



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

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Eightieth session

Summary record of the 2130th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 15 February 2012, at 10 a.m.

Chairperson: Mr. Avtonomov

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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined sixteenth and seventeenth periodic reports of Mexico (continued)
(CERD/C/MEX/16-17; CERD/C/MEX/Q/16-17)

1. *At the invitation of the Chairperson, the delegation of Mexico took places at the Committee table.*
2. **Mr. Kemal** commended the Government on its efforts to combat discrimination, but expressed concern that discriminatory practices jeopardizing persons of indigenous and African descent in particular appeared to be entrenched in Mexican society. Despite a widespread popular perception that there was no racism in Mexico, indigenous people still found it difficult to be served in some restaurants. Furthermore, a recent study suggested that children were racially prejudiced, preferring, for instance, white dolls to darker-coloured ones. He asked the delegation to comment on reports that the practice of profiling led to indigenous people being treated with suspicion by the police.
3. **Ms. Crickley** said reports indicated that, despite numerous training and educational initiatives, the perception held by duty-bearers of the rights of minorities had not evolved sufficiently. She would therefore like to know what enforcement measures had been put in place to ensure that the perception gap was closed. In view of the fact that rights-holders often perceived themselves as inferior, she asked what the Government was doing to enhance their self-perception and self-esteem and how it monitored measures taken in that regard. She also wished to know whether the Government had considered disaggregating data on the basis of life expectancy, particularly in relation to statistics concerning indigenous and other minority groups. Given that Mexico was now a significant destination country for migrants, she would be interested to hear about the mechanisms that had been introduced to deal with the increasing numbers of migrant workers in the country. In the light of the priority given to fighting organized crime, she asked what particular action the Government was taking to ensure that efforts in that area did not obscure minority rights issues.
4. **Mr. Bucio Mújica** (Mexico) said that all branches of government and Mexican society as a whole were firmly committed to expanding human rights protection even in the face of the challenges posed by organized crime. He reiterated his Government's undertaking to investigate and punish all human rights violations in Mexico. Following recent constitutional reforms, more effective legal remedies were available for the protection of human rights, including the rights contained in international instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. The country also met the highest standards in terms of government transparency and access to public information. The Government fully recognized the work of human rights defenders and was currently taking action to strengthen protection mechanisms for them and journalists.
5. **Mr. Guerrero Olvera** (Mexico), replying to a question asked at the previous meeting, said that there was no need for specific legislation incorporating international treaties into domestic law because such treaties were directly applicable. The reforms to the Constitution approved in June 2011 gave constitutional status to all human rights treaties to which Mexico was a party and introduced provisions regarding redress for human rights violations. Under the Constitution, all authorities were required to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and the progressive realization of human rights. Furthermore, article 1 of the Constitution prohibited any form of discrimination whatever

on the grounds of ethnic or national origin, disability, health status or social status. The Supreme Court had also ruled that all the country's judges were required to apply international human rights treaties directly. In addition, the remedy of *amparo* was available as an effective and prompt means of ensuring that constitutional guarantees were observed. Lastly, he confirmed that the ILO Indigenous and Tribal Peoples Convention (No. 169) had constitutional status.

6. **Ms. Zavaleta Salgado** (Mexico), replying to a question raised on the right of indigenous people to use their own judicial systems, said that article 2 of the Constitution established their right to self-determination and autonomy in deciding how they would live together and organize their social, economic, political and cultural affairs. That included the right to elect their authorities or representatives in accordance with their practices and customs, provided that their decisions respected human rights and, in particular, women's dignity and integrity. Furthermore, since 2007, the judicial branch had issued a number of legal opinions with a view to guaranteeing the constitutional rights of indigenous peoples.

7. In reply to a question concerning the representation of indigenous persons in elected State bodies and the civil service, she said that 10 criteria were taken into consideration when drawing up indigenous electoral districts, including the requirement that at least 40 per cent of the electorate in those districts should belong to indigenous groups. On that basis, 28 indigenous electoral districts and 91 indigenous local districts had been established. Currently, there were 9 members of parliament who self-identified as indigenous; 737 of the 2,456 municipalities in Mexico were classified as indigenous and of those 146 were headed by women, including 15 indigenous women.

