



**International Covenant
on Civil and
Political Rights**

Distr.
GENERAL

CCPR/C/MEX/Q/5
24 August 2009

ENGLISH
Original: SPANISH

HUMAN RIGHTS COMMITTEE
Ninety-sixth session
Geneva, 13-31 July 2009

**List of issues to be taken up in connection with the consideration
of the fifth periodic report of MEXICO (CCPR/C/MEX/5)**

**Constitutional and legal framework within which the Covenant
is implemented (art. 2)**

1. Please provide details of the content and current status of the draft decree providing for various amendments to the National Constitution in the area of human rights, as approved by the Chamber of Deputies of the Congress of the Union in April 2009. Please also indicate the status which will be assigned to human rights treaties in domestic law upon the entry into force of the above-mentioned amendments.
2. Please provide specific examples of judicial proceedings, including *amparo* proceedings, in which the provisions of the Covenant have been invoked before the national courts.

**Gender equality, violence against women and the principle
of non-discrimination (arts. 3 and 26)**

3. Please provide detailed information on the work done by the Office of the Special Prosecutor for crimes of violence against women and human trafficking, in particular with regard to: (a) its powers and the offences it deals with; and (b) number of cases received, including statistics disaggregated by type of crime and state in which crimes occurred, sentences handed down and remedies available to the victims. Please also give details of the measures taken by the Special Prosecutor's Office to strengthen institutions responsible for the investigation of killings of women and punish those responsible in Ciudad Juárez, Chihuahua, including the results of such measures (report, para. 653).
4. According to information obtained by the Committee, 39 cases of femicide and nine disappearances of women were reported in Ciudad Juárez, Chihuahua, in the first two months of 2009. What steps have been taken to investigate these cases and to identify, prosecute and punish those responsible?

5. Please provide detailed and up-to-date information on the investigations conducted in connection with allegations of human rights violations against women in the maquiladora industry in frontier areas. Please describe measures taken to prevent future violations of the human rights of these women, including information on: (a) the programme on women and crime prevention at the maquiladoras of Ciudad Juárez (report, para. 431); and (b) measures adopted and results of the cooperation agreement to improve the working conditions of women in the maquiladora industry (report, para. 818).

6. Please advise the Committee of the regulatory framework governing abortion in the federal states of the State party.

7. Please provide information on the progress made by the states in harmonizing legislation with all aspects of the General Act on access by women to a life free of violence and the measures taken to promote such harmonization. Please also provide further information on the gender alert mentioned in paragraph 97, on how it operates, whether there are similar mechanisms in the states and the number of times and reasons why it has been implemented.

State of emergency (art. 4)

8. According to information available to the Committee, the Congress of the Union is considering a draft amendment to the National Security Act. Please comment on the draft amendment in the light of article 4 of the Covenant and the Committee's general comment No. 29.

9. Please indicate whether the rights recognized in the Covenant have been subject to derogation anywhere in the territory of the State party. Concerning the role of the armed forces in dealing with organized crime, please indicate: (a) the legislative or other measures that have been taken to ensure that the armed forces are under the control of the civilian authorities; (b) how the rights and guarantees enshrined in the Covenant, the Constitution and laws are enforced in practice; (c) whether there is a timeline for withdrawing the armed forces from the fight against organized crime and by what means the official security forces are being reinforced; and (d) the number of complaints of human rights violations received in this connection, the penalties incurred by perpetrators and the remedies available to victims.

Right to life (art. 6)

10. In connection with the crime of enforced disappearance as defined in the Federal Criminal Code, please indicate: (a) whether it is classified as a crime in all the states; and (b) the number of reports of enforced disappearance received, the penalties applied and the reparation granted.

11. Please provide details of: (a) the reason for the closing of the Office of the Special Prosecutor for Social and Political Movements of the Past in 2006; and (b) the number of cases it investigated and the decisions adopted in each case, including information on the continued investigation of those cases by the General Coordinator for Investigations of the Attorney General's Office. Concerning the Interdisciplinary Committee to compensate victims or complainants for violations of human rights of individuals associated with social and political movements in the 1960s and 1970s (report, para. 167), please provide details of: (a) its operating

procedures, including the criteria for granting reparation; and (b) the number of applications received, processed and followed by the award of reparation since the establishment of that Committee.

Prohibition of torture (art. 7)

12. Please provide information on the number of persons tried and convicted and the length of sentences, as compared with the number of complaints filed in respect of the crime of torture, and the number of victims who received compensation in such trials during the period covered by this report. Please also provide detailed information on: (a) whether the legislation on confessions obtained by coercion, referred to in paragraphs 570 and 571 of the State party's report, is applied in all the federal entities; and (b) the training programmes for security personnel and members of the armed forces, designed to prevent and eliminate torture, which have taken place in the last five years.

13. Please explain in more detail how the specialized medical-psychological opinion for cases of possible torture and/or maltreatment works, and in what parts of the territory it applies.

Liberty and security of person and due process (arts. 9 and 14)

14. Please indicate how and when the reforms to the penal system provided for in the constitutional amendment of 2008 will be implemented.

