



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Sixty-sixth session

Summary record of the 1724th meeting*

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Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention

Seventh periodic report of Mexico

* No summary record was issued for the 1723rd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

Seventh periodic report of Mexico (CAT/C/MEX/7 and CAT/C/MEX/QPR/7)

1. *In accordance with rule 73 of the Committee's rules of procedure, Mr. Heller Rouassant withdrew during the consideration of the report.*
2. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
3. **Ms. Delgado Peralta** (Mexico) said that Mexico was in the midst of a profound transformation. The new Government had a new vision for the country and welcomed international scrutiny. It placed great importance on multilateral platforms, with a special focus on international cooperation aimed at ensuring that the country's legal framework gave effect to the full exercise of human rights.
4. As an international human rights treaty, the Convention had the same status as the Constitution. The complex nature of the country's federal structure, however, gave rise to difficulties in harmonizing policies across the various political, legal and administrative jurisdictions. To address that challenge, the authorities were seeking to create regulatory frameworks that could be applied across the board, as well as harmonized protocols that federal and state administrations were obliged to follow.
5. The General Act on the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had entered into force in 2017, was the product of wide-ranging consultations with stakeholders including the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Human Rights, the Subcommittee on Prevention of Torture and the former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Méndez. Under the Act, the definition of the criminal offence of torture had been harmonized throughout the country, as had the regulations governing the investigation, prosecution and punishment of torture and those governing the responsibility of hierarchical superiors. The Act addressed a number of areas of concern to the Committee against Torture, including the strengthening of the Offices of Special Prosecutors, the updating of detention registers, and training for public officials on the prevention of torture. The Act also stipulated that persons prosecuted for or convicted of acts of torture must not benefit from immunity, pardons or amnesties. In addition, the Supreme Court had ruled that evidence obtained under torture was inadmissible in criminal proceedings.
6. The Offices of Special Prosecutors for Torture were fully independent and were competent to receive complaints of torture and investigate and prosecute cases. The first draft of the National Programme on the Prevention and Punishment of Torture, which had been presented at the sixtieth plenary session of the National Conference of State Attorneys General in October 2018, identified the lines of action to be followed by the competent authorities, and established monitoring and evaluation mechanisms that would be verified by independent bodies. The Programme was supplemented by a harmonized protocol designed to ensure that relevant policies met the highest human rights standards.
7. The use of pretrial detention was regulated by the Federal Act on the Enforcement of Criminal Penalties, which had been passed in 2017. It was imposed in just under 20 per cent of the cases in which judges ordered interim measures.
8. Precautionary detention without charge (*arraigo*) was a temporary measure used only in cases involving serious offences or organized crime. It had been ordered in only 4 cases thus far in 2019 and in 21 cases in 2018, a sharp reduction from 83 cases in 2015.
9. In the area of enforced disappearances, the new Government had revived the national search system and was working to consolidate the National Register of Missing and Disappeared Persons, develop harmonized protocols for searches and for the investigation of enforced disappearances, and strengthen the relevant Special Prosecutor's Office.

10. The Government was aware of the concerns that had been expressed about the establishment of the National Guard. In that regard, the Office of the United Nations High Commissioner for Human Rights had recently agreed to provide the Mexican authorities with technical assistance to ensure that the National Guard operated in line with international standards.

11. Under the protection mechanism for human rights defenders and journalists, 1,144 individuals, including 22 who had allegedly been subjected to torture, had benefited from protective or preventive measures.

12. The Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons had opened 2,232 preliminary inquiries and case files at the federal level in connection with violence against women between 2012 and December 2018. The Supreme Court had ruled that sexual violence constituted an act of torture and that statements given by victims constituted key evidence in the context of prosecutions.

13. Between January 2013 and November 2018, 727 convictions had been handed down for the offence of trafficking in persons, and 8,042 potential victims had been identified. In the light of the role of Mexico as a country of origin, transit, destination and return for migrants, its legislation on trafficking in persons incorporated the three main pillars set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and was aligned with the commitments contained in the Global Compact for Safe, Orderly and Regular Migration.

14. Mexico's new Government was determined to tackle impunity, and the President, Mr. Andrés Manuel López Obrador, had made a personal commitment to doing so. In that connection, the authorities intended to strengthen the reform of the criminal justice system that had taken place between 2008 and 2016. In addition, they were working to convert the Office of the Attorney General of the Republic from a body that was part of the executive branch into a Prosecutor General's Office that would be fully independent.