8. Turning to the question raised by Mr. Ewomsan about the amendment to article 2 of the Constitution, she said that elections could be conducted in accordance with indigenous customs and practices in 418 municipalities in Oaxaca. General elections, however, were conducted on the basis of electoral districts, and in that case it was up to the political parties to respect gender and indigenous quotas. The Electoral Tribunal had issued a legal opinion to ensure that political parties complied with the 40 per cent gender quota in the 2012 election. The Government was working hard to promote gender equality not only through legislative measures but also by allocating funds to strengthen the mainstreaming of a gender perspective.

9. **Mr. Pérez Gasca** (Mexico), replying to questions concerning land rights, said that article 27 of the Constitution guaranteed the land and water rights of indigenous peoples and communities. In accordance with ILO Convention No. 169, that provision enabled indigenous peoples to protect land used for traditional practices but not occupied on a permanent basis. Following an amendment to article 4 of the Constitution, the right to sufficient, safe, clean, accessible and affordable drinking water and sanitation was guaranteed to all Mexicans. The Mexican authorities complied with their obligations to recognize the land and water rights of indigenous peoples. The same legal framework ensured that indigenous peoples could exploit the mineral resources pertaining to their lands if they so wished in accordance with article 15 of ILO Convention No. 169. Mining concessions granted by the Government must comply with legal requirements and should not cause prejudice to third parties; priority was given to indigenous peoples and communities when subsurface resources pertained to their land. The law allowed indigenous peoples to institute legal proceedings seeking the annulment of mining concessions granted by the Government.

10. With respect to the question concerning the Yaqui community, it was important to bear in mind that the land they claimed as their historic right was currently occupied by other indigenous peoples who enjoyed the same land rights. Complaints concerning the removal of their water rights were being dealt with by specialized Government institutions, which were empowered to take preventive measures in order to protect the community's

rights. Working groups involving federal and local authorities were addressing the issue, but progress was slow owing to problems within the community itself.

11. **Mr. Cruz Becerra** (Mexico), responding to the question why the various states in Mexico had their own criminal codes, said that although the Mexican Constitution stipulated that states had the power to enact legislation and manage their internal affairs, they nevertheless belonged to a federation governed by a Federal Code, covering rights which were also guaranteed in all the codes of the individual states. That situation averted omissions or shortcomings.

12. **Mr. Dúran Ortégón** (Mexico) said that article 2 of the Constitution enshrined the right to land and other related acquired rights, such as the preferential use of land by certain communities, except in strategic areas. A dozen states enshrined the right of access to land in their legislation; indigenous laws did likewise in a number of other states.

13. **Mr. Cruz Becerra**, replying to questions relating to the criminal justice system, said that important reforms had taken place in the public security and criminal justice systems; they were designed to tackle impunity, improve access to justice, uphold the rights of victims and ensure due process. Changes had included the transition to an adversarial system, the establishment of the presumption of innocence, the right to silence, the prohibition of torture in custody and confessions obtained without the presence of legal counsel, and the right to freely select counsel. The authorities were also obliged to immediately register all detained persons. The State, federal and municipal authorities shared information on crime and made provisions for staff training, among other measures.

14. Referring to the indigenous justice system, he said that the Mexican Constitution recognized and guaranteed the right of indigenous peoples to self-determination and autonomy, including the right to use their own justice systems to resolve their internal conflicts, in line with the principles of the Constitution, human rights and respect for the dignity of women. The law set out validation procedures for indigenous courts, legal systems and judges. A significant number of states and regional authorities recognized indigenous justice systems, and indigenous courts dealt with a range of matters, including marital conflicts and property ownership. There were various mechanisms in place to guarantee access to justice for indigenous persons. In 2006, indigenous judges had met to discuss issues such as the handling of community conflicts, legal procedures, the implementation of internal normative systems, punishments and sanctions, as well as links to the local mainstream judiciary.

15. **Ms. Arcos García** (Mexico) said that the Supreme Court had issued six important rulings relating to the rights of indigenous peoples. They had, inter alia, clarified the point that, at the constitutional level, judges were obliged to take into account the specific nature of indigenous peoples in their rulings and must approach that assessment in a proactive manner. It was not the State's right to decide who belonged to an indigenous community, as indigenous identity was based on self-identification, with no need for proof. Judges needed to provide indigenous persons with interpretation services, regardless of whether they spoke Spanish. Finally, the Court had ruled that it was discriminatory to refer to indigenous languages as "dialects".

