



Convention on the Rights of Persons with Disabilities

Distr.: General
29 April 2021
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Twenty-fifth session

16 August–10 September 2021

Consideration of reports submitted by parties to the Convention under article 35

Replies of Mexico to the list of issues in relation to its combined second and third periodic reports*, **

[Date received: 5 October 2020]

* The present document is being issued without formal editing.

** The annexes to the present document are available on the Committee's website.



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

Replies to the issues raised in paragraph 1 of the list of issues (CRPD/C/MEX/Q/2-3^{1, 2})

1. The actions, strategies and objectives set forth in the National Programme for the Advancement and Inclusion of Persons with Disabilities in place in Mexico attest to the efforts being made to address the Committee's recommendations in an appropriate and progressive manner.

Replies to the issues raised in paragraph 2 (a) of the list of issues

2. The Working Group on Assessment of Functioning and Disability provides the technical input for the development of the Disability Certificate and the related Official Mexican Standard. It agreed that the work would be undertaken on the basis of the Convention and the International Classification of Functioning, Disability and Health.

3. The National Register of Persons with Disabilities lists the individuals who have applied for and obtained a nationally recognized State Certificate under the terms of the General Act on the Inclusion of Persons with Disabilities.³

4. In accordance with the human rights model of disability, data on persons with disabilities receiving primary care are disaggregated by form of disability, degree of disability, age group, sex and indigenous status.

5. In 2018, the BIENESTAR Programme of the Mexican Social Security Institute began using a daily activity log as part of the health information system for registered users. The activity log is a screening questionnaire designed to identify persons with disabilities and is based on the model developed by the Washington Group on Disability Statistics.

Replies to the issues raised in paragraph 2 (b) of the list of issues

6. The Government has worked with Congress to present legislative agendas on the rights of persons with disabilities to equality and non-discrimination. In 2018, a proposal was submitted that included action on the rights of persons with disabilities to:

- Equal recognition before the law - legal capacity
- Universal accessibility
- Consultation

7. In 2020, the National Council for the Prevention of Discrimination presented its legislative agenda, which includes:

- The introduction of a general law on accessibility
- Amendment of the Civil and Criminal Codes to recognize the legal capacity of persons with disabilities

Replies to the issues raised in paragraph 2 (c) of the list of issues

8. In 2019, the National Council for the Development and Inclusion of Persons with Disabilities and the National Council for the Prevention of Discrimination held a Special Participatory Forum on the rights of persons with disabilities during which working groups

¹ For reasons of space, and in order to provide as complete a response as possible, reference is made only to the number of the paragraph or subparagraph of the List of Issues to which the replies pertain. Annex 1. List of Issues.

² For acronyms and abbreviations (in Spanish), see Annex 2.

³ https://snieg.mx/DocumentacionPortal/demografico/sesiones/doc_12018/6_Discapacidad.pdf.

addressed the following issues: legal capacity, political and electoral rights, access to justice, inclusive education, housing, health, work, sexual and reproductive rights, accessible transport, infrastructure, radio and telecommunications, financial services and civil defence.

9. The National System for the Comprehensive Protection of Children and Adolescents worked with the National Electoral Institute on the 2018 Survey of Children and Young People. The survey included a question asking children and adolescents to indicate whether they have a disability. Disaggregated results are therefore available. Braille forms were made available for survey participants.⁴

10. In 2018, the first meeting of the National Network of Adolescents took place. One of the participants was an adolescent with a motor disability. Together with the Inter-American Children's Institute, he made a video to highlight the need for inclusion and the barriers to education that exist for children and adolescents with disabilities.

Replies to the issues raised in paragraph 2 (d) of the list of issues

11. The Mexican Social Security Institute operates a number of mechanisms, including:

- The Committee for the Institutional Programme on the Rights of Persons with Disabilities, which has three working groups, one on accessibility, one on legislation and discrimination prevention, and the other on awareness-raising, training and dissemination
- 35 local committees on the rights of persons with disabilities
- Subdirectorate of the Division for Persons with Disabilities

12. The Institute is responsible for the following activities: online awareness-raising workshops for workers and other eligible persons on appropriate treatment for persons with disabilities, disability forums, National Disability Week, dissemination and awareness-raising materials, and actions aimed at creating accessible environments and raising awareness about the rights, inclusion, social integration and recognition of persons with disabilities.

13. The rights of children and adolescents with disabilities have been guaranteed through the establishment of the National System for the Comprehensive Protection of Children and Adolescents and the development of methodologies and mechanisms for its organization and operations. The National System provided support to local and municipal governments in the establishment of the 32 state-level systems.

II. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

Replies to the issues raised in paragraph 3 (a) of the list of issues

14. The National Human Rights Commission, as part of the national independent mechanism monitoring the implementation of the Convention, has provided legal advice in this area in response to specific requests from persons with disabilities and their families (see section 1 of Annex 3).

15. Legislative overview of non-discrimination on the ground of disability at the local level:

⁴ https://www.ine.mx/wp-content/uploads/2019/04/Resultados_Consulta_Infantil_y_Juvenil-2018.pdf.

- All 32 federative entities have a local constitution, of which 28⁵ contain an anti-discrimination clause and 25⁶ expressly recognize disability as a protected category for discrimination.
- All 32 federative entities have a local anti-discrimination law that establishes disability as a protected category for discrimination. Eleven⁷ of these laws recognize denial of reasonable accommodation as a form of discrimination.

Replies to the issues raised in paragraph 3 (b) of the list of issues

16. The Executive Commission for Victim Support provides free legal advice and representation to uphold rights, including those of persons with disabilities. It has experts specializing in various disabilities, can provide victims with Mexican Sign Language interpreters and has ordered the issuance of documents in Braille.

17. The Comprehensive Victim Support Programme for 2020–2024 includes the following actions, to be implemented by the National Victim Support System in coordination with the National Council for the Development and Inclusion of Persons with Disabilities:

- Promotion of accessible victim support for persons with disabilities
- Dissemination of knowledge and information on the rights of victims with disabilities through the use of accessible language, systems, technologies and formats suitable for different forms of disability
- Mexican Sign Language training for staff of the entities that comprise the National Victim Support System to enable them to provide aid, assistance and support services to victims
- Promotion of differential and preferential support for victims with disabilities

18. The Comprehensive Victim Support Programme for 2020–2024 and the Institutional Programme of the Executive Commission for Victim Support for 2020–2024 make provision for comprehensive victim support services that are differentiated, gender-sensitive, child-friendly, intercultural, non-discriminatory and inclusive of victims from vulnerable groups.

19. Other actions include:

- Implementation of Official Mexican Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination
- Adoption of the Charter of Sexual and Reproductive Rights of Persons with Disabilities
- Publication by the Executive Commission for Victim Support of a booklet designed to prevent trafficking in persons, produced in differentiated and specialized formats such as Mexican Sign Language, Braille, Easy Read, drawings, diagrams and other forms of verbal and non-verbal communication

20. The Executive Commission for Victim Support has issued rulings on comprehensive reparations to compensate direct victims with disabilities for human rights violations committed by federal authorities. The main criteria guiding the resolutions are specialized and differentiated measures, dignity, equality and non-discrimination, maximum protection,

⁵ Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico City, Mexico State, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tlaxcala, Yucatán and Zacatecas.

⁶ Baja California Sur, Campeche, Chihuahua, Coahuila, Colima, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico City, Mexico State, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tlaxcala, Yucatán and Zacatecas.

⁷ Guanajuato, Guerrero, Jalisco, Morelos, Nayarit, Nuevo León, Puebla, Quintana Roo, Sonora, Tabasco and Veracruz.

complementarity and a case-by-case analysis of the rights of victims or of the offences committed against them.

21. The penalties for criminal offences can be found in section 2 of Annex 3.

Replies to the issues raised in paragraph 3 (c) of the list of issues

22. The Government has allocated budgetary resources to a number of bodies, including the National Council for the Development and Inclusion of Persons with Disabilities, which received 31,706,910 Mexican pesos (Mex\$) in 2020.

23. The National Institute for Women has earmarked resources for three goals in the area of disability: (a) Organization of a disability survey with a particular focus on respect for the sexual and reproductive rights of women with disabilities, with a view to mainstreaming this perspective in public policies; (b) Development of a strategy to implement the Act on Women's Access to a Life Free from Violence in the State of Guanajuato, with a particular focus on girls and adolescents, Otomí indigenous women and women with visual and hearing disabilities; and (c) Preparation of a road map for gender mainstreaming in public policies for persons with disabilities.