15. The criminal justice reforms had marked a turning point, replacing inquisitorial trial procedures with adversarial ones and eliminating practices that violated human rights. The first national survey of persons deprived of their liberty had shown that under the new system, judicial decisions were more transparent and expedient, while a study by the World Justice Project had found that the number of persons deprived of their liberty who reported having experienced torture or ill-treatment had dropped by 6 percentage points.

16. The Organic Act establishing the Prosecutor General's Office had been adopted in December 2018. The Office had been granted independence and legal personality, and the post of Prosecutor General had been allocated a mandate of nine years in order to ensure that it operated outside the time frame of election cycles and remained impartial. The structure and regulations of the Office were in the process of being overhauled.

17. The National Development Plan, which included sections on human rights and combating torture, was in the process of being drafted. The Committee's input and recommendations would be taken into account. The Mexican Government recognized the significant challenges it faced, and was committed to working with its national and international partners to eradicate torture.

18. **Mr. Rodríguez-Pinzón** (Country Rapporteur), welcoming the adoption of the General Act on the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, said that he wished to hear the delegation's comments on reports that as at August 2018, only the States of Chihuahua and Colima had taken steps to align their own legislation with the Act. He would appreciate details of the current status of the Act's implementation, particularly with regard to the progress made in shaping the National Programme on the Prevention and Punishment of Torture and establishing the federal and state Offices of Special Prosecutors for Torture. The Committee was concerned that despite the positive developments in the legislative arena, in practice the use of torture and ill-treatment remained widespread in the State party in a broad range of settings, including places of detention, migrant holding centres, health

facilities, indigenous communities, and even in public spaces, as in the case of the enforced disappearance of 43 students in Ayotzinapa.

19. There were inconsistencies in the data the State party had provided to various international bodies on the number of investigations, prosecutions and convictions relating to cases of torture. He would welcome reliable figures on the prosecutions that had been brought and the verdicts handed down under the General Act on Torture. The Committee had received reports that under the harmonized protocol, complaints of torture underwent a pre-investigation process before being passed on to the Office of the Special Prosecutor; he would be grateful for the delegation's comments in that regard. It would be useful to hear how the Government monitored and evaluated the General Act on Torture and ensured that it was operating in a suitable manner.

20. The Committee was deeply concerned about the alarming findings of the national survey of persons deprived of their liberty regarding the lack of fundamental legal safeguards in the criminal justice system. The survey had reportedly been temporarily suspended; it would be helpful to learn whether the Government was taking steps to reinstate it.

21. The Committee had received reports that in practice there were serious obstacles to accessing free legal assistance. It would welcome the delegation's comments on how the authorities monitored the application of the legislation designed to give effect to that right.

22. As part of the constitutional reform that had created the National Guard in March 2019, the Government had undertaken to adopt legislation on detention registers. It was unclear what progress had been made in that regard and whether the legislation would address the wide variations in the methodologies applied to detention registers in different areas of the State party. He wished to know whether there were any plans for the legislation on detention registers to include persons detained in migrant holding centres and to incorporate robust mechanisms, such as the use of video recordings and Global Positioning System (GPS) equipment, to guard against the falsification of information.

23. A further issue was the use of *arraigo* (precautionary detention without charge), which was allowed for a period of up to 40 days, extendable for up to 80 days, for persons involved in organized crime. The persons detained were not accused of any specific offence and did not enjoy fundamental legal safeguards. The Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had defined *arraigo* as a form of arbitrary detention; as such, it could be used to facilitate torture and ill-treatment.

24. He would like to know how the significant decrease in the numbers of persons held under *arraigo*, from over 2,300 persons in 2011 to 4 in 2019, had been achieved and was concerned that the positive trend could be reversed at any time since the practice remained legal. Was the State party planning to repeal the provisions permitting *arraigo* in criminal law? What was the current status of the bill approved in 2018 by the Chamber of Deputies, which would amend the Constitution to allow *arraigo* to be abolished? He would also like to know if the State party was considering changes to the practice of unofficial pretrial detention, to ensure that detention remained an exceptional measure.

25. He would appreciate clarification on what type of medical examination was performed on prisoners at the time of detention as a fundamental legal safeguard, because the State party report seemed to suggest that the guidelines to be followed were the same as those governing the medical examination of alleged torture victims.