16. **Mr. López** (Mexico), referring to the use of interpretation in court proceedings, said that that measure formed part of Mexico's public linguistic planning policy. A model now existed for professional certification and accreditation, as well as academic recognition of self-acquired knowledge, and there were training programmes for interpreters and translators working from and into indigenous languages. There were now national standards for interpreters and translators, along with a digital system to help meet demand for language services, with a pool of over 400 interpreters, 30 per cent of whom were women, available to assist in court proceedings. Standards of competence had also been set, relating

to the learning of the mother tongue in childhood, in order to promote better understanding between persons working on social programmes and their beneficiaries.

17. The National Council for Labour Skills Certification intended to publish standards of competence in the fields of education and health, and the possibility of a collective agreement stipulating that interpreters should be recognized as experts had been mooted.

18. **Mr. Cruz Becerra** (Mexico), speaking on access to justice for indigenous peoples, said that a special unit for indigenous affairs had been established to deal with offences in which either the victims or the perpetrators were members of an indigenous community. The unit's mandate was to uphold the law, interpreted in a humanistic fashion. It provided technical support, examined the impact of international treaties on the investigation of offences and legal proceedings, and provided linguistic support to indigenous persons involved in court proceedings, as well as financial support in relation to pretrial detention. There were also more than 700 public defenders available throughout Mexico to assist indigenous persons.

19. Mexico also recognized the authority of the Inter-American Court of Human Rights, which had recently issued six important rulings pertaining to Mexico, relating to non-discrimination and access to justice. It was important that, aside from the possibility of appeals under Mexican law, an international appeals route was also available.

20. Referring to the case of Hugo Sánchez, which had been the subject of two appeals for *amparo*, he said that Mr. Sánchez had been arrested in 2007 for "suspicious behaviour" in the vicinity of a taxi. A firearm had allegedly been found, and the subsequent criminal trial had led to a conviction. The appeal against the verdict was currently being examined by the Supreme Court with a view to the issuing of recommendations relating to the working methods of officials in the justice system.

21. **Ms. Arcos García** (Mexico) said that, although the court's decision was still pending, the case could have an important impact on how evidence was used in trials, and especially requirements relating to identification of persons through photos, the value the judge should place on initial testimony by victims who later changed their statements, evidence presented before the court, the so-called "historic truth of events", and the use of criteria in conformity with constitutional requirements.

22. **Mr. Bucio Mújica** (Mexico), referring to means of combating discrimination, said it was generally recognized that discrimination was institutional, not just cultural; throughout the course of history, it had permeated legal definitions, budgets, institutions, education systems, and social relations. The problem was multifaceted and a number of measures were needed, in both the public and private spheres. The structural nature of discrimination stemmed from a concept, which had taken root in the late nineteenth and twentieth centuries, of a homogenous Mexican national identity, predominantly mestizo, heterosexual, urban-dwelling and masculine in nature and embracing certain political and religious views. That perception had had a lasting impact and marginalized a large swathe of the population, including persons of African descent. Changes had taken place, and included efforts to take into account the specific nature and rights of certain groups, and to create institutions and policies to combat inequality. Since 2000, over 70 laws had been passed relating to women's rights and cross-cutting gender policies, and non-discrimination had been recognized as a right in the amendment to article 1 of the Mexican Constitution. Measures had been taken to strengthen that right through specific mechanisms and to integrate it into the legislative framework.

23. There was no single body responsible for indigenous rights as that issue had an impact at all levels of government, as well as on social policies, cultural rights, and domestic and foreign policy.

24. With regard to the issue of multiple discrimination, steps were being taken to introduce legislative reforms at the federal level which incorporated that concept and mentioned the need for specific policies. Domestic workers were an example of a group which faced multiple discrimination. The majority of domestic workers were women, many of whom came from indigenous communities and were often internal migrants. The Federal Labour Act placed them at a disadvantage, their labour rights were not recognized and they lacked access to social security. Coordinated efforts were being made by a number of public institutions, as well as the United Nations Women in Mexico programme, to amend legislation and draw up public policies to help those women, for example through access to credit and mortgages, especially for those without social security benefits. It was necessary to develop mechanisms to identify all disadvantaged groups facing multiple discrimination.

