



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the combined second and third periodic reports of Mexico*

A. Purpose and general obligations (arts. 1–4)

1. Please inform on the measures taken to fully implement the recommendations issued by the Committee in its previous concluding observations (CRPD/C/MEX/CO/1).
2. Please inform the Committee on:
 - (a) The criteria for assessing and certifying disabilities and the criteria used in the national registry of persons with disabilities, specifying whether and how such criteria are based on the human rights model of disability;
 - (b) Measures taken and the strategies in place to repeal discriminatory laws at all three levels of government, and the participation of persons with disabilities through their representative organizations in these processes;
 - (c) Policies and mechanisms requiring that the State party, at all three levels of government, consult closely with organizations of persons with disabilities, including women and girls with disabilities and indigenous persons with disabilities, when adopting legislation and policies that are inclusive of persons with disabilities and in related decision-making forums. Please specify the manner, methodology and the extent to which these mechanisms are implemented and any indicators concerning the effective participation of persons with disabilities;
 - (d) Mechanisms ensuring effective coordination of the efforts to implement the Convention across the three levels of government, and the strategy behind these efforts.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on:
 - (a) Measures taken at the state and municipal levels to recognize disability as a prohibited ground for discrimination, in line with the Convention, and to recognize that the denial of reasonable accommodation constitutes discrimination, as well as on the sanctions in cases of discrimination;
 - (b) The type of remedies and redress provided for persons with disabilities, particularly women and girls with disabilities and other persons facing multiple and intersectional forms of discrimination due to their age, gender, indigenous background or

* Adopted by the pre-sessional working group at its twelfth session (23–27 September 2019).



other social or individual condition. Please elaborate on any existing form of reparation and compensation in the State party;

(c) Budgetary measures taken by the federal, state and municipal governments with a view to guaranteeing equality of persons with disabilities, in addition to the resources allocated to different offices and entities in the State party.

Women with disabilities (art. 6)

4. Please inform the Committee on:

(a) The specific protection from discrimination provided for women and girls with disabilities by the General Act on Equality between Women and Men, and on how women and girls with disabilities are involved and consulted in its implementation;

(b) Measures taken to promote the rights and the empowerment of women and girls with disabilities, including indigenous women with disabilities, by the states and municipalities, and their implementation. Please describe in particular the availability of specific measures to advance equality in all areas of life, the indicators established and outcomes of such measures.

5. With regard to the Committee's previous concluding observations (para. 14 (b)), please provide information on the scheme in place to systematically compile disaggregated data and statistics on the situation of women and girls with disabilities, and on the indicators for the evaluation of intersectional discrimination.

Children with disabilities (art. 7)

6. Please provide information on:

(a) The state laws enacted by the federative entities for the protection of the rights of children with disabilities based on the mandate in the General Act on the Rights of Children and Adolescents, and on their implementation;

(b) The concrete results achieved by the National Child Protection Programme 2016–2018 for children and adolescents with disabilities, including children living in rural areas and indigenous children with disabilities;

(c) The implementation of the national objectives on the rights of children and adolescents, particularly with respect to the inclusion of children with disabilities in the community.

7. With regard to the Committee's previous concluding observations (para. 16 (b)), please specify the measures taken to guarantee that children with disabilities, including those in rural areas and indigenous children with disabilities, are consulted in all matters of concern to them, beyond their active participation in the design and evaluation of public policies based on the National System for the Comprehensive Protection of Children and Adolescents.

Accessibility (art. 9)

8. Please provide information on:

(a) The national strategy and strategies at the state and municipal levels to render buildings, roads, transportation, information and communications, including information and communications technologies, accessible;

(b) The content, the date of effect and the binding or non-binding nature of the standards governing accessibility, including any complaints processes and procedures;

(c) The measures taken to render the websites and portals of all branches of government, at all three levels of government, accessible to persons with disabilities.

Right to life (art. 10)

9. Please inform the Committee on the procedures instituted to prevent and investigate the deaths of children with disabilities in institutions, including those that have died as a result of malnutrition, and on the results of such procedures.