26. He was concerned by reports that the more than 4,000 visits to places of detention performed by the National Human Rights Commission in its capacity as the national preventive mechanism had not had any impact in terms of torture prevention. Pursuant to the General Act on the Prevention, Investigation and Punishment of Torture, the mechanism had been reformed and efforts had been made to improve its effectiveness. He wished to have information on the current status of the reform process and the resources allocated to the national preventive mechanism. He would also appreciate information on how the participation of civil society provided for in the General Act was ensured. He reiterated the Committee's previous request for information on the measures adopted to

increase the staffing level of the National Human Rights Commission and the actions taken by the State party in response to that Commission's recommendations.

27. The data on gender-based violence submitted by the State party were not disaggregated by age, ethnic origin and nationality of the victims, did not include the number of complaints, convictions and sentences imposed for gender-based violence, including domestic violence and femicide, and did not specify the period covered. In addition to data updated to 2018 on those subjects, he would appreciate specific information on the measures adopted to combat femicide in Ciudad Juárez.

28. He would like to reiterate the Committee's request for specific information on the measures adopted, including legislative measures, to address impunity for violence against women and the inadequate implementation of the law at the federal level. He would also like to know if the State party had implemented measures to ensure compliance with the recent rulings of the Inter-American Court of Human Rights in cases including *Women Victims of Sexual Torture in Atenco v. Mexico* and ensure that the sentences for the perpetrators of sexual torture were enforced.

29. The State party had provided up-to-date disaggregated data on the prosecution of human trafficking. The data indicated that almost half of the offences had occurred in just five states and that less than 10 per cent of reported cases had resulted in a conviction. He wished to know what analysis had been made of those figures, what measures had been taken to combat the problem in the areas where it was most prevalent and to reduce the levels of impunity for such offences. He welcomed the adoption of measures to combat trafficking in persons, such as the adoption of the General Act on the Prevention, Punishment and Elimination of Offences of Trafficking in Human Beings and the Provision of Protection and Assistance for Victims and would like to receive information on the status of the decree to amend the General Act in order to provide greater legal certainty to victims.

30. Measures taken to ensure that victims of trafficking in persons had access to effective remedies and redress included the adoption of various legal and administrative instruments, including specific protocols for the safe extraction and care of victims in the States of Guanajuato and Coahuila. He would like to know whether similar protocols had been adopted in other states and what measures were in place to encourage states which currently lacked such protocols to adopt them. He wished to repeat the Committee's request for information on any identification and referral mechanisms for victims of human trafficking who might be detained in migrant holding centres.

31. He would like to reiterate the Committee's request for up-to-date statistics on the total number of asylum requests, the number of requests accepted and the number of applicants whose requests were accepted because they had been tortured or would be at risk of torture if they returned to their country of origin, as well as its request for up-to-date information, disaggregated by gender, age and country of origin, on the number of persons who had been returned, extradited or expelled, the reasons for the return and the destination countries. He would also appreciate up-to-date information on the type of appeal mechanisms that existed, on any appeals made and on the outcomes of such appeals.

32. The Committee had also requested information on the minimum content of any assurances or guarantees given or received in cases of expulsion, and what subsequent oversight measures were taken, meaning how the assurances were implemented in practice and what instructions had been given to those responsible for implementing the measures to ensure that they complied with the Constitution and international treaty obligations. Overall, the information provided on article 3 had been incomplete and he would like to know why the basic information required by any State that controlled the flow of people through its national borders had not been submitted. He wondered whether statistics on asylum were not collected or recorded in a systematic way or if the problem was that the necessary inter-institutional coordination had not occurred.

33. He had also received information on the precarious detention conditions in migrant holding centres, which were reportedly overcrowded and where immigration officers committed verbal, physical and psychological violence and even attempted to extort the family members of detainees. He was concerned about the routine detention of migrants and refugees, including children, which could deter persons with the right to international

protection from seeking asylum. What was the current situation of such persons and what measures had been adopted to reduce the detention of migrants to a minimum? He also requested information on the measures adopted to monitor conditions in the holding centres, whether the national preventive mechanism made regular visits and if civil society organizations had access for monitoring purposes.