25. As to the reason why article 1 of the Federal Act on the Prevention and Elimination of Discrimination made no explicit reference to racial discrimination, he explained that the term “ethnic” was intended to also cover the issue of race, both in the Federal Act and in the Constitution. However, there were explicit references to “race” in various other enactments addressing the issue of discrimination on grounds of race, language, ethnic origin or skin colour. The concept had now been introduced into the Constitution and further progress was expected. Proposals had also been made to amend the Federal Act to explicitly refer to the concept of “race”.

26. With regard to perceptions of discrimination in Mexico, surveys had been conducted in 2005 and 2010 to assess whether Mexicans accepted diversity and recognized the rights of certain groups, and whether real equality existed. The second survey had indicated that progress had been made in terms of recognizing diversity, the multicultural nature of Mexican society and the specific rights of certain groups. That was not to say that all citizens were aware of, or understood, all the specific rights which applied to various groups in society, but they did know that various forms of identity existed and gave rise to different rights.

27. Certain alarming conclusions had also been drawn from the survey, indicating that diversity was viewed not necessarily as beneficial but as something that might slow the country’s development or even pose a threat (for example, religious or economic diversity). Finally, the survey had helped to identify gaps and shortcomings in efforts to achieve equality, which was closely linked to the concepts of dignity, human rights and respect for the rule of law. That survey of attitudes and perceptions of discrimination provided useful information for drafting legislation and public policies, including the National Programme for the Prevention and Elimination of Discrimination.

28. Other analyses had also been carried out, including an assessment of the impact of constitutional reform on public policies and judicial rulings, and a national diagnostic study on discrimination; they had involved a number of academic institutions and public bodies. Steps were also being taken to obtain further relevant data and, together with various bodies including UNDP, to develop an index similar to the human development index.

29. Although legislative provisions on discrimination were not specifically part of the school curriculum, the subject of discrimination was certainly taught in the classroom and a range of awareness-raising measures had been implemented. Television and radio campaigns, work with journalists and the media, and cultural programmes dealing with stereotypes, such as the video showing white and brown dolls created by the National Council for the Prevention of Discrimination, also aimed to foster dialogue and had had a significant impact on the younger generation.

30. Public policy tools included guidelines to promote inclusive approaches and prevent various kinds of discrimination within the institutional framework; guidelines relating to recruitment and criteria for the inclusion of persons of African descent had been established

as part of further efforts to promote equality. A survey on policies in various federal bodies had shown improved coordination, including inter-agency forums on issues such as cultural and religious diversity and combating homophobia.

31. **Mr. Durán Ortégón** (Mexico) said that indigenous peoples' right to consultation was enshrined in article 2 of the Constitution, under which policies for indigenous peoples and communities were required to be designed and implemented in cooperation with the indigenous peoples and communities themselves. ILO Convention No. 169 had constitutional status and could be invoked in court. Consultation was a widespread practice among many institutions in Mexico, including the Ministry of Transport, Ministry of Health and the National Water Commission.

32. Before they could start operating, mining companies were required to submit an environmental impact study, part of which involved consulting citizens. The consultation system used by the Commission on the Development of Indigenous Peoples — whose advisory council included representatives of all Mexico's indigenous peoples — was very broad in nature, and in the past few years alone more than 30 consultations had taken place on a range of indigenous issues.

33. Proposed legislation on consultation was being discussed in Congress and was at its second reading, which was the last stage prior to approval. One result of consultation was that indigenous municipalities were now able to elect their representatives in accordance with customary traditions rather than the conventional political party system.

34. **Mr. Bucio Mújica** (Mexico) said that indigenous issues, which were dealt with in a cross-cutting manner, were assigned an annual budget of approximately US\$ 5 billion. The progress that had been made was a result of changes in legislation, changes in institutional frameworks and the efforts of all involved.

35. **Mr. Hernández Benítez** (Mexico) said that, under the legislation on migration, any public officials working in the National Migration Institute who violated migrants' human rights were punished. All officials in the Institute were given training — and had to pass exams — on the relevant standards in the area of migration and human rights with the aim of preventing such violations. Since 2003, efforts had been made to improve conditions in all migration centres. Under the new migration legislation, migrants who were victims — or witnesses — of crimes had the right to remain in Mexico with visitor status, on humanitarian grounds. In August 2010, his Government had announced its international strategy to combat the abduction of migrants, under which a framework convention had been established to prevent such crimes, and cooperation agreements had been concluded between the State authorities and human rights committees in order to support and care for victims. In November 2010, a working group on the abduction of migrants had been set up; it was currently drawing up a plan for action in the short, medium and long terms.