Situations of risk and humanitarian emergencies (art. 11)

10. Please inform on the emergency planning by federal, state and municipal authorities with respect to all persons with disabilities, and describe the assistance they provide, including gender- and age-specific measures, and measures for indigenous persons with disabilities.

Equal recognition before the law (art. 12)

11. With regard to the Committee's previous concluding observations (para. 24), please provide information on the steps taken to revise and repeal laws, including the Civil Code, Criminal Code and Civil Procedure Code, and regimes that limit or remove legal capacity of persons with disabilities, particularly persons with intellectual or psychosocial disabilities. Please indicate measures to establish supported decision-making mechanisms that respect the will and preferences of the person with disability concerned at both the federal and state levels.

12. Please provide information on:

(a) Mechanisms in place to enable persons with disabilities, whose legal capacity has been revoked, to challenge the actions of their guardian and to request a review of the decision as to their capacity. In particular, explain if and to what degree such grievances can be redressed in *amparo* proceedings;

(b) Measures taken to end de facto guardianship of persons with disabilities in institutions and in the family;

(c) Measures taken to ensure the right of persons with disabilities to stand trial on an equal basis with others and to end so-called "security measures" depriving persons with disabilities of their liberty on the basis of disability.

Access to justice (art. 13)

13. Please clarify the measures taken to ensure effective access to justice by indigenous persons with disabilities; women and girls with disabilities, specifically those who are victims of gender-based violence and abuse; and persons with disabilities in institutions and psychiatric hospitals, including children with disabilities under residential care.

14. Please describe the measures taken by the federal and state authorities to guarantee effective access to justice for persons with disabilities, including free legal aid for persons with disabilities in situations of poverty or who do not have sufficient means to pay for it, or for those in institutions, on an equal basis with others, and provide information about existing procedural and age-appropriate accommodations in the justice system.

15. Please provide information on the training provided for judicial and administrative officers, the legal profession and other relevant staff on the human rights of persons with disabilities.

Liberty and security of the person (art. 14)

16. Please provide information on:

(a) Steps taken to repeal the possibility of involuntary detention from Regulation No. NOM-025-SSA2-2014;

(b) Plans to adopt a national deinstitutionalization strategy for persons with disabilities who are currently institutionalized in psychiatric hospitals, asylums, shelters and other public and private institutions, as well as the time frame and budget allocations. Please specify the involvement of organizations of persons with disabilities in the design

and implementation, as well as safeguards against reinstitutionalization into smaller institutions;

- (c) Measures in place to prevent indefinite detention of persons with disabilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

17. Please provide information on:

- (a) Measures taken at all three levels of government to investigate cases of suspected torture, inhuman or degrading treatment or punishment against persons with disabilities in institutions, and the legal consequences of findings of a violation;

- (b) Measures taken to abolish the confinement of persons with disabilities in isolation rooms, the use of physical or chemical restraints on persons with disabilities, the use of forced medication, the practice of lobotomies, and the occurrence of sexual violence and abuse in institutions;

- (c) Measures taken to prevent any form of torture or ill-treatment against persons with disabilities in institutions.

18. With regard to the Committee's previous concluding observations (paras. 36 (c) and 38), please provide information on the measures taken to:

- (a) Regulate and monitor institutions, in particular private institutions, that provide care services, in order to prevent forced institutionalization, torture or cruel, inhuman or degrading treatment or punishment, and violence and abuse against persons with disabilities;

- (b) End and prohibit forced sterilization, and provide information disaggregated by age and sex on the number and the results of administrative and criminal investigations taken in cases of forced sterilization of persons with disabilities since 2014.

Freedom from exploitation, violence and abuse (art. 16)

19. Please provide information on:

- (a) The data compiled on cases of exploitation, violence and abuse, including sexual abuse, in the period following the previous concluding observations (para. 34);

- (b) Any national strategy to address gender-based violence, and indicate whether it contains specific measures to address violence experienced by women and girls with disabilities;

- (c) Any laws that prohibit all forms of violence specifically experienced by women and girls with disabilities in family and other settings, including forced and coerced procedures regarding reproductive health.