24. In 2019, the National Institute for Women allocated resources for the development of 12 disability-related goals (see section 3 of Annex 3) and granted funding to two projects:

- Promoting the rights of girls and women with disabilities
- Training and capacity-building for women, young persons and adolescents with disabilities and older adults to guarantee the exercise of their right to comprehensive human development and their empowerment

25. The National System for the Comprehensive Development of the Family is responsible for executing the budget, amounting to Mex\$ 25,000,0000 in 2019, for the provision of support to ensure that persons with disabilities have the means to achieve social inclusion. The System provides financial resources at the state and municipal levels for work and/or actions in the following areas:

- Health, through functional aids and equipment related to rehabilitation and inclusion
- Infrastructure, renovation or adaptation of spaces in rehabilitation centres and units
- Employment, educational and social inclusion

Women with disabilities (art. 6)

Replies to the issues raised in paragraph 4 (a) of the list of issues

26. Women and girls with disabilities are accorded specific rights and are entitled to protection under the General Act on Equality between Women and Men.⁸

27. A priority strategy of the 2020–2024 National Programme for Equality between Women and Men is the transformation of behaviours and sociocultural norms that conflict with human rights. In preparing the strategy, the National Institute for Women held 32 state consultation forums on the theme of “Women working together to transform Mexico”, as well as a national forum. A diverse range of women, including women with disabilities, participated, and, following discussion and analysis, proposed actions that Mexico should take to guarantee women's rights in different spheres (see section 4 of Annex 3).

28. In 2018, the Charter of Sexual and Reproductive Rights of Persons with Disabilities was developed in partnership with civil society organizations, representatives of the federal administration, academia, persons with disabilities and experts.

29. A document has been produced that sets out the guidelines for incorporating, with a gender perspective, the rights of children and adolescents in the objectives and actions of

⁸ See http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIMH_140618.pdf.

bodies that make up the National System for the Comprehensive Protection of Children and Adolescents. The aim of the document is to ensure comprehensive protection for the rights of children and adolescents, including those with disabilities.

30. The Electoral Tribunal of the Federal Judiciary has worked with local electoral tribunals, institutions that provide support to persons with disabilities and civil society organizations to raise awareness of political and electoral rights among women with dwarfism, court officials, administrative staff and leaders of associations of persons with disabilities.

Replies to the issues raised in paragraph 4 (b) of the list of issues

31. The National Institute for Women is continuing to implement the Programme to Strengthen Gender Mainstreaming, designed to empower women, through its Women's Development Centres. The Centres' operation is coordinated between the three levels of government and their services cater for girls and women with disabilities.⁹

32. In 2019, the Council of the Federal Judiciary issued the first calls for two competitive examinations open only to women in order to increase gender parity in the distribution of positions in the federal judiciary. In the event of a tie, an applicant with a disability or who was head of a household would be selected.

33. There are 14 federative entities with State Programmes for the Comprehensive Protection of Children and Adolescents with Disabilities, which include strategies and actions relating to the provision of support for children and adolescents with disabilities and the protection of their rights. A number of State Development Plans provide for specific actions aimed at guaranteeing respect for the rights of persons with disabilities.

34. At the local level, a range of actions have been taken to promote the rights of women and girls with disabilities through state programmes and plans, including awareness-raising, training, education and professional development activities designed to empower them to exercise their rights effectively.

35. For example, in the state of Jalisco, the 2019–2024 State Programme for the Inclusion and Comprehensive Development of Persons with Disabilities is under implementation. In the state of Hidalgo, the Hidalgo Institute for Women has developed a comprehensive framework for the provision of support to female victims of violence, with a particular focus on women who have a disability or have children with a disability. In Chiapas, a new plan designed to safeguard the integrity, security and life of women and girls, including those with disabilities, was presented in 2019.

Replies to the issues raised in paragraph 5 of the list of issues

36. The National Institute of Statistics and Geography has included disability issues in the following:

- National Survey on Discrimination. Conducted in coordination with the National Council for the Prevention of Discrimination,¹⁰ this survey provides statistical information on the multiple and intersectional forms of discrimination currently experienced by different population groups, including persons with disabilities. Available at <https://www.inegi.org.mx/programas/enadis/2017/>.
- National Survey of Demographic Trends. This survey provides information on demographic trends in Mexico and identifies persons with disabilities based on variables such as type of activity, degree of difficulty and cause. Available at <https://www.inegi.org.mx/programas/enadid/2018/>.
- National Health and Nutrition Survey. Conducted in coordination with the National Institute of Public Health, this survey contains a suite of questions developed by the

⁹ See <https://www.gob.mx/inmujeres/acciones-y-programas/reglas-de-operacion-del-programa-de-fortalecimiento-a-la-transversalidad-de-la-perspectiva-de-genero-2020-230853>.

¹⁰ The National Human Rights Commission, the National Autonomous University of Mexico and the National Science and Technology Council also participated in the survey.

United Nations Children's Fund (UNICEF) and the Washington Group on Disability Statistics to measure disability in children and adults. Available at <https://www.inegi.org.mx/programas/ensanut/2018/>.

- National Household Income and Expenditure Survey. This survey provides a statistical overview of household income and expenditure, the occupations and sociodemographic characteristics of household members and the infrastructure and features of the home and includes variables on disability and cause of disability. Available at <https://www.inegi.org.mx/programas/enigh/nc/2018/>.
- Other surveys that include disability issues: 2018 National Survey on Health and Aging in Mexico; 2017 National Survey of Employment and Social Security; 2016 and 2017 National Household Survey; 2014 National Survey on Use of Time; 2016 National Survey of Household Dynamics and Relationships.
- Population and Housing Census planned for 2020. Disability is addressed in the basic and expanded questionnaires, allowing for persons with disabilities or limitations to be identified and for information on them to be disaggregated by sex and age. Data on socioeconomic factors such as education, work, ethnicity, health services, fertility, marital status and migration status is also collected, revealing any gender gaps.

Children with disabilities (art. 7)

Replies to the issues raised in paragraph 6 (a) of the list of issues

37. After the entry into force of the General Act on the Rights of Children and Adolescents, the 32 state laws on the subject were published, together with their respective regulations. These laws cover the best interests of the child, non-discrimination, inclusion and participation, including for children with disabilities.

38. Specific sections on the protection of the rights of persons with disabilities are included in a number of state-level legal instruments, including the laws on the inclusion and development of persons with disabilities, the laws on the prevention and elimination of discrimination, the state education laws and the laws regulating services providing support for children and their comprehensive development.

39. For example, the entry into force of the Constitution of Mexico City advanced recognition of the rights of persons with disabilities. The Constitution stipulates that children and adolescents with and without disabilities are priority groups and guarantees their care and protection.

Replies to the issues raised in paragraph 6 (b) of the list of issues

40. Highlights include:

- As part of the “Connected Mexico” Programme, the Ministry of Communications and Transport has made Internet services available in public places and spaces. The Inclusion application facilitates access and browsing for persons with disabilities, including children and adolescents. The Digital Inclusion Centres have accessible facilities, furniture, equipment and training for persons with disabilities.
- The Joint Social Investment Programme has provided support to 191 projects run by civil society organizations to uphold the rights of children and adolescents in municipalities with high or very high levels of marginalization; 42 of the projects were aimed at persons with disabilities.
- 234 Support Centres for Persons with Disabilities providing upper secondary education for persons with disabilities have been established. The Ministry of Education has trained educators in the provision of support for indigenous students with disabilities, inclusion and diversified teaching methods. It used a series of workbooks entitled “Relevant and Inclusive Education. Disability in indigenous education”.

- Child welfare and development centres run by the Institute of Social Security and Social Services for State Employees, the Mexican Social Security Institute and Petróleos Mexicanos (PEMEX) have been encouraged to accept children with disabilities and provide them with comprehensive support. Under the “Top Speed Schools” programme, schools have been upgraded to eliminate obstacles to ease of movement.
- Work has been carried out to upgrade sidewalks and ramps for persons with disabilities in tourist resorts developed by the National Tourism Development Fund.
- The Ministry for Agrarian, Territorial and Urban Development has provided loans for home extensions or for the purchase of housing adapted for persons with disabilities.

Replies to the issues raised in paragraph 6 (c) of the list of issues

41. The National Early Childhood Strategy includes a comprehensive care pathway that brings together 29 services and public interventions necessary to ensure comprehensive development. The Strategy ensures the following:

- Availability of programmes for children with disabilities, orphans and vulnerable children
- Detection of illnesses and provision of comprehensive support for children who are sick and/or have a disability
- Availability and improved quality of interventions for children with disabilities or who are in vulnerable situations

42. The National System for the Comprehensive Development of the Family has developed a draft inclusion policy to guarantee the enjoyment and full exercise of the human rights of children with disabilities in childcare centres.