36. **Mr. Amir** said he had been pleased to learn from the Committee's dialogue with NGOs that information published by NGOs was not subsequently checked by the Mexican authorities, with a view to tracking down its source and possible prosecution. He had also been pleased to read in the periodic report that the State party acknowledged the existence of racial discrimination; not all States parties did.

37. On a less positive note, however, the report was too general in nature and did not provide information geared to specific articles of the Convention, which would have enabled the Committee to ascertain progress made in specific areas. He also regretted the lack of tables and charts, which would have facilitated comparison with data in the previous report. The issue of the "green economy" had not yet been addressed, and in that regard he wished to know whether any measures were being taken to limit pollution, bearing in mind its negative effects on public health.

38. He asked whether the restrictions on migration from Mexico to the United States of America had caused any problems for the Mexican economy. He also wished to know whether oil companies had granted any financial compensation to indigenous peoples who had sought it, bearing in mind the territorial claims on some of the areas occupied by oil companies. He enquired whether, against the background of the current international crisis, the amount of financial aid given to NGOs working to combat discrimination had been reduced. What relationship was provided for under the Constitution between the State and religion, and was there a Muslim minority in Mexico? If so, what problems did Muslims experience, if any?

39. **Mr. Bucio Mújica** (Mexico) said, with regard to the issue of freedom of expression, that a joint visit to Mexico had been conducted in 2010 by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and a representative of the Inter-American Commission on Human Rights. They had reported that there was complete freedom of expression in Mexico. There was a strong press and citizens had a constitutional right to access public information. The Government was working to establish a protection mechanism for journalists, who were sometimes threatened with violence, despite the strong culture of freedom of expression.

40. The Government had addressed each and every one of the recommendations made by the Committee following its consideration of Mexico's previous report and had gone a long way towards implementing them. He hoped that the Committee would acknowledge the seriousness with which the Government took its obligations in that regard.

41. **Mr. Salmarón Castro** (Mexico) said that one of the major areas of progress in the education of indigenous peoples had been the introduction of a bilingual, intercultural approach to education, which was applied to the entire population. There had been a major effort to train teachers and civil servants in the new approach, including courses and workshops to raise awareness of diversity. Bilingual education was provided for indigenous peoples at preschool and primary levels, with teaching in Spanish and in the community languages. At the primary level, 95 per cent of teachers were from indigenous communities.

42. There had been major progress in levels of completion of schooling, which had been brought about through such schemes as the "opportunities" programme, which awarded grants to pupils and gave support to families who kept their children in school. In the secondary system, the approach was intercultural rather than bilingual, and made use of the 17 most common indigenous languages.

43. A large number of indigenous pupils were enrolled in the general high-school certificate (*bachillerato*) programmes, and an intercultural high-school certificate was being piloted in indigenous regions. Teachers at that level had received training through workshops and continuing education modules, but there was also a degree in intercultural bilingual education, which focused on teaching which took account of cultural and linguistic diversity. While many university students in Mexico were from indigenous communities, more progress needed to be made. The university system in general did not yet provide linguistic and cultural conditions that were relevant to indigenous students. A number of programmes were starting to be introduced, and it was hoped that they would help to increase the number of indigenous students. They included: the national teacher training university, which had a degree course in indigenous education; the support programme for indigenous students in higher education institutions; and intercultural university programmes in indigenous regions.

44. **Mr. Bucio Mújica** (Mexico) said that the delegation would provide the Committee with comparative figures to illustrate the social development of the various population groups affected by discrimination. Migration from Mexico to the United States was unique in terms of its volume: at one border point, 200 million people crossed every year. Mexico

had one of the largest consulate networks in the world, with 50 consulates in the United States alone. The migration authorities had shared data with many countries and had developed a number of institutional and policy tools to protect migrants and help prevent discrimination against Mexican citizens living abroad, including legal protection programmes, external legal advisers and the Institute for Mexicans Abroad.