34. He was further concerned by reports that foreigners who had applied for asylum in the United States of America were being returned to Mexico while they awaited a decision by the United States authorities. Was there a bilateral agreement that established parameters for that process? Were the persons concerned guaranteed protection against return to their country of origin pending the outcome of the process, and what entity was responsible for ensuring such protection?

35. He understood that Mexican courts had jurisdiction over acts of torture regardless of where they took place, as long as the alleged perpetrator was in Mexico and had not been definitively tried in the country in which the offence had been committed, and the alleged act was an offence in both the country where it had been committed and in Mexico. It followed that in cases in which the act of torture had been committed in another State without a corresponding criminal definition of torture, the courts would not have jurisdiction. That condition was appropriate for implementation of the principle of dual criminality when persons were extradited to Mexico, but should not apply to persons already in Mexico who were charged with committing torture in another State. He would therefore appreciate clarification of whether his interpretation was correct and would like to be given specific examples of criminal investigations of acts of torture under universal jurisdiction.

36. It would be useful to have statistics on the number of cases in which extradition to another State party had been granted under an extradition treaty and the States to which the persons concerned had been extradited. He also wished to know the number of cases in which extradition had been refused and whether the refusal had been based on a risk of torture in the requesting State. He appreciated the information provided on the multilateral and bilateral treaties on mutual legal assistance to which Mexico was a party but would appreciate specific examples of cases in which such cooperation had been used in cases of torture or ill-treatment.

37. He would appreciate details on the human rights training courses held by the Ministry of Defence, the Ministry of the Navy, the National Institute of Migration and the Attorney General's Office, including the hierarchical level of the officials trained, the entities in which they worked and the total number of employees eligible for the training, to assess the coverage level. He wished to know how the effectiveness and the practical impact of the courses was assessed, particularly in reducing cases of torture and ill-treatment in the institutions where the trainees were employed.

38. For the National Institute of Migration training, he would also like to know how many people had been trained each year. He understood that the Institute assessed the knowledge of the trainees through examinations but no information had been provided on the practical effect of the training. For the courses organized by the Attorney General's Office, he would like to know how the implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) and the harmonized protocol on the investigation of the crime of torture had been monitored, both before and after the training programme, and whether any preliminary conclusions had been reached on the effectiveness of the training.

39. **The Chair** (Country Rapporteur) said that the Committee had received information on the overall legal framework for the management of arrest and detention but would appreciate information on the concrete measures taken to adopt norms, instructions, methods and practices or provisions relating to detention, the excessive use of force and the participation of the army in public security, including the creation of a new law enforcement agency, the National Guard.

40. The delegation should confirm how many prisoners were being held in federal prisons. The Committee had been informed of occupancy rates of 425 per cent in Chalco

prison, 296 per cent in Lerma prison and 256 per cent in Jilotepec prison. He would be grateful if the delegation would comment on those figures and explain what would be done to reduce overcrowding in prisons in the State of Mexico.

41. As the list of crimes that carried automatic pretrial detention in Mexico had reportedly tripled, the Committee was concerned that the already high proportion of pretrial detainees was set to increase. It would be helpful to hear about the extent to which pretrial detainees contributed to overcrowding in prisons, and the anticipated consequences of the change in the relevant legislation. The delegation should provide more information on the case of Mr. Daniel García, who had reportedly been detained for 16 years without a verdict. He would also be interested to hear the delegation's views on a study conducted by the Centre for Research and Advanced Studies in Social Anthropology that claimed that 40 per cent of people in pretrial detention in Mexico should be released.

42. It was unclear how the measures outlined in paragraphs 92 to 95 of the State party's report (CAT/C/MEX/7) would eradicate inmate self-rule in more than half of the country's prisons, and whether any other measures were envisaged. He would be grateful for statistics on staff numbers in federal and state prisons and the ratio of staff members to inmates in both systems. The delegation should comment on whether it believed self-rule in prisons was linked to insufficient human resources.