Replies to the issues raised in paragraph 7 of the list of issues

43. The views of children and adolescents were taken into account in the design of the National Development Plan through the following:

- “Planning Together” National Forum; working group on the best interests of children and adolescents
- Forums on Disability Rights and Women’s Rights
- Sectoral Forum on Human Rights, Migration and Population; working groups on the human rights of children and adolescents
- Working group on sexual and reproductive rights, Mexicans abroad and migrants in Mexico
- Design and implementation of the “Opinions are Great” platform to gather ideas and solutions from children and adolescents that might be used to shape public policy actions that guarantee their rights, such as the National Human Rights Programme and the National Programme for the Comprehensive Development of Children and Adolescents

44. Other actions included:

- Consultations for the design of the National Programme for the Comprehensive Development of Children and Adolescents, in which children and adolescents with disabilities participated in Mexico City. The “Opinions are Great” platform made it possible to hear from children and adolescents who wear glasses or have difficulties relating to hearing, movement of limbs, expressing themselves or learning.
- The 2018 Survey of Children and Young People was conducted alongside the federal elections and obtained responses from 5,671,384 children and adolescents. It used a range of measures to include persons with disabilities:

- 15,000 Braille forms were made available
- Drawing sheets and electronic forms were made available in addition to printed ones
- Volunteers received training on how to interact with and support persons with disabilities
- Mobile stalls were set up in hospitals, care homes and custodial facilities

Accessibility (art. 9)

Replies to the issues raised in paragraph 8 (a) of the list of issues

45. Goal 5 of the National Programme for the Advancement and Inclusion of Persons with Disabilities is to increase accessibility in public and private spaces, transportation and information technologies for persons with disabilities.¹¹ The related strategies are:

- Promoting the construction of accessible housing for persons with disabilities and their families
- Guaranteeing loans and subsidies to enable persons with disabilities living in urban, rural or indigenous areas or in poverty to acquire affordable housing
- Guaranteeing the rights of persons with disabilities to accessibility, universal design, transport and information and communications technologies
- Promoting actions to ensure accessibility in public facilities

Replies to the issues raised in paragraph 8 (b) of the list of issues

46. The Institute for the Management and Valuation of National Assets organized working groups composed of representatives of the National Council for the Development and Inclusion of Persons with Disabilities, the National Council for the Prevention of Discrimination, persons with disabilities, organizations of and for persons with disabilities and experts in accessibility. The outcome of the working groups was the adoption of the draft agreement establishing the guidelines for ensuring that federal administration buildings are accessible to persons with disabilities and the related consolidated annex. The aim of the guidelines is to regulate the conditions and requirements that federal buildings must meet in the areas of accessibility, universal design and reasonable accommodation.

Replies to the issues raised in paragraph 8 (c) of the list of issues

47. The design of the website www.gob.mx ensures that it is universally accessible to everyone who consults it, irrespective of the technology they are using. The site is accessible for persons with visual, hearing, motor, cognitive or neurological disabilities. Efforts are being made to ensure that the site fulfils the recommendations of the World Wide Web Consortium (W3C) set out in the Web Content Accessibility Guidelines, version 2.0, which are referenced in the Agreement on the General Web Accessibility Provisions to be observed by the federal administration.¹²

Right to life (art. 10)

Replies to the issues raised in paragraph 9 of the list of issues

48. The National System for the Comprehensive Development of the Family coordinates the programmes of the Comprehensive Strategy for Social Food Assistance and Community Development¹³ with the aim of ensuring that persons living in vulnerable situations have

¹¹ https://www.gob.mx/cms/uploads/attachment/file/23604/Programa_Nacional_Desarrollo_Inclusi_n_PD_2014-2018.pdf.

¹² <http://187.191.71.192/expedientes/21843>.

¹³ http://sitios1.dif.gob.mx/alimentacion/?page_id=59.

access to healthy food. The System operates throughout Mexico and has a Social Food Assistance Programme for priority population groups, including persons living in rural, urban or indigenous municipalities, localities or basic geostatistical areas with a high or very high degree of marginalization, as well as persons with disabilities, older adults and children aged between 2 years and 5 years 11 months who are not in school.

49. Since the creation of the Federal Office for the Protection of Children and Adolescents, no deaths of children with disabilities have been reported to social assistance centres run by the National System for the Comprehensive Development of the Family.

Situations of risk and humanitarian emergencies (art. 11)

Replies to the issues raised in paragraph 10 of the list of issues

50. One of the objectives of the National Programme for the Advancement and Inclusion of Persons with Disabilities is to ensure support for persons with disabilities in emergency or disaster situations. This objective is included in the following targeted plans, documents and instruments:

- My Emergency Plan. Guidance issued by the National Human Rights Commission on taking students with disabilities into account in civil protection protocols for schools.¹⁴
- General Guide to Prevention and Preparedness in Emergency Situations for Persons with Disabilities, issued by the Civil Protection Service of Mexico City.¹⁵
- General Guide to Prevention and Preparedness in Emergency Situations for Persons with Disabilities, issued by the National Centre for Disaster Prevention.¹⁶
- KOL, a psychological support hotline run by the National Disasters and Emergencies Assistance Committee and forming part of the coronavirus disease (COVID-19) action plan on support and crisis management and provides support for persons with disabilities.
- 2020 Rules of Operation of the BIENESTAR Programme of the Mexican Social Security Institute, which cover support for indigenous persons, including those with disabilities.
- Executive report on the implementation of the disability inclusion in hospital disaster risk management strategy, also known as INGRID-H, in medical units. The strategy is aimed at ensuring the inclusion of persons with disabilities in emergency and disaster plans.
- General guidelines on a non-discriminatory approach to earthquake prevention, civil protection and reconstruction activities, which place emphasis on groups historically discriminated against, such as persons with disabilities.
- Basic recommendations for interacting with persons with disabilities in the event of an earthquake.
- Health protection guide for persons with disabilities in the context of COVID-19, issued by the Ministry of Health.

¹⁴ <https://www.cndh.org.mx/sites/default/files/documentos/2019-09/Guia-Mi-Plan-Emergencia-2019.pdf>.

¹⁵ <https://www.proteccioncivil.cdmx.gob.mx/programas/programa/guia-general-de-prevencion-y-preparacion-en-situaciones-de-emergencia-para-las-personas-con-discapacidad>.

¹⁶ <https://www.gob.mx/cenapred/documentos/guia-general-de-prevencion-y-preparacion-en-situaciones-de-emergencia-para-las-personas-con-discapacidad>.

Equal recognition before the law (art. 12)

51. The equal recognition before the law of persons with disabilities is enshrined in article 1 of the Constitution and article 4 of the General Act on the Inclusion of Persons with Disabilities.

Replies to the issues raised in paragraph 11 of the list of issues

52. The Supreme Court has issued various rulings on legal capacity in relation to the rights of persons with disabilities,¹⁷ including:

- Decision No. 1a. XLI/2019 (10a.). Persons with disabilities. Articles 23 and 450 of the Civil Code of the Federal District, which applies to Mexico City, make a distinction based on a dubious categorization, namely disability, and therefore violate the human rights to equality and non-discrimination.¹⁸
- *Amparo* appeal No. 159/2013.¹⁹

53. The National Institute for Women reviews Family, Civil and Criminal Codes throughout the country to identify text that discriminates against women or violates their rights, sometimes in relation to the legal capacity of women with disabilities. If such text is identified, the Institute prepares recommendations and sends them to the local congress so that the relevant amendments can be promulgated.

Replies to the issues raised in paragraph 12 (a) of the list of issues

54. *Amparo* appeal No. 1368/2015. The Supreme Court held that Mexico has adopted the social model of disability, which recognizes the legal personality and legal capacity of persons with disabilities and their status as rights holders. Persons with disabilities should receive assistance with decision-making and the exercise of their legal capacity through a system of supports and safeguards aimed at facilitating the expression of true free will and ensuring that, in measures relating to the exercise of legal capacity, the rights, will and preferences of persons with disabilities are respected and there is no conflict of interest or undue influence.

55. Direct *amparo* appeal No. 1043/2015. The Supreme Court held that, in cases involving persons with disabilities, the authorities have an obligation to comply with procedural requirements and observe the right to a hearing.

56. In proceedings to declare legal incapacity and appoint a guardian, the judge must allow a hearing for the person whose rights are at stake, especially if these rights involve freedom, autonomous decision-making and free development of personality.

57. The judge must make necessary or reasonable accommodations to provide information, including on the legal consequences of court proceedings, in plain language, in accessible formats and with any support required.

58. When a person with a disability files an application for *amparo*, the court must respect his or her wish to do so and to proceed in his or her own right. Judges who find objectively that a complainant needs support with *amparo* proceedings must appoint a special representative at a hearing at which the complainant must be informed of his or her right to reject the appointment.

