launch a national debate on legislation relating to involuntary confinement of mental health service users with disabilities, with the participation of multidisciplinary groups that include persons with disabilities;

(b) Complete a full review of mental health legislation.

267. The medical units attached to the psychiatric care services under the Ministry of Health undertake the following responsibilities in terms of following up this report, which require the support of other federal government sectors:

(a) Updating legal and institutional instruments on mental and psychiatric health care, in accordance with the relevant international standards and in strict accordance with human rights;

(b) Training 30 per cent of the staff working in psychiatric care over the next year in human rights and the fight against torture, and cruel and inhuman treatment;

(c) Developing two campaigns per medical unit to fight against the stigma and discrimination suffered by persons with mental and intellectual disabilities;

(d) Standardizing mental and psychiatric health care, in order to protect the integrity of care service users and prevent the occurrence of adverse effects and medical errors; establishing mechanisms to prevent, prohibit, report and punish such conduct. The implementation of medical procedures should be guided by respect for the human rights of those service users;

(e) Managing financial resources for the mental health action of the people's health insurance scheme for the benefit of the service users;

(f) Improving safety and hygiene conditions in the attached medical units;

(g) Establishing protocols for the monitoring and reporting of violations and, where necessary, sanctions and compensation for injury to victims;

(h) Promoting coordination between the health, education and housing sectors for persons with mental disabilities;

(i) Encouraging the participation of civil society, through alliances aimed at strengthening promotion, dissemination and rehabilitation activities for persons with mental and intellectual disabilities. The participation of civil society is essential for the development of a comprehensive health system in this field and must therefore be facilitated.

268. Disability and chronic illnesses pose significant challenges for health providers. The growing trend towards chronic illnesses, their diagnosis at an earlier age, and the appearance of various types of physical, mental, intellectual and sensory disorders are bound to give rise to a greater and more complex demand for services. Institutions such as the Institute of Social Security and Services for State Employees will in the short term face at least two kinds of demands: firstly, in primary health care it will be necessary to prevent health risks at an earlier age, highlighting positive health aspects to improve the quality of life. Secondly, the increased prevalence of chronic illnesses will engender a demand for highly specialized and costly services, which will require multidisciplinary prevention and care.

269. The National Commission for the Protection and Defence of Users of Financial Services will ensure fair and equitable treatment by the insurance institutions, preventing discrimination related to access to medical and other kinds of insurance. In accordance with its powers, the Commission proposes to submit recommendations to financial institutions in order to ensure equal treatment for persons with disabilities in terms of financial products and services.

6. National monitoring

270. The drafting of this report relied on consultations with organizations dealing with and consisting of persons with disabilities. Civil society actors (including associations, academics, persons with disabilities and their families) must likewise take on a more active and coordinated role in the promotion of proposals that benefit persons with disabilities.