43. He would appreciate statistics on the frequency and duration of the use of isolation and solitary confinement as forms of punishment. It would be helpful to hear how the Government ensured compliance with due process rules when solitary confinement was imposed as a disciplinary measure. Given that the American Correctional Association accepted a regime known as "restrictive housing", which was similar to isolation, the delegation should explain how the accreditation standards of that body complied with international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

44. The Committee would welcome information on the frequency of acts of violence among inmates, the number of complaints filed in that regard, and the preventive measures adopted. The table provided in paragraph 95 of the State party's report contained data on only 38 deaths in custody, all from 2016, and was therefore insufficient for the Committee's purposes. Moreover, the intended meaning of the subheading "Section 10" was unclear. He wondered whether it was still the case that data on deaths in custody were not systematically collected in Mexico, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2013. It was unclear whether investigations into deaths in custody were always carried out with the involvement of the forensic authorities and in compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death. It would be helpful to know how many investigations had led to prosecutions during the reporting period.

45. With respect to health care in prisons, the Committee would welcome information on the number and background of medical doctors serving in prisons. The delegation should explain how the prison health service was organized and to whom physicians reported. Was every prisoner examined by a qualified health-care professional on admission to the place of detention, as prescribed in rule 30 of the Nelson Mandela Rules? How often did such examinations identify cases of torture and ill-treatment, and to whom were such cases referred for further investigation?

46. Given that the 2016 study by the National Institute of Statistics and Geography had concluded that bribery in the Mexican prison system was widespread and chronic, and that the majority of inmates did not complain out of fear of reprisals, he wished to know what the authorities were doing to combat corruption in places of detention.

47. The State party had failed to provide information in its report about the number of complaints of torture and ill-treatment received during the reporting period. However, the National Human Rights Commission had indicated that it had found grave human rights violations with respect to nine complaints of torture and nine complaints of ill-treatment received between January 2013 and January 2019. The delegation should provide information about any investigations, prosecutions and punishments to which those 18 complaints had given rise. In addition, the delegation should comment on the

Commission's finding, in a different study, that the Attorney General's Office was the most frequent perpetrator of acts of torture.

48. The Committee would appreciate an update on the practical implementation and impact of the initiatives undertaken to resolve cases of enforced disappearance. The delegation should comment on reports that the forensic identification mechanism was not effective and that thousands of corpses remained unidentified. He would be grateful for information about the investigation into the enforced disappearances of 43 students in the Ayotzinapa case: a report by the Office of the United Nations High Commissioner for Human Rights gave cause to believe that 34 of the individuals detained by the authorities had been arbitrarily detained and tortured. In particular, there was evidence that one suspect, Emmanuel Alejandra Blas Patiño, had been tortured to death by asphyxiation. He wished to know whether any prosecutions had been brought, and whether the State party had acted on the Federal Appeal Court's order to establish an investigative commission for truth and justice. In another recent case of enforced disappearance, alleged to have occurred in Nuevo Laredo, Tamaulipas, in May 2018, both the Navy and the Attorney General's Office had reportedly failed to respond to the judge's inquiries. The delegation should provide an update on the current status of the investigation into the 23 missing persons.

49. He would be grateful if the State party could provide statistics on the number of cases of human rights violations against civilians that had been processed by military courts during the reporting period.

50. The establishment of the Special Unit for the Investigation of the Crime of Torture as a mechanism for receiving complaints was a welcome development. The Committee would appreciate further information on the number of investigations and prosecutions carried out by the Special Unit during the period under review, and particularly on any arrests of members of the Army, Navy or Federal Police. As Amnesty International had expressed the concern that the special prosecutors had more work than they could handle, he wondered how many cases were currently being processed by each special prosecutor, and whether there was a backlog of torture cases. It should be borne in mind that any complaints mechanism must be not only effective, independent and accessible, but also safe for complainants. It would be useful to know what the State party was doing to ensure that inmates were not afraid to file complaints.

51. The Committee was concerned that the medical examinations carried out during investigations into alleged cases of torture failed to comply with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). In order to guarantee that medical professionals could work independently and free from the interference of the judicial authorities, the State party should establish an independent forensic medical institute to provide the medical services required by the authorities and ensure that the medical certificates issued complied with the Istanbul Protocol. He would like to hear the State party's views on the establishment of such an institute.

52. Regarding redress to victims of torture, it was unclear whether measures other than compensation had been provided in relation to the 12 decisions of comprehensive redress taken by the Executive Commission for Victim Support. The delegation should provide statistics on the number of claims for redress and compensation submitted by victims of torture, the number of claims settled, and the amounts awarded and paid in each case. He would appreciate further information about the personnel of the specialized section of the Commission that provided medical, psychological, social and legal services to victims of torture and other human rights violations. Moreover, it would be useful to receive information about the assessment criteria used to admit victims to the programme. The Government should be aware that victims might not be inclined to trust programmes managed by the same regime that subjected them to torture. Did the State party agree that victims should be free to choose between governmental and non-governmental programmes?