Replies to the issues raised in paragraph 12 (b) of the list of issues

59. Pursuant to the General Act on the Rights of Children and Adolescents, children and adolescents, irrespective of their disability status, are at all times under the guardianship of their families, whether their family of origin, extended family, foster family or pre-adoption

¹⁷ <https://www.scjn.gob.mx/derechos-humanos/buscadores-juridicos/sentencias-relevantes-en-materia-de-derechos-humanos/1300>.

¹⁸ <https://sjf.scjn.gob.mx/sjfsist/Paginas/DetalleGeneralV2.aspx?ID=2019963&Clase=DetalleTesisBL&Semanario=0>.

¹⁹ <https://www2.scjn.gob.mx/ConsultaTematica/PaginasPub/DetallePub.aspx?AsuntoID=150598>.

family. However, those without a family to care for them are represented by the relevant office for the protection of children and adolescents.

60. The Supreme Court has issued several decisions (see Annex 4), including direct *amparo* appeals:

- No. 1043/2015
- No. 2805/2014
- No. 1368/2015, No. 702/2018 and No. 44/2018
- No. 8389/2018

Replies to the issues raised in paragraph 12 (c) of the list of issues

61. All courtrooms used for oral hearings at Federal Criminal Justice Centres are equipped to ensure that the justice system is inclusive:

- Interpreting console for languages other than Spanish
- Green markers to indicate which party is speaking
- For persons with visual impairments, voice announcements via headphones to indicate which party is speaking
- Induction headsets to allow persons with cochlear implants to follow the proceedings

62. As the result of a complaint, Braille and audio versions of a decision were made available, thereby guaranteeing the right of access to justice for a person with a disability. In 2019, the Supreme Court was involved in arrangements to translate into Braille various documents relating to two criminal cases in which the complainant had a disability.

63. The Council of the Federal Judiciary has developed criteria to ensure the comprehensive protection of the rights of persons with disabilities. Between 2017 and 2020, 30 *tesis aisladas* (non-binding decisions) were issued by collegiate circuit courts relating to the rights of persons with disabilities.

64. Judges have reported that specific rights of persons with disabilities were examined in a number of decisions and resolutions issued between 2018 and 2020. Persons with disabilities were parties to the proceedings, during which they spoke about their rights to health, education, accessibility, to live a life in dignity and free from violence, as well as the duty of judges to act with special diligence when resolving matters involving persons with disabilities. Some of the rulings were issued in Easy Read format.

65. Public sessions of the Electoral Tribunal of the Federal Judiciary are translated from Spanish into Mexican Sign Language. Professional development workshops are held on Mexican Sign Language interpreting services in the legal field.

Access to justice (art. 13)

Replies to the issues raised in paragraph 13 of the list of issues

66. The Office of the Prosecutor General and the National Council for the Development and Inclusion of Persons with Disabilities have published a document entitled “Inclusive Justice: Guaranteeing access to justice for persons with disabilities”.²⁰

67. The legal advisory service of the Federal Public Defender Service has advisers throughout Mexico who specialize in supporting persons with disabilities. If an indigenous person with a disability requires the services of the Federal Public Defender Service, legal advisers can be assisted by public servants who speak an indigenous language. Services can be provided in 142 linguistic variants.

²⁰ <https://www.gob.mx/fgr/documentos/justicia-incluyente-contenidos-para-garantizar-el-acceso-a-la-justicia-a-las-personas-con-discapacidad>.

Replies to the issues raised in paragraph 14 of the list of issues

68. At the federal level, the Federal Public Defender Service provides guidance, advice and legal representation services in civil, commercial, administrative and fiscal matters to persons with disabilities through 31 advisers specializing in support for persons with disabilities throughout Mexico.

69. In order to ensure that the political and electoral rights of persons with disabilities are accessible, the Constitution and the General Act on Contesting Election Results were translated into Braille and distributed to civil society organizations of and for persons with disabilities. In addition, television clips were recorded on the political and electoral rights of persons with disabilities.

Replies to the issues raised in paragraph 15 of the list of issues

70. Courses run:

- Dignified treatment and rights of persons with disabilities, for public servants working in the federal administration
- Presentation entitled “The situation of women with disabilities: A national and international overview” and presentation on the Charter of Sexual and Reproductive Rights of Persons with Disabilities
- Sexual and reproductive rights of persons with disabilities, aimed at the staff of the family planning programme of the Mexican Social Security Institute throughout the country
- Series of conferences organized by the Deputy Head of the Disability Support Division of the Mexican Social Security Institute
- Rights of persons with disabilities, aimed at legal advisers specializing in support for persons with disabilities
- Persons with disabilities: transforming barriers into opportunities, run by the National Human Rights Commission and aimed at public servants
- Basic concepts in access to justice for persons with disabilities, run by the Supreme Court and the Office of the United Nations Special Rapporteur on the rights of persons with disabilities
- Courses for public servants working in medical, administrative and social units of the Mexican Social Security Institute:
 - Take Action for Human Rights
 - Tools for equality
 - Basic course on proper treatment
 - Legal responsibilities in the actions of public servants in the health services
- Professional development workshops on Mexican Sign Language interpretation services in the legal field, run by the Electoral Tribunal of the Federal Judiciary; dissemination of the political and electoral rights of persons with disabilities; disability perspective for judges; evaluation on the implementation of inclusive measures for persons with disabilities for voting
- 17 self-paced courses on the “Connect” platform run by the National Council for the Prevention of Discrimination, highlighting inclusion and disability, the basics of web accessibility and the principles of inclusive education
- International high-level training course in Mexico City on inclusive education

Liberty and security of the person (art. 14)

Replies to the issues raised in paragraph 16 (a) of the list of issues

71. The updated version of the Regulation establishing the technical and medical provisions for the treatment and hospitalization of patients with mental and behavioural disorders (Regulation No. 2000-001-010) states that:

- Hospitalization can be voluntary, involuntary or mandatory.
- In cases where patients do not agree to voluntary admission but their mental condition represents a risk to themselves and/or third parties, and if, owing to the nature of the mental disorder, they do not have the capacity to make decisions, they are admitted involuntarily in accordance with the Involuntary Hospitalization Request Form. The request must be explained in clear, simple and inclusive language and signed by a family member, responsible person or legal representative of the patient, and the prosecution service must be notified.
- Once a patient's mental condition permits, his or her hospitalization status should be changed to voluntary by notifying the prosecution service using the Letter of Informed Consent for Psychiatric Hospitalization.

Replies to the issues raised in paragraph 16 (b) of the list of issues

72. A range of measures to avoid abandonment have been implemented in the country's psychiatric institutions, such as designating a responsible family member and verifying his or her contact details, greater family involvement in the treatment process and shorter hospital stays.

73. Under the Programme for Targeted Action on Mental Health, the biomedical model has been replaced by the social model with the aim of integrating a mental health component in primary health care, using a human rights-based approach that is gender-sensitive and age-appropriate. The Programme provides for the implementation of psychoeducation schemes for persons with mental disorders and their families and caregivers on the causes, the potential consequences of treatment options, recovery and healthy behaviours to enhance well-being. The strengthening of the basic elements for mental health recovery covers interpersonal relationships, autonomy and identity, resilience strategies, crisis management and social inclusion, as well as the promotion of mechanisms to link persons with psychosocial difficulties with services in their community.

Replies to the issues raised in paragraph 16 (c) of the list of issues

74. The General Health Act establishes that informed consent must be obtained for detention in psychiatric institutions. It also sets out a process designed to avoid indefinite detention or detention with no therapeutic objective.

75. Official Mexican Standard No. NOM-025-SSA2-2014 sets out the procedure for changing the detention status if the detained person is able to request such a change.

76. One of the measures put in place is the monitoring of public psychiatric hospitals. Several health-care institutions developed strategies to reduce the length of hospital stays and implemented short-term inpatient treatment plans followed by outpatient and home-based care programmes with the aim of involving the family in the treatment process, encouraging bonding and avoiding patient abandonment. Mental health institutions must adhere to the General Act on the Prevention, Investigation and Eradication of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Official Mexican Standards regulating their operations and functioning, especially with regard to the process of informed consent for voluntary admission and the mechanisms for changing admission status to involuntary.

77. The Programme for Targeted Action on Mental Health sets out training for primary care personnel on managing mental health and addiction and provides for increased mental health training and services in general hospitals.

78. In hospitals providing psychiatric care, every person admitted to the inpatient service must designate a family member or responsible person. Social workers maintain contact with the family and verify that the information provided is correct. Persons with mental disorders who are admitted to hospital stay there only for the time needed to reach the expected clinical outcome. Throughout the process, efforts are made to ensure that patients maintain relationships with their families in order to prevent their abandonment.