15. Please describe in detail the regulatory framework in place to combat organized crime. With regard to *arraigo* (pre-charge detention), please: (a) say whether it is compatible with articles 9 and 14 of the Covenant; and (b) indicate what concrete measures have been taken to prevent acts of torture during the period of pre-charge detention.

16. Please indicate whether there are any proposals for amending the Code of Military Justice to ensure that cases of violations of human rights committed by military personnel are always heard by the ordinary courts. Please also provide details of: (a) the number of cases processed by military courts during the period covered by the State party's report, in which the victim of human rights violations was a civilian; (b) the action taken on complaints and the penalties incurred by the perpetrators of such violations; and (c) the remedies available to victims. Please break down the information by type of offence, place where the offence was committed and whether it took place in the context of action to combat organized crime.

Right of persons deprived of their liberty to be treated with humanity (art. 10)

17. What measures have been taken to resolve the problem of overcrowding in all detention centres in the country and to guarantee that the basic needs of persons deprived of their liberty are satisfied, including in prisons and migrant holding centres? Please also indicate what steps are being taken to meet the needs of mentally ill prisoners and persons not subject to criminal liability (bearing in mind that only a small percentage receive specialized treatment), including follow-up to general recommendation No. 9 of the National Human Rights Commission (report, para. 446).

Protection against arbitrary expulsion of aliens (art. 13)

18. With regard to article 33 of the Federal Constitution, which allows the Executive to expel from the country, with immediate effect and without court proceedings, any foreigner whose presence is considered undesirable, please indicate: (a) the number of cases in which this provision has been applied during the period covered by the present report and the reasons for its application in those cases; and (b) the measures taken to ensure that persons expelled under article 33 have access to the remedy of *amparo* in accordance with the case law of the Supreme Court (report, para. 552). Please also indicate whether the State party has any reason for maintaining its reservation to article 13 of the Covenant and whether the possibility of withdrawing that reservation is envisaged.

Right to privacy (art. 17)

19. According to information received by the Human Rights Committee, the institutional web server of the Human Rights Commission of the Federal District was subjected to arbitrary interference, and an NGO, Servicios y Asesoría para la Paz (Peace Advisory Services), fell victim to hackers who destroyed the mail in its official account. What measures have been taken to investigate these acts and to identify, prosecute and punish those responsible?

Freedom of thought, conscience and religion (art. 18)

20. Please inform the Committee whether legislative or other measures have been taken to ensure that persons required to perform military service can invoke conscientious objection as grounds for exemption.

Freedom of expression, assembly and association (arts. 19, 21 and 22)

21. What is the content and current status of the proposed legislative reforms to define violations of freedom of expression as federal offences? In addition, and taking into account the information provided by the State party with regard to the abolition of the offences of calumny, defamation and insult provided for in the Federal Criminal Code (report, para. 717), please indicate whether the same measure has been adopted in all the states and, if that is not the case, please state what measures have been taken to decriminalize these offences throughout the territory of the State party.

22. Please provide precise and detailed information on: (a) the number of complaints received throughout the national territory regarding murders, assaults and threats against journalists and human rights defenders during the period covered by the State party's report; (b) the action taken on complaints and the penalties imposed on perpetrators, specifying whether the latter were public officials; and (c) the remedies available to victims. Please also provide details of the measures taken to guarantee the safety and protection of journalists, including follow-up to recommendation No. 7 of the National Human Rights Commission (report, paras. 776-777).

23. Please provide further information about the Office of the Special Prosecutor for Crimes against Journalists, including: (a) the budget assigned to the office and the number of staff it employs; (b) its powers and jurisdiction, including the offences it deals with and its territorial

jurisdiction; (c) the criteria for determining whether a case comes under the jurisdiction of this office or of some other agency under the authority of the Office of the Attorney-General of the Republic.

Rights of the child (art. 24)

24. With regard to the trafficking and abuse of minors and child pornography, please indicate: (a) whether these practices are treated as crimes in all the states; (b) the number of complaints received throughout the national territory and the number of judgements handed down during the period covered by the present report; and (c) the prevention and rehabilitation and assistance measures taken, particularly in respect of vulnerable groups such as street children and migrant children. Please give further information about the "From the Streets to Life" programme, including its budget, specific measures taken and results obtained.

Rights of minorities (arts. 25 and 27)

25. Are there any initiatives to ensure political participation by the indigenous peoples at all levels of government? According to information received by the Committee, the indigenous peoples were not properly consulted during the constitutional reform process in 2001. Please indicate: (a) whether any efforts are being made to reopen the constitutional reform debate as it relates to the rights of indigenous peoples; (b) the steps taken to ensure prior consultation of the indigenous peoples with regard to any legislative or other measures that have any type of impact on them. Please also indicate whether the states have brought their legislation on the rights of the indigenous peoples into line with the Constitution and, if not, what measures have been taken to promote such harmonization.

Dissemination of the Covenant and the Optional Protocols

26. Please provide information on: (a) the extent to which the Committee's 1999 concluding observations were publicized; (b) the measures that were taken to involve civil society in the preparation of the present report; and (c) the measures taken to create awareness of the remedies available under the first Optional Protocol among government officials and the general public.