53. As reports indicated that confessions were frequently extracted under duress, the State party should immediately take measures to ensure that all evidence obtained through

torture was deemed inadmissible. He would be interested to hear how the Committee's previous recommendations on that subject were being implemented.

54. The Committee welcomed the fact that the State party had established a mechanism for the protection of human rights defenders and journalists. However, he invited the delegation to comment on reports that the mechanism was ineffective and under-resourced. It would be useful to receive information on all the attacks that had been faced by human rights defenders and journalists who were protected under the mechanism. According to the information already submitted, the Office of the Special Prosecutor for Offences against Freedom of Expression had handled cases related to probable attacks on 953 journalists between 2012 and 2016. Given that only three convictions had been handed down, he invited the delegation to explain why the conviction rate was so low. As requested in its list of issues prior to the submission of the State party's report (CAT/C/MEX/QPR/7, para. 25), the Committee would also welcome further information on any investigations conducted in connection with the abduction and subsequent killing of Herón Sixto López, the killing of Alberto López Bello and the abduction and subsequent killing of Arturo Hernández Cardona, Félix Rafael Bandera Román and Ángel Román Ramírez. Given that all the killings had taken place in 2013, it was difficult to understand why none of the cases had been concluded.

55. Lastly, he wished to draw the delegation's attention to the fact that the Committee had felt obliged, at the current meeting and in its list of issues, to repeat many of the issues that had been raised during the previous reporting cycle. He would like to know why the State party had failed to implement the Committee's previous recommendations and had neglected to address certain issues in its seventh report.

56. **Ms. Zhang** said that it was a matter of concern that the percentage of applicants that had been granted refugee status had dropped significantly between 2016 and 2017. Moreover, 98,741 migrants in an irregular situation had been detained during the first 11 months of 2017 and 74,604 had subsequently been expelled from the country, 20 per cent of them having been unaccompanied minors. She would be interested to hear more about the current situation on the ground and the measures being taken by the State party to protect the rights of refugees and migrants, particularly since the Committee had learned that the Office of the Special Prosecutor for Offences against Migrants was plagued by institutional problems.

57. A study that had been published the previous year alleged that foreigners held at places of deprivation of liberty administered by the National Institute of Migration were being subjected to torture and ill-treatment. Although the Government had rejected those allegations, the National Human Rights Commission confirmed that they had been supported by evidence. Further clarification on the matter would therefore be greatly appreciated.

58. The Committee would also welcome statistical information for the period under review on the number of asylum requests received, the number of requests granted and the number of applicants whose requests had been granted because they had been tortured or would be at risk of torture if they returned to their country of origin. The delegation should also include information on the number of persons extradited, expelled or returned and the countries to which they had been sent.

59. **Ms. Belmir** said that she was concerned by the number of arrests being made by heavily armed members of the military who had not received appropriate training on arresting and interrogating individuals. Moreover, an alarming number of arrests took place in the State party without an arrest warrant and suspects were often secretly held in confinement.

60. With regard to the application of the National Code of Criminal Procedure that had come into effect in 2016, she reminded the delegation that, in order to guarantee a fair trial, it was important to accord equal weight to all statements made before the judge during criminal investigations.

61. **Mr. Hani** said that, contrary to international human rights standards, the detention of migrants appeared to have become a routine practice in the State party. It would be

useful to know the percentage of migrants in the country that had been detained. More generally, he would be interested to hear about the measures taken to abide by international standards on the detention of migrants, in particular those outlined in revised deliberation No. 5 of the Working Group on Arbitrary Detention ([A/HRC/39/45](#)) and the 2017 annual report of the Subcommittee on Prevention of Torture ([CAT/C/63/4](#)). Further information on any measures taken by the Government to improve the early detection of torture and ill-treatment among asylum seekers and migrants would also be appreciated.