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

Replies to the issues raised in paragraph 17 (a) of the list of issues

79. In 2019, a technical secretariat was established to combat torture and cruel or inhuman treatment. The secretariat coordinates and works together with public defenders from the Federal Public Defender Service to identify and document possible acts of torture or cruel, inhuman or degrading treatment, and to drive the investigation and, where appropriate, punishment of such acts and the provision of reparations in line with human rights standards. It has the capacity to represent and provide support to persons with disabilities.

80. Under the General Act on the Prevention, Investigation and Eradication of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a sentence of 10 to 20 years in prison and a fine equivalent to 500 to 1,000 days' wages is imposed on public servants who cause a person physical or psychological pain or suffering, engage in conduct that is designed to, or has the potential to, diminish or obliterate the victim's personality or physical or mental capacities, even if it does not cause pain or suffering, or perform medical or scientific procedures on a person without his or her consent or without the consent of the person legally empowered to grant such consent. If the victim has a disability, the penalty is more severe.

Replies to the issues raised in paragraph 17 (b) of the list of issues

81. Official Mexican Standard No. NOM-025-SSA2-2014 establishes that the confinement of persons with disabilities in isolation rooms is an unnecessary practice that violates human rights and is contrary to the therapeutic principles governing the recovery of persons with disabilities, since it deprives users of elements essential to their recovery.

82. Measures to end isolation in closed institutions include:

- Instructions issued to psychiatric institutions to avoid all isolation measures and prohibit isolation rooms in such facilities
- Inter-institutional requests for health-care facilities to have manuals and implement procedures for the management of agitated patients, with step-by-step explanations of de-escalation and restraint methods which clearly state that chemical and physical restraint methods must be used only as a last resort and must be guided by respect for the physical integrity and human rights of the patient
- Modification of bedroom doors so that they cannot be locked
- Adaption of isolation rooms for other uses

83. The occurrence of violence and sexual abuse has been addressed through training courses for medical, nursing and support staff. Procedures focusing on communication between users and their families and the hospital staff and management help to put a stop to these incidents.

Replies to the issues raised in paragraph 17 (c) of the list of issues

84. Information on patients' rights, interculturalism and human rights is disseminated and promoted in primary and secondary health-care units operating under the BIENESTAR programme of the Mexican Social Security Institute.

85. The National Mechanism for the Prevention of Torture has been set up, pursuant to the General Act on the Prevention, Investigation and Eradication of Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment, with the aim of establishing permanent and systematic monitoring of places of deprivation of liberty throughout Mexico. In 2018, the National Mechanism issued a report on psychiatric hospitals, with recommendations for each hospital unit being monitored.

Replies to the issues raised in paragraph 18 (a) of the list of issues

86. The Guide to Monitoring Specialized Residential Centres for Addiction Treatment establishes that residents must be interviewed in order to identify practices that potentially violate human rights, such as, *inter alia*, involuntary admission, the use of physical restraints, withholding of food, punishment, isolation, forced labour, emotional and/or psychological ill-treatment and detoxification procedures that are inadequate and/or conducted without medical oversight.

Replies to the issues raised in paragraph 18 (b) of the list of issues

87. The BIENESTAR programme run by the Mexican Social Security Institute guarantees respect for the sexual and reproductive rights of everyone who requests contraception in its medical units. The informed and shared consent process is systematized and standardized and guarantees that service users receive all necessary information in a clear and simple manner so that they can make free and informed decisions regarding the number and spacing of their children and the method they wish to use.

88. The General Act on the Rights of Children and Adolescents states that the forced sterilization of children and adolescents and all forms of obstetric violence must be prohibited, punished and eradicated.

89. The Federal Criminal Code sets a penalty of 4 to 7 years' imprisonment, a fine equivalent to up to 70 days' wages and full payment of damages for the offence of induced sterilization, which is prosecuted *ex officio*.

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

Replies to the issues raised in paragraph 19 (a) of the list of issues

90. According to information from the Ministry of Health, from January to September 2020, 125 cases of injuries caused to children with disabilities by violence were recorded, 55 of which involved sexual violence. In 2019, 249 such cases were recorded, including 91 involving sexual violence.

91. The Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons reported that, between 1 January and 31 July 2020, it recorded two offences of gender-based violence against a victim with a disability, which is considered an aggravating circumstance.

92. See section 9 of Annex 3.

Replies to the issues raised in paragraph 19 (b) of the list of issues

93. Strategies under the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women include:

- Harmonization of national legislation with international obligations
- Promotion of a culture of non-violence against women
- Dissemination of the General Act on Women's Access to a Life Free from Violence and actions to ensure compliance with it
- Comprehensive action to:
 1. Prevent violence against women and girls in the education sector
 2. Prevent, detect and deal promptly with violence against women in the workplace

3. Implement public safety measures to prevent violence against women and girls in the community

- Provision of comprehensive support services for women experiencing violence
- Implementation of a programme to strengthen gender mainstreaming

Replies to the issues raised in paragraph 19 (c) of the list of issues

94. Relevant legislation:

- General Act on the Inclusion of Persons with Disabilities
- General Act on Women's Access to a Life Free from Violence
- Act on the National Institute for Women
- General Victims Act
- General Act on the Prevention, Investigation and Eradication of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- General Act on the Rights of Children and Adolescents

95. The National Institute for Women promotes the protection of women's rights through a legal framework that encompasses access for women, including those with disabilities, to a life free from violence, including those with disabilities. See section 5 of Annex 3.

96. In criminal matters, the National Code of Criminal Procedure establishes that:

- The authorities must ensure that support for persons with disabilities is provided on an equal and equitable basis in the exercise of their rights. Reasonable accommodation must be made when required.
- Interpretation or technological means must be provided to ensure that the requested information is made available in an understandable form. If this is not possible, arrangements must be made for someone who knows how to communicate with the person with a disability to be involved.
- The courts must be certain that the person with a disability has been informed of the judicial decisions he or she needs to know about and understands their scope.

Replies to the issues raised in paragraph 20 of the list of issues

97. With regard to the case involving Ciudad de los Niños Salamanca, A.C., on 19 May 2020 the National Human Rights Commission issued recommendation No. 32VG/2020²¹ to the governments of the States of Guanajuato, Michoacán and Querétaro, the State Prosecutor's Offices of Aguascalientes and Guanajuato and the mayors of San Francisco del Rincón and San Luis de la Paz, in which the following were requested for the victims:

- Comprehensive reparation
- Comprehensive specialized medical care
- Compensation payments

The association that ran the facility was removed from the registry of non-profit civil society organizations.

98. The Government of the State of Guanajuato:²²

- Offered a public apology to the victims
- Committed to taking the necessary actions to repair or put an end to the harm caused to all the victims and to taking steps to guarantee non-repetition

²¹ https://www.cndh.org.mx/sites/default/files/documentos/2020-05/RecVG_032_.pdf.

²² <https://boletines.guanajuato.gob.mx/2020/06/08/ofrece-estado-disculpa-publica-por-hechos-en-ciudad-de-los-ninos-salamanca/>.

- Instructed all relevant state agencies to comply with the recommendations of the National Human Rights Commission

99. With regard to the case of Casa Hogar Esperanza para Deficientes Mentales S.C. in Mexico City, the Mexico City System for the Comprehensive Development of the Family relocated 37 patients. Action has been taken to provide:

- Medical and psychological care and follow-up, and rehabilitation
- Follow-up to two complaints filed with the Office of the Attorney General of Mexico City
- Follow-up care for patients being reintegrated into their families
- Cooperation with civil society organizations and government agencies to strengthen social inclusion strategies

Protecting the integrity of the person (art. 17)

Replies to the issues raised in paragraph 21 of the list of issues

100. Mexico joined the Global Partnership to End Violence against Children and developed an action plan for 2017-2018 in respect of the seven INSPIRE strategies. The action plan for 2019-2024 takes into account the recommendations of the United Nations treaty bodies, including the Committee on the Rights of Persons with Disabilities and other committees that have made recommendations regarding children with disabilities.

101. Action 3.3, on the prevention of violence and child abuse in institutional settings, covers children with disabilities and sets out measures for the identification, review and improvement of protocols for the prevention of violence against children in institutions and the provision of support and referrals for victims. Section 4, on the eradication of gender-based violence against children and adolescents, includes the review and strengthening of support for victims with disabilities.

Replies to the issues raised in paragraph 22 of the list of issues

102. Pursuant to Official Mexican Standard No. NOM-004-SSA3-2012, if a patient's state of health does not allow him or her to sign the consent form, the closest relative present or the patient's guardian or legal representative must provide his or her own full name and signature. In cases of temporary or permanent incapacity and where it is impossible for a family member, guardian or legal representative to sign the consent form, at least two of the hospital's authorized physicians must record their agreement for the relevant procedure in the clinical file.

103. For treatment at the National Institute of Psychiatry, an informed consent form is provided detailing the procedures in each area and the rights of each person. Some areas have special forms that are reviewed by a bioethics committee.