45. **Mr. Negrín Muñoz** (Mexico) said that Congress was currently discussing possible amendments to the Religious Associations and Public Worship Act. According to the 2010 census, almost 82 per cent of the population were Roman Catholic and 15 per cent belonged to various Protestant churches. Some 7,500 minority religions were listed in the National Register of Religious Associations. Muslims constituted one of the smallest groups, with a total of 3,800 registered members. However, they were represented in all the interreligious councils that so far had been established, namely one at the national level and four at the state level.

46. The National Council for the Prevention of Discrimination had created a Panel for Dialogue on Religious Diversity, which held frequent meetings with people of different religious persuasions and arranged visits to religious associations to hear about any problems they had encountered, such as discrimination in the media or other forms of religious intolerance.

47. **Mr. Bucio Mújica** (Mexico) said that his Government greatly appreciated the contribution of civil society organizations and human rights defenders to the protection of vulnerable groups. Their work was supported by specific legislation. More than 12,000 NGOs had been registered, and the Secretariat for Social Development had granted support to about 4,000 organizations in 2010. Many of the NGOs worked with indigenous peoples and focused, *inter alia*, on the rights of indigenous women.

48. **Mr. de Gouttes** said that a major challenge facing the Mexican authorities consisted in resolving the paradox of a society that was rightly proud of the cultural heritage of Mayan civilization yet tended to view its indigenous communities as socially backward. Unfortunately law enforcement officials sometimes seemed to associate membership of an indigenous group with antisocial or even criminal behaviour.

49. The Federal Act on the Prevention and Elimination of Discrimination contained no explicit reference to race-based discrimination. As the Convention enjoyed constitutional status, the definition contained in article 1 should already be directly applicable in the State party. However, he suggested that it should also be incorporated explicitly in domestic criminal legislation, as required by the provisions of article 4 of the Convention.

50. Referring to criminal justice procedures, he noted that in nine constituent entities of the federation an inquisitorial system had been replaced by an adversarial system. He asked whether the reform had produced successful results. In particular, he wondered whether indigenous peoples and other vulnerable groups had benefited from the new approach, for instance in terms of the burden of proof, defence costs and the length of proceedings.

51. With regard to the traditional judicial practices of indigenous communities, which were apparently acceptable if they were consistent with human rights, he asked the delegation to provide practical examples of how disputes were settled in that context.

52. **Mr. Cruz Becerra** (Mexico) denied the allegations that law enforcement officials detained, ill-treated or intimidated persons solely on the basis of their ethnic origin or appearance. While he could not rule out the possibility that the contrary appeared to be the case under certain circumstances, such conduct by law enforcement officials was by no means systematic or recurrent.

53. **Mr. Negrín Muñoz** (Mexico) concurred with the suggestion that the Federal Act on the Prevention and Elimination of Discrimination should be amended to reflect the

definition of racial discrimination in the Convention. The amendments that were currently being discussed in the Senate provided for a broadening of the definition of discrimination to cover both the Convention definition and the definitions contained in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. Discrimination was currently a criminal offence in 13 of Mexico's 32 states. The criminalization of racism at the federal level had been approved by one legislative chamber.

54. **Mr. Cruz Becerra** (Mexico) said that the current constitutional reforms in the areas of human rights, the remedy of *amparo*, public security and criminal justice constituted a legal revolution, and action to address impunity was a key component of that revolution. Other important principles were the presumption of innocence, the prohibition of all forms of intimidation and torture, and the inadmissibility of a confession obtained in the absence of a lawyer.

55. Progress had been made in providing interpretation services for members of indigenous communities who were involved in legal proceedings and the remaining shortcomings were being addressed. Voluntary interpreters into indigenous languages were also provided for Mexican nationals involved in legal proceedings in the United States of America.

56. With regard to the remedy of *amparo*, the possibility of bringing collective as well as individual actions constituted a major reform.

57. **Ms. Zavaleta Delgado** (Mexico), commenting on women's right to vote and be elected in indigenous communities, said that the Supreme Court and the Electoral Tribunal had ruled that indigenous customs must not prevail over respect for human rights and electoral rights in such circumstances.

58. **Mr. Guerrero Olvera** (Mexico), giving an example of a normative dispute between ordinary and indigenous justice, said that one indigenous community had decided that the minimum age for holding municipal office was 25 years. However, no such age limit was established in the Constitution or any other legislation. The Electoral Tribunal had ruled that the issue fell within the scope of indigenous self-government and had therefore authorized the imposition of the age limit. The Tribunal had also ruled in favour of judicial pluralism and indigenous self-government in other similar cases.