20. Please provide information on the measures taken by the State party to investigate cases of forced institutionalization, violence and abuse against persons with disabilities in the Ciudad de los Niños (Guanajuato State) and Casa Esperanza (Mexico City), and on the measures taken as a consequence of such investigations.

21. Please inform the Committee on the conditions and on measures taken to prevent violence and abuse against persons with disabilities in rehabilitation centres that accommodate persons with disabilities at the northern border of the State party, as well as on the procedures followed to place such persons in these centres.

Protecting the integrity of the person (art. 17)

22. Please specify the manner in which persons with disabilities are informed of the potential risks and benefits inherent to any treatment under Regulation No. NOM-004-SSA3-2012, and in particular on the measures taken to ensure that information is provided in accessible formats.

Liberty of movement and nationality (art. 18)

23. Please provide information on:

(a) Measures taken to identify migrant persons with disabilities in transit and protect their rights under the Convention and on the number of persons with disabilities in detention centres for migrants;

(b) The conditions in detention centres holding migrants with disabilities and the measures taken to provide them with the necessary support;

(c) The number of applications for refugee status from persons with disabilities in the State party;

(d) The number of returning migrant persons with disabilities, disaggregated by age, disability, sex and country of employment;

(e) The number of persons with disabilities who are internally displaced owing to criminal activities, the living conditions of those persons and the measures taken to provide them with accommodation, access to community services and support, in line with the Convention and the Guidelines on Internally Displaced Persons.

24. Please inform the Committee on the strategies to fully implement the Integral Development Plan signed by the Presidents of El Salvador, Guatemala, Honduras and Mexico on 1 December 2018, and on the protection of the rights of persons with disabilities in the implementation of this plan.

Living independently and being included in the community (art. 19)

25. Please provide information on:

(a) Measures taken to ensure that all persons with disabilities maintain their autonomy (including the freedom to choose their place of residence and with whom they live), that they are not obliged to live in a particular living arrangement and that they may make their own decisions regarding their inclusion in the community;

(b) The progress achieved, challenges and redress for persons with disabilities in the context of the Miguel Hidalgo Mental Health Strategy, as well as disaggregated information about persons taking part in the strategy, whether persons have regained their legal capacity, and on individualized supports available for them;

(c) The availability of support, including personal assistance, to promote living independently and being included in the community, specifying whether these forms of support are free of charge, subsidized or require any additional personal expenses;

(d) The current number and situation of children with disabilities in institutions, disaggregated by sex and age, and the measures taken to deinstitutionalize them;

(e) Measures taken to develop disability-inclusive mainstream community services at municipal and federal levels, and how the State party measures progress towards the effective inclusion of persons with disabilities in the community.

Freedom of expression and opinion, and access to information (art. 21)

26. Please provide information on:

(a) The implementation of article 6 of the General Act on Inclusion of Persons with Disabilities, particularly with respect to the obligation to provide, in a timely manner and without additional cost, information intended for the general public, in accessible formats for all persons with disabilities;

(b) Measures taken to ensure access to public information for persons with disabilities at the state and municipal levels, specifying the availability of sign language, Braille, Easy Read, accessible Internet sites and audio description.

Respect for home and the family (art. 23)

27. Please provide information on:

(a) Measures taken to harmonize the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children (para. 46 (a));

(b) Support measures for persons with intellectual or psychosocial disabilities with children;

(c) Measures taken to prevent children from being separated from their parents on the basis of the disability of either the child or one or both of the parents.