Liberty of movement and nationality (art. 18)

Replies to the issues raised in paragraph 23 (a) of the list of issues

104. The Federal Public Defender Service has advisers who specialize in assisting persons who are on the move or subject to international protection. If migrants with disabilities are identified and they request or require services, advice is provided to them.

105. The Executive Commission for Victim Support provides assistance, legal advice and psychological counselling to migrants on issues relating to arbitrary detention, criminal matters or mental impairment. The Commission works with the National System for the Comprehensive Development of the Family and with psychiatric institutions and hospitals.

106. The survey of welfare accommodation collects information from all migrant shelters and holding centres, including information about the number of persons with disabilities

living in or using such facilities and the degree and nature of their disability, as well as the number of workers with disabilities and their migration status.

107. The EUROSociAL+ Programme, derived from the Comprehensive Support Package for Migrant Children, which was approved in 2019, provides technical assistance to Mexico to design support packages for specific cases of children or adolescents who are migrants or who are vulnerable for other reasons, including disability.

108. Whenever children or adolescents are identified by the National Institute of Migration, they are assigned a child protection officer specializing in unaccompanied children. One of the priorities is to ensure that a medical assessment is carried out and a certificate issued. If specialized care is required, a referral is made to a health centre. See section 6 of Annex 3.

109. The National Institute of Migration is working with the National Council for the Development and Inclusion of Persons with Disabilities to review and develop indicators for the delivery of the National Programme for the Advancement and Inclusion of Persons with Disabilities, with a particular focus on mechanisms for systematically collecting data and statistics on migrants with disabilities, disaggregated by sex, age and type of disability.

Replies to the issues raised in paragraph 23 (b) of the list of issues

110. Migrant holding centres and short-stay facilities must take appropriate measures to ensure that, wherever possible, persons with disabilities or who belong to other vulnerable groups are held in public or private institutions that can provide them with adequate support.

111. The National Institute of Migration promotes accessibility and universal design in facilities used temporarily by migrants. In 2019, the Institute sent the accessibility certificates for its offices and migrant holding centres to the National Council for the Development and Inclusion of Persons with Disabilities for review. It has also conducted an informational survey on the adaptations required at its facilities.

112. The National Council for the Development and Inclusion of Persons with Disabilities has provided staff from the Institute with awareness-raising materials on the provision of support for migrants with disabilities.

Replies to the issues raised in paragraph 23 (c) of the list of issues

113. Number of applications granted for regularization of status for humanitarian reasons, disaggregated by the ground for the application.

<i>Reason for application</i>	<i>2019</i>	<i>2020 (as of 15 May)</i>	<i>Total</i>
Application for refugee status	25 894	7 437	33 331
Humanitarian grounds	16 707	1 036	17 743
Refugee	3 317	2 500	5 817
Stateless person	2 081	1 106	3 187
Victim or witness	2 921	155	3 076
Complementary protection	1 150	197	1 347
Public interest	132	10	142
Unaccompanied minor	29	2	31
Application for political asylum	13	1	14
Political asylum	3	1	4
Total	52 247	12 445	64 692

Replies to the issues raised in paragraph 23 (d) of the list of issues

114. Once the information from the 2020 Census is released, the number of people who migrated between municipalities, states or countries will be available. The data on persons with disabilities will be disaggregated by sex, age and other socioeconomic characteristics.

115. The National Institute of Migration has a Humane Repatriation Programme which provides assistance to Mexican migrants, including persons with disabilities. See section 7 of Annex 3.

Replies to the issues raised in paragraph 23 (e) of the list of issues

116. Once the results of the 2020 Census are released, it will be possible to report on migration for reasons of crime-related insecurity or violence. This category includes persons who migrate because of attacks, kidnappings, extortion, homicides or shootings in their place of origin, because they have been or perceive themselves to be victims or because they no longer trust the authorities.

Replies to the issues raised in paragraph 24 of the list of issues

117. Under the National Programme for the Advancement and Inclusion of Persons with Disabilities, the recommendations made by the Economic Commission for Latin America and the Caribbean, as set out in the Comprehensive Development Plan signed with El Salvador, Guatemala and Honduras, are priority objectives.

118. Some of the individuals for whom the National Institute of Migration has completed regularization procedures for humanitarian reasons are persons with disabilities. They are included under the category “Humanitarian grounds”.

119. The National Institute of Migration is working with the National Council for the Development and Inclusion of Persons with Disabilities to review and develop indicators for the delivery of the National Programme for the Advancement and Inclusion of Persons with Disabilities for 2019-2024, with a particular focus on mechanisms for systematically collecting data and statistics on migrants with disabilities, disaggregated by sex, age and type of disability.

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

Replies to the issues raised in paragraph 25 (a) of the list of issues

120. The right to autonomy for persons with disabilities is enshrined in the General Act on the Inclusion of Persons with Disabilities and is one of the strategies in the National Programme for the Advancement and Inclusion of Persons with Disabilities. The measures designed to achieve this include:

- “Your Home Made to Measure”, a programme run by the Institute of the National Housing Fund for Workers
- Advanced training programme in wheelchair use for personal and urban mobility, run for persons with disabilities by the Mexican Institute of Social Security with the aim of boosting social and labour inclusion through urban mobility and training for job reassignment

Replies to the issues raised in paragraph 25 (b) of the list of issues

121. The participants of the community programmes run as part of the Miguel Hidalgo Mental Health Strategy until 2018 have had their legal capacity restored. Support was provided through a community housing programme for participants with a range of diagnoses, independent apartments for couples, halfway houses in Pachuca, Hidalgo, independent rooms, dignity workshops and Camelot workshops.

122. The National Institute of Psychiatry constantly provides the latest information to specialists working in different areas of the country and different levels of mental health care with the aim of combating stigma, promoting reintegration, discouraging the tendency towards indefinite institutionalization and avoiding delays in the identification and treatment of mental health problems.

Replies to the issues raised in paragraph 25 (c) of the list of issues

123. The permanent welfare allowance for persons with disabilities, which was established in 2019, is a form of direct financial support in the amount of Mex\$ 1,275.00 per month. The aim of the allowance is to ensure a higher level of well-being and to reverse social inequality in Mexico.

124. The National System for the Comprehensive Development of the Family issues disability cards, which entitle persons with disabilities to benefits so that they can live on an equal footing with others in the community.

125. In some cases, home visits are made to persons with disabilities to facilitate and guarantee access to the multidisciplinary services provided by the Executive Commission for Victim Support.

Replies to the issues raised in paragraph 25 (d) of the list of issues

126. The National System for the Comprehensive Development of the Family provides comprehensive residential care services to children and adolescents in private social care facilities. Social care involves creating support mechanisms to overcome inequalities, ensure well-being and safeguard the full enjoyment of human rights in the face of situations of vulnerability, such as disabilities. See Annex 5 for figures.

Replies to the issues raised in paragraph 25 (e) of the list of issues

127. The National Programme for the Advancement and Inclusion of Persons with Disabilities prioritizes the inclusion of persons with disabilities in aspects of community life such as, *inter alia*, the education system, sport and cultural activities, work and the public and political spheres. The National Council for the Development and Inclusion of Persons with Disabilities reports on information from agencies and entities in this regard at: http://conadis-transparencia.org/indicadores_presupuestarios/.

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

Replies to the issues raised in paragraph 26 (a) of the list of issues

128. The National Transparency Platform brings together public information on a single website that is easy for users to consult. In 2019, the Platform was upgraded to improve its usability and intuitiveness and to take into account recommendations from specialized studies on accessibility for persons with disabilities.

Replies to the issues raised in paragraph 26 (b) of the list of issues

129. The National Programme for the Advancement and Inclusion of Persons with Disabilities includes a specific objective on accessibility, with related actions intended to ensure that government websites are accessible. The website of the National Council for the Development and Inclusion of Persons with Disabilities has accessibility features for different types of disabilities, and the majority of the Council's audiovisual materials are available with Mexican Sign Language interpretation and captioning and in Easy Read formats.

130. The National Council for the Prevention of Discrimination has begun to develop Easy Read versions of its publications and the applicable legal framework for persons with disabilities.²³

²³ The Easy Read version of the Federal Act on the Prevention and Elimination of Discrimination is available at the following link:
https://www.conapred.org.mx/documentos_cedoc/LFPED_LF_Ax.pdf.

Respect for home and the family (art. 23)

Replies to the issues raised in paragraph 27 (a) of the list of issues

131. The Supreme Court has taken the following action:

- In constitutional review ruling No. 90/2018, it declared unconstitutional a provision in the civil legislation of Guanajuato that prohibited persons with intellectual disabilities from marrying.
- In direct *amparo* appeals No. 3859/2014 and No. 7368/2016, it found that, unless it was in their best interest to proceed otherwise, the rights of the children involved should be guaranteed with regard to maintaining a personal relationship and direct, effective and frequent contact with both parents on an equal footing as the only way to safeguard ongoing family bonds, which are essential for the healthy development of any child.