62. With reference to the requests made in the list of issues prior to reporting ([CAT/C/MEX/QPR/7](#), para. 8), the Committee would welcome additional information on the minimum content of the diplomatic guarantees or similar assurances offered or accepted by the State party to deal with cases of return, extradition and expulsion. Were any subsequent supervisory measures taken in such cases? It would also be interesting to learn whether the State party accepted the provisions of the Committee's general comment No. 4 ([CAT/C/GC/4](#)), particularly those on a foreigner's right to recourse against a decision of deportation to a third country where the person might be in danger of being subjected to torture or ill-treatment. Clarification as to whether the State party planned to take measures to bring domestic legislation into line with those provisions would be greatly appreciated.

63. The Committee would welcome further information on whether the State party intended to abide by the principle of non-refoulement with respect to migrants in Mexican territory who had applied for asylum in the United States of America. With reference to paragraph 10 of the list of issues, it would also be useful to know how, in practice, the State party applied the provisions of international extradition treaties that it had signed prior to its accession to the Convention. Lastly, since eight civil society institutions based in Mexico were currently receiving support from the United Nations Voluntary Fund for Victims of Torture, he would like to know whether the State party intended to start making contributions to the Fund.

64. **Ms. Racu** said that, despite the progress made over the previous 10 years, there was still room for improvement concerning the State party's juvenile justice system. The Committee had learned that minors accused of serious offences were automatically remanded in pretrial detention. Since many of them were from disadvantaged families and were unable to gather the evidence and funds required to secure their release, they often ended up being detained for weeks or months. She would be interested to know how many minors were currently being held in detention, both on remand and following conviction, and whether those numbers had gone up since the previous reporting cycle.

65. In 2014, the Special Rapporteur on torture had visited the Juvenile Offenders Remand and Rehabilitation Centre in Monterrey ([A/HRC/28/68/Add.3](#)). In his report, it was stated that young detainees spent over 22 hours a day in their cells, could use the toilets only when authorized and were placed in solitary confinement for extended periods as a form of punishment, sometimes handcuffed and naked. The Committee would appreciate clarification as to whether there was an independent monitoring body that visited juvenile detention centres and whether practical measures had been put in place to improve conditions at those facilities, including the one in Monterrey. Further information on solitary confinement procedures for minors would be of particular interest and she would also like to know what appeals procedures were available to minors. Lastly, had any educational or social rehabilitation programmes been set up to encourage the development of appropriate social behaviour among minors in conflict with the law?

66. **Mr. Rodríguez-Pinzón** said that he would appreciate receiving information that had not been provided in response to the Committee's list of issues, on the measures that had been put in place to restrict the use of arrest in flagrante delicto, to put an end to the use of arrest in quasi-flagrante delicto and to ensure the proper identification of members of the security forces and their vehicles. He would also like to know whether the State party had signed any new bilateral or subregional agreements to prevent and combat trafficking in human beings during the period under review.

67. With reference to article 10 of the Convention, the Committee would be interested to receive further information on the outcomes of the 2017 Comprehensive Training Programme mentioned in the State party's report, including statistical data both on the

number of civil servants who were eligible for the Programme and on the number who had already received training, disaggregated by department and rank. Were such data also available for training courses offered to civil servants at the level of the federated states? In particular, it would be useful to know how the State party evaluated the effectiveness and impact of its training programmes on human rights and the prohibition of torture. It was necessary to collect data and develop indicators to determine the correlation between the training received and the extent to which the Convention was being implemented within different public entities.

68. **The Chair** said that the Committee had been informed that incidents of ill-treatment, sexual violence and torture took place in social institutions, psychiatric departments and migration detention centres, some of which were not officially registered. He would therefore like to know whether the State party intended to put in place a more robust mechanism for monitoring those facilities.

69. **Ms. Delgado Peralta** (Mexico) said that the Government, which had been in power for under six months, was firmly committed to overcoming the challenges that it faced to protect and promote human rights in her country. One of its first actions had been to draw up a multilateral plan with El Salvador, Honduras and Guatemala to address the causes of migratory flows and to develop a human-rights based system of migration management for the region. The Government had also taken action to protect the rights of migrants in Mexican territory, particularly unaccompanied minors, who were applying for asylum in the United States of America. It allowed migrants to stay in Mexico temporarily for humanitarian reasons, and they were entitled to leave and return to the country as they wished during their stay. While in the national territory, she confirmed that all migrants were guaranteed the rights and freedoms provided for under the Constitution, the international treaties to which Mexico was a party and the Migration Act.

The meeting rose at 1 p.m.