Education (art. 24)

28. Please provide information on:

(a) Measures taken to ensure the right to quality inclusive education for children with disabilities at the federal, state and municipal levels;

(b) Measures taken to ensure full accessibility of school facilities, including classrooms, playgrounds, sanitary facilities and school transport, as well as the curricula, educational material and teaching methodologies, services and equipment available to students with disabilities;

(c) The number of children with disabilities enrolled in inclusive mainstream schools, segregated school units in mainstream schools, such as special classes, and segregated schools at all levels of education, as a proportion of the total number of children with disabilities enrolled in school, disaggregated by sex, national or ethnic and indigenous origin, and urban or rural setting;

(d) Training programmes for sign language interpreters, the number of such interpreters employed in schools, the number of teachers learning sign language and the number of teachers qualified in sign language and/or Braille, and orientation and mobility skills.

Health (art. 25)

29. With respect to the Committee's previous concluding observations (para. 50), please provide information on measures taken to guarantee that free and informed consent is obtained for any medical treatment of persons with disabilities, and to provide women and girls with disabilities who are pregnant with accessible health services and age-appropriate, unbiased information in connection with the pregnancy, including to freely decide to continue or interrupt their pregnancy. Please also inform the Committee on:

(a) The availability of personnel in health facilities trained on the rights of persons with disabilities, specifically their sexual and reproductive rights, including access to contraception;

(b) Any measures to protect women and girls with disabilities, particularly those living in rural areas and indigenous women and girls with disabilities, from involuntary contraception;

(c) Measures taken to protect the right of indigenous women with disabilities, children with disabilities and those living in rural areas, who have been exposed to the hazardous impact of the use of agrochemicals, to access affordable and appropriate health care.

Work and employment (art. 27)

30. With regard to the Committee's previous concluding observations (para. 52), please provide information about the measures taken to increase access to employment programmes for persons with disabilities in the open labour market, especially for persons with intellectual or psychosocial disabilities, as well as women and indigenous persons with disabilities. Please specify the resources allocated and the measures taken, including affirmative action measures, to promote the employment of persons with disabilities in the public and private sectors.

31. Please inform the Committee about the measures taken at the federal, state and municipal levels to:

(a) Ensure that persons with disabilities are provided with individual support measures, as well as assistance in finding, obtaining, maintaining and returning to employment;

(b) The employment conditions of persons with disabilities, including labour and trade union rights;

(c) The percentage of persons with disabilities employed in the public sector (para. 51 (d));

(d) The number of workplaces certified under Regulation No. NOM-034-STPS-2016.

Adequate standard of living and social protection (art. 28)

32. With regard to the Committee's previous concluding observations (para. 54), please provide information on all measures taken to include indigenous persons with disabilities in national development and inclusion programmes, the percentage of such persons living in poverty, as well as consultations with indigenous persons with disabilities through their representative organizations to adopt public policies protecting the rights of indigenous persons with disabilities.

33. Please inform the Committee on the measures and social protection programmes to cover additional costs related to disability and provide respite care. Please provide the Committee with disaggregated information about these entitlements.

Participation in political and public life (art. 29)

34. Please provide information about the legal and practical measures taken to implement the Supreme Court's jurisprudence declaring that the restriction of the right to vote of persons with intellectual and psychosocial disabilities is unconstitutional, and on the support mechanisms provided to persons with intellectual and psychosocial disabilities, including those under guardianship, to exercise their right to vote and be elected and fully participate in the conduct of public affairs.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

35. Please explain the system of collecting and using statistical data relating to persons with disabilities at the state and the municipal level. Please specify the current status of the implementation of this system.

National implementation and monitoring (art. 33)

36. Please provide information on:

(a) National and state mechanisms, including the budget and its allocation from 2015 to 2019, for the implementation of the Convention, and the current status and budget of the National Council for the Development and Inclusion of Persons with Disabilities;

(b) The roles of the National Human Rights Commission and the National Ombudsman in monitoring the implementation of the Convention, and specify their respective powers on the federal, state and municipal levels, and the participation of persons with disabilities and their representative organizations in their operation;

(c) The compliance of the National Human Rights Commission with the principles relating to the status of national institutions for the promotion and protection of human rights, and on the implementation of recommendations made by the Commission.