132. See Annex 4.

Replies to the issues raised in paragraph 27 (b) of the list of issues

133. The National System for the Comprehensive Development of the Family operates in-house school programmes for families with children with disabilities to provide guidance to parents and other family members of persons with disabilities who attend rehabilitation centres. The aim is to help them to learn about, accept, support and promote the biopsychosocial development of their family members with disabilities.

Replies to the issues raised in paragraph 27 (c) of the list of issues

134. For children and adolescents with disabilities who are living in facilities run by civil society organizations that have an agreement with the National System for the Comprehensive Development of the Family to provide residential foster care services, family visits and, where appropriate, family reunification or reintegration are encouraged.

135. Through the Federal Office for the Protection of Children and Adolescents and its counterparts around the country, the National System for the Comprehensive Development of the Family is responsible for initiating the procedure to protect and restore children's rights once notification of a case is received. In such circumstances, the Multidisciplinary Group is requested to identify the rights that have been infringed or restricted and issue a rights restoration plan and, where appropriate, a protection plan.

136. Once the multidisciplinary review has been conducted, the psychologists, social workers and legal staff draw up an evaluation and a rights restoration plan, which includes the relevant protection measures. The case is followed up until the infringed right is restored and safeguarded.

Education (art. 24)

Replies to the issues raised in paragraph 28 (a) of the list of issues

137. In 2019, article 3 of the Constitution was amended to create a national strategy on inclusive education with the aim of ensuring that the national education system is inclusive, flexible, relevant and responsive and that barriers to learning and participation are identified, addressed and removed. The components and guiding principles are as follows:

- Legislative harmonization
- Participatory planning
- Diagnostics with nominal and geo-referenced information
- Equitable spending
- Teacher training
- School inclusion projects

- Participation and culture change
- Inclusive environments
- Evaluation strategies
- Programmatic and budgetary structure
- Governance

138. During 2019, the National Council for the Prevention of Discrimination worked with the National Science and Technology Council in the following areas:

- A programme designed to include students with disabilities in postgraduate studies in Mexico. Scholarships were awarded to students with disabilities and their schools received funding to improve accessibility.
- Defining basic accessibility and inclusion criteria so that scholarship programmes are inclusive for persons with disabilities.

Replies to the issues raised in paragraph 28 (b) of the list of issues

139. In order to ensure full access to school facilities for persons with disabilities, the National Institute for Physical Infrastructure in Education has carried out building, remodelling and maintenance works on educational facilities and, in accordance with technical standards and specifications, installed ramps with handrails and appropriate gradients, special toilets and mechanical lifts, and drinking fountain systems suitable for persons with disabilities.

Replies to the issues raised in paragraph 28 (c) of the list of issues

140. In 2018, there were 1,665 multi-service centres and 4,527 mainstream education support units in Mexico. Special education services provided assistance to 624,371 persons, of whom 145,524 were students with disabilities. See section 8 of Annex 3.

141. The Support Centres for Students with Disabilities provide equipment and assistance to ensure greater coverage, inclusion and equality in education. They offer an out-of-school baccalaureate programme for students with visual, hearing, psychosocial or motor disabilities who choose to begin, continue or complete this type of education. Of the students who received support during the 2018/19 school year, 46.4 per cent reported having an intellectual disability, 16.7 per cent a motor disability, 14.1 per cent a hearing impairment, 10.1 per cent a visual impairment, 2.9 per cent a psychosocial disability and 9.8 per cent another form of disability.

142. During the 2018/19 school year, 47 classrooms operated within the framework of the Partnership in Opportunities for Employment through Technology in the Americas (POETA Programme).

143. The Open and Distance Learning University of Mexico taught 7,264 students with disabilities. Currently, a protocol for the identification of technological resources is being promoted with the aim of supporting the diverse student population in a relevant, flexible and high-quality manner and maximizing the likelihood of them staying in education, finishing their studies and obtaining a qualification.

144. For the 2018/19 school year, 6,896 students with disabilities (1.13 per cent of students) are enrolled at the National Technological Institute of Mexico.

145. The Inclusive Support Network of Technological and Polytechnic Universities brings together school groups of students with and without disabilities and provides those with disabilities with specific support with regard to accessibility and specialized equipment.

Replies to the issues raised in paragraph 28 (d) of the list of issues

146. The national education agreement for the operational implementation of the national strategy on inclusive education states that teacher training should have an inclusive and diversity-focused approach. Goal 2 of the strategy is to develop inclusive support frameworks and establish methodologies for teaching Mexican Sign Language.

147. The Ministry of Education provides support to children with disabilities in basic education through an inclusive education strategy that is gradually being incorporated into the “Learn at Home” Programme, which was set up to provide distance education during the COVID-19 pandemic. This programme has a Mexican Sign Language interpreter, and an inclusive education section is being developed on the “Learn at Home” website (<https://aprendeencasa.sep.gob.mx/>). It will include reference and guidance documents, links and videos with information for parents and teachers of students with disabilities.

Health (art. 25)

Replies to the issues raised in paragraph 29 of the list of issues

The Charter of Sexual and Reproductive Rights of Persons with Disabilities has been in place since 2018. It includes the rights to:

- Receive sexual and reproductive health care that meets the specific needs of persons with disabilities
- Freely make decisions, in a responsible and informed manner, regarding maternity, paternity, adoption and assisted reproduction

148. Letters of Informed Consent are produced in accordance with Official Mexican Standard No. NOM-004-SSA3-2012. The Letters are documents signed by patients or their legal representative or closest next of kin, giving consent to medical or surgical procedures for diagnostic, therapeutic, rehabilitative, palliative or research purposes after receiving information about the expected risks and benefits for the patient.

149. In the absence of a family member, legally responsible person or companion, the senior and attending physicians can authorize therapeutic procedures as necessary, pursuant to the Regulations of the General Health Act.

Replies to the issues raised in paragraph 29 (a) of the list of issues

150. The National Institute for Women distributed the abridged and Braille versions of the Charter of Sexual and Reproductive Rights of Persons with Disabilities to the 32 women’s agencies in the federative entities, as well as to civil society organizations, with the aim of strengthening and guaranteeing sexual and reproductive health care for persons with disabilities using a human rights and gender perspective.

151. The Family Planning Programme offers inclusive services for persons with disabilities. It provides and gives advice on methods of contraception and obtains informed consent to ensure free and informed decisions.

152. Various actions have been promoted to contribute to the exercise of the right to decide freely, responsibly and in an informed manner on the number and spacing of children:

- Regulations implementing the General Population Act. Forcing people to use fertility regulation methods is prohibited. If a person opts for a permanent method, the institutions or agencies providing the service must ensure that he or she receives adequate guidance and obtain his or her informed consent.
- Official Mexican Standard No. NOM-005-SSA2-1993 on Family Planning Services. In the Standard, informed consent is defined as a person’s voluntary decision to undergo a contraceptive procedure with full knowledge and understanding of the relevant information and without being pressured.
- General Act on the Rights of Children and Adolescents. The forced sterilization of children and adolescents and all forms of obstetric violence must be prohibited, punished and eradicated.

Replies to the issues raised in paragraph 29 (b) of the list of issues

153. Dissemination of the Charter of Sexual and Reproductive Rights of Persons and training on it for staff providing family planning services. Persons with disabilities have

access to the 14 temporary contraceptive methods, as well as permanent methods such as bilateral tubal occlusion and vasectomy. Guidance is offered and informed consent obtained before providing any of the methods.

Replies to the issues raised in paragraph 29 (c) of the list of issues

154. The BIENESTAR programme of the Mexican Social Security Institute offers health services to persons not covered by the social security systems, especially in rural areas, and to vulnerable persons, including those with disabilities, using intercultural approaches built on human rights, gender equality and non-discrimination.

155. The National Institute for Indigenous Peoples is responsible for promoting respect for and recognition and protection of indigenous and Afro-Mexican children and adolescents, including those with disabilities. Action in this area includes:

- Cooperation Plan with the Food and Agriculture Organization of the United Nations for support and technical assistance with regard to the adverse effects of the use of pesticides in indigenous communities, particularly the Yaqui people.
- Guide to the provision of support during the COVID-19 health emergency, with recommendations on guaranteeing the right to health of indigenous and Afro-Mexican communities, including persons with disabilities.
- Legal review of human rights by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the United Nations Conventions on chemicals and hazardous waste, in particular the Rotterdam Convention. Among the outcomes of the review was the creation of the Federal Government Inter-Agency Committee, which assesses potential bans on highly hazardous pesticides. It was proposed that, when signing land leasing agreements, Yaqui authorities should use their power to set conditions prohibiting the use of certain pesticides.