59. **Mr. Diaconu** said that criminal justice must respect equality under all circumstances. Offences should be defined in the same way and the same penalties should be applicable in all states of the Mexican federation.

60. While he welcomed the action being taken to promote indigenous language studies at the preschool and primary levels, he encouraged the authorities to step up their efforts to provide similar facilities at the secondary and university levels.

61. Economic development projects, however attractive, should not jeopardize human rights. Prior consultations with the local population, especially indigenous communities, were essential.

62. **Mr. Calí Tzay** stressed the importance of ensuring that interpreters were provided for all indigenous detainees in order to guarantee due process of law.

63. He commended the State party on its approval of the principle of ethnic self-identification. However, Hugo Sánchez, whose case was before the Supreme Court, had been persecuted on account of his indigenous background. He had originally been charged with importing weapons, but his 37-year prison sentence had been imposed for abduction even though the victims of that abduction had not recognized him. The whole basis of the case should therefore be reviewed.

64. **Mr. Murillo Martínez** (Country Rapporteur) asked for more detailed information concerning collective indigenous land ownership and the proportionate distribution of high-quality land among indigenous and other owners.

65. While he welcomed the progress made in providing interpreters for members of the indigenous population, he noted that a far larger number of interpreters would be required to meet prospective demand. He asked the delegation to give some idea of the planned increase in numbers over the years ahead.

66. Article 9 of the ILO Indigenous and Tribal Peoples Convention (No. 169) stipulated that the customs of indigenous peoples in regard to penal matters should be taken into consideration by the authorities and courts dealing with such cases. He asked whether that provision was implemented in the Mexican prison system and whether action was taken to ensure its implementation with respect to indigenous Mexican detainees in the United States.

67. **Mr. Bucio Mújica** (Mexico) assured the Committee that the Mexican Supreme Court would ensure that justice was served in the Hugo Sánchez case.

68. **Mr. Dúran Ortégón** (Mexico) said that the Wixárika people had sacred sites in areas where mining concessions had been applied for. The State had decided to uphold their spiritual rights and to ensure that no mining activities could be conducted in such areas unless they met certain requirements. In particular, applicant companies were required to submit an environmental impact assessment and to engage in consultations with the local communities.

69. **Mr. López** (Mexico) said that the General Act on the Linguistic Rights of Indigenous Peoples guaranteed all Mexicans the right to communicate in their own language in private and in public, orally and in writing, and in all social, economic, political, cultural, religious and other contexts. The Act also required the federal authorities responsible for the administration of justice to ensure that indigenous persons involved in legal proceedings were assisted by interpreters and defenders who were familiar with their language and culture. There were currently 444 interpreters who were proficient in 80 different linguistic variants out of a total of 364. Studies of intelligibility of the linguistic variants were currently being undertaken by experts. For instance, there were 81 variants of the Mixtec language used in Oaxaca. The question was how many variants were mutually intelligible. When the study was completed in about 18 months, it would probably be possible to reduce the hypothetical number of interpreters required. At any rate, there should be enough interpreters by 2015 to meet the demand for all languages and dialects. Action was also being undertaken to introduce both bilingual and multilingual approaches in the country's schools.

70. **Mr. Murillo Martínez** welcomed the legal revolution that had been under way for the past decade in Mexico; it was certainly conducive to substantive improvements in the fight against racism and all forms of discrimination.

71. The Hugo Sánchez case was of symbolic importance for the Supreme Court and he trusted that its findings would be based on the evidence and due process.

72. He welcomed the increased budget allocations in recent years for indigenous peoples and communities, for instance in Chiapas. However, he recommended that investments should be spread more evenly over all ethnic areas and among all ethnic groups.

73. He encouraged the Mexican authorities to continue tackling racism and discrimination through wide-ranging surveys. He was impressed by the major exhibition of photographs of people of African descent and the university course on the African heritage in Mexican culture (periodic report, paras. 213 and 215).

74. **Mr. Negrín Muñoz** (Mexico) said that the legal revolution was creating a new framework for human rights that would greatly facilitate the fight against discrimination. Public policies in that regard would be enhanced and implemented in all states and municipalities.

75. There was also increasing public awareness of the option of filing a complaint against discrimination, and the principle of non-discrimination was being highlighted in the media.

The meeting rose at 1.05 p.m.