156. In October 2019, the Federal Commission for Protection against Health Risks reported that it had withdrawn the licences of 80 pesticides considered dangerous.

Work and employment (art. 27)

Replies to the issues raised in paragraph 30 of the list of issues

157. Under the General Act on the Inclusion of Persons with Disabilities, the Ministry of Labour and Social Security has an obligation to draw up a national work and employment programme for persons with disabilities. The Ministry's Employment Support Programme runs the "Opening Spaces" platform to link persons with disabilities to jobs.²⁴

Replies to the issues raised in paragraph 31 (a) of the list of issues

158. The National Work and Employment Programme for Persons with Disabilities and the Employment Support Programme provide persons with disabilities with training, rehabilitation and professionalization services and help them to enter the labour market on an equal footing.²⁵

159. The Substantive Employment Programme for Persons with Disabilities, run by the National System for the Comprehensive Development of the Family, promotes training and employment for persons with disabilities based on their potential.

²⁴ Available at:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjorJ_b2K_pAhUQWqwKHTsKDEcQFjAAegQIBBAB&url=http%3A%2F%2Fabriendoespcios.gob.mx%2F&usg=AOvVaw0YeveB9I43iTRiFzCxNd4Z

²⁵ Available at: <https://www.gob.mx/conadis/acciones-y-programas/programa-nacional-de-trabajo-y-empleo-para-las-personas-con-discapacidad-2014-2018> <https://www.empleo.gob.mx/sne/programas-apoyo-empleo>.

Replies to the issues raised in paragraph 31 (b) of the list of issues

160. The right to decent and dignified work is enshrined in the Constitution and the Federal Labour Act. This right encompasses:

- Respect for the human dignity of workers and the prohibition of discrimination on the basis of disability, among other grounds
- Access to social security, wages and training
- Optimal safety and hygiene conditions
- Respect for collective and individual rights

161. The Federal Employment Act provides that the conditions of employment for all workers, including persons with disabilities, must be set out in an individual or collective contract. The absence of a contract does not remove the worker's labour rights.

162. The working conditions set out in the contract must be based on the principle of substantive equality and must not be inferior to those set forth in the Federal Employment Act. No discriminatory differences or exclusions may be applied.

163. In 2019, the labour regulations were strengthened by amendments that:

- Transfer the administration of labour justice to specialized courts under the Federal Judicial Branch
- Strengthen union freedoms and democracy and establish personal, free, direct and secret ballots for the election of union leaders, define contractual terms and resolve labour disputes

Replies to the issues raised in paragraph 31 (c) of the list of issues

164. In 2018, there were 5,176 public servants with disabilities, including 2,255 with a physical impairment, 297 with a mental impairment, 58 with an intellectual impairment and 2,566 with a sensory impairment.

Replies to the issues raised in paragraph 31 (d) of the list of issues

165. In order to comply with Official Mexican Standard No. NOM-034-STPS-2016, the Ministry of Labour and Social Security promotes the "Gilberto Rincón Gallardo" Inclusive Companies Award in order to highlight workplaces in the labour market that implement labour inclusion policies for persons with disabilities.

166. Official Mexican Standard No. NOM-034-STPS-2016 sets out the obligations of employers and the steps they must take in the field of occupational health and safety for persons with disabilities. Posts are not certified under the Standard; compliance assessments are conducted through inspection visits by the Ministry to ensure that labour standards are being met.

167. The Federal Employment Act establishes fines of between 250 and 5,000 times the minimum wage for employers who fail to comply with health and safety and occupational risk prevention regulations.

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

Replies to the issues raised in paragraph 32 of the list of issues

168. The percentage of the indigenous population with disabilities living in poverty decreased from 75.9 per cent in 2010 to 73.5 per cent in 2018. The percentage living in extreme poverty decreased from 34 per cent in 2010 to 26.9 per cent in 2018.

169. The Special Programme for Indigenous and Afro-Mexican Peoples for 2020–2024 includes 5 priority objectives, 19 priority strategies and 78 specific actions.

Replies to the issues raised in paragraph 33 of the list of issues

170. The permanent welfare allowance for persons with disabilities, which was established in 2019, is a form of direct financial support in the amount of Mex\$ 1,275.00 per month and is paid every two months. The aim of the allowance is to ensure a higher level of well-being and to reverse social inequality in Mexico.²⁶

Participation in political and public life (art. 29)

Replies to the issues raised in paragraph 34 of the list of issues

171. In the 2019 elections, the Electoral Tribunal of the Federal Judiciary held workshops on rights and access to electoral justice for persons with disabilities. The workshops were organized jointly with electoral tribunals and related authorities, persons with disabilities, civil society organizations of and for persons with disabilities, academia and political and electoral rights activists.

172. The General Act on Electoral Institutions and Procedures lays down the requirements for setting up polling stations, stressing that they must be freely accessible to voters.

173. In 2017, the General Council of the National Electoral Institute approved a protocol for the inclusion of persons with disabilities as officials at polling stations, thus establishing the right of persons with disabilities to serve as polling officers. As a result, during the 2017 and 2018 federal elections, 776 persons with disabilities performed the functions of polling station officials. During the 2018 and 2019 local elections, 100 did so.

174. The Manual for trainers of polling station officials includes reports on the participation of persons with disabilities during the first and second stages and a form for recording poll workers' details on election day.

175. During the 2017 and 2018 elections, the National Electoral Institute took measures to facilitate the political participation of persons with disabilities by ensuring that: (a) information was accessible; (b) they were able to act as polling station officials; and (c) conditions were suitable for them to be able to vote.

176. With regard to the political and electoral rights of persons with disabilities, the following should be noted:

- Credentials are provided for persons who are physically unable to attend the offices of the Federal Elections Register
- Service centres of the National Electoral Institute are accessible
- Persons with disabilities serve as polling officers, and facilities are provided for voters who cannot read or who have a visual impairment
- Persons who use crutches, a cane or a walker can bring someone to assist them
- Special booths are available for wheelchair users and persons with dwarfism
- Guide dogs belonging to persons with a visual impairment are permitted inside the polling station
- Specific election materials are available

²⁶ http://www.dof.gob.mx/nota_detalle.php?codigo=5585641&fecha=05/02/2020.

III. Specific obligations (arts. 31 to 33)

Statistics and data collection (art. 31)

Replies to the issues raised in paragraph 35 of the list of issues

- The National Council for the Evaluation of Social Development Policies publishes the following information on persons with disabilities:
 1. Percentage of indigenous persons with disabilities living in poverty and extreme poverty, 2010–2018
 2. Table 16 of the statistical annex on poverty measurement, 2008–2018
 3. Social Rights Information System - Persons with disabilities
- National Survey of Demographic Trends, which uses the methodology developed by the Washington Group on Disability Statistics and the Statistical Commission of the United Nations
- 2020 census, which incorporated recommendations from the United Nations and the Washington Group on the design of the question addressing disability:
 1. Areas of functioning: Vision, hearing, mobility/walking, memory/concentration, self-care and communication/comprehension
 2. Four response categories to measure the degree of difficulty

177. Projects linked to the census include a questionnaire on features of local surroundings, which gathers information on the existence of wheelchair ramps and audible traffic signals.

National implementation and monitoring (art. 33)

Replies to the issues raised in paragraph 36 (a) of the list of issues

178. The national mechanism for the implementation of the Convention is the National Programme for the Advancement and Inclusion of Persons with Disabilities. The Programme sets out the objectives and guidelines with which public institutions and states must comply. The 2020 budget allocation for the National Council for the Development and Inclusion of Persons with Disabilities budget allocation is Mex\$ 31,706,910.²⁷

Replies to the issues raised in paragraph 36 (b) of the list of issues

179. See paragraph 30 (d).

Reply to the question raised in paragraph 36 (c) of the list of issues

180. The National Human Rights Commission is governed by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is part of the Global Alliance of National Human Rights Institutions (GANHRI).

181. In December 2016, the National Human Rights Commission was reaccredited with category A status by the Office of the United Nations High Commissioner for Human Rights and the Alliance's Subcommittee on Accreditation for a period of five years. The Commission was found to be in compliance with the Paris Principles following an evaluation process conducted by the Subcommittee.

182. The Commission monitors compliance with each of the recommendations it issues; to this end, it requires information from the authorities on the actions they have taken to address the specific points contained in each recommendation and thus ensure their application.

²⁷ https://www.pef.hacienda.gob.mx/es/PEF/Analiticos_PresupuestariosPEF.

183. As a result of the COVID-19 crisis, Mexico has developed specific actions for persons with disabilities. See Annex 6.
