



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

112th session

Summary record of the 3052nd meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 9 April 2024, at 10 a.m.

Chair: Mr. Balcerzak

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

Combined twenty-second to twenty-fourth periodic reports of Mexico

* No summary record was issued for the 3051st meeting.

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

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

*Combined twenty-second to twenty-fourth periodic reports of Mexico
(CERD/C/MEX/22-24; CERD/C/MEX/Q/22-24)*

1. *At the invitation of the Chair, the delegation of Mexico joined the meeting.*
2. **A representative of Mexico** said that Indigenous Peoples and Mexicans of African descent had benefited greatly from the Government's ambitious social policy. The challenges facing those communities were targeted by evidence-based action, while coordinated efforts were undertaken to promote and preserve Indigenous Peoples' culture and identity.
3. **A representative of Mexico** said that the Government's human rights policy focused on combating poverty and the structural causes of inequality, discrimination and violence. The country's solid legal framework for combating discrimination included constitutional provisions that upheld human rights and prohibited all forms of discrimination. The principles of equality and non-discrimination guided a national human rights programme for 2020–2024, while the Government's anti-discrimination policy, which was based on the National Programme for Equality and Non-Discrimination, promoted the equal inclusion of all.
4. More than 23 million persons in Mexico self-identified as Indigenous and lived in 425 Indigenous municipalities. More than 2.5 million persons considered themselves to be descendants of persons historically transported to the country from Africa. Both those communities were prioritized by the Government, whose social programmes took an intercultural approach and incorporated the gender perspective. Indigenous women and women of African descent suffered particular discrimination and, as such, benefited from affirmative action to ensure their representation in decision-making forums at the federal level and in the legislative branch. The Government's recent achievements included the granting of pensions to more than 12 million older adults, almost 1 million of whom lived in Indigenous communities or those of Mexicans of African descent. The recognition of those communities in the Constitution was a significant step towards guaranteeing their rights.
5. **Ms. Tlakula** (Country Rapporteur) said that she wished to know whether the State party gathered data on race, ethnicity, self-identification, Indigenous language use and skin tone; if so, the Committee would like to receive them, particularly in relation to persons who had been prosecuted and imprisoned. It would also welcome information on socioeconomic indicators relating to the ethnic groups likely to suffer discrimination, including persons with dark or brown skin tones, migrants, asylum-seekers and refugees. She wished to know whether persons living in informal settlements had been included in the census.
6. The Committee would like to know what progress had been made in aligning the definition of discrimination contained in the Federal Act on the Prevention and Elimination of Discrimination with article 1 of the Convention; why race, skin tone and descent had not been recognized as prohibited grounds for discrimination in the Constitution; and whether the State party agreed that there was a need to do so. It would be good to know what progress had been made towards adopting the draft decree that would align article 149 ter of the Federal Criminal Code with article 4 of the Convention and to have information on the other proposed amendments to the Code, and notably whether they included the criminalization of monuments and symbols celebrating colonialism. She wished to know what was the current budget of the National Council for the Prevention of Discrimination; how that budget had changed over the reporting period; how the Council's mandate differed from that of the National Human Rights Commission; and how the activities of the two institutions were coordinated. She would also like to hear how federative entities were supported in adopting policies to combat racial discrimination and establishing bodies to receive complaints.
7. She would like to know how many cases of racial discrimination had been reported to the police and investigated; how many perpetrators had been successfully prosecuted; what progress had been made in revising and drafting protocols for trying cases involving the rights of Indigenous persons and Mexicans of African descent; and what those protocols sought to

achieve. It would be important to find out what measures had been adopted to address the disproportionate use of pretrial detention against Indigenous persons and Mexicans of African descent, the failure of the judiciary to consider Indigenous culture, the discrimination and racism in the criminal justice system experienced by displaced Indigenous Peoples, and the reprisals and attacks, including assassinations, suffered by them. She wished to know how many Indigenous judges and judges of African descent had been appointed, and she would welcome information on the Justice Plan for the Yaqui People, whose unsatisfactory implementation had reportedly led to conflict, as well as a progress report on the efforts made to recognize, respect and strengthen the Indigenous justice system.

8. The Committee would like to hear what measures had been adopted to prevent racial profiling by officials of the National Institute of Migration and the National Guard and to ensure their accountability; what action, including sanctions, had been taken against officials found to have engaged in racial profiling; and what progress had been made in amending articles 97 and 98 of the Migration Act, which allowed immigration officers to demand proof of legal status from any individual and which the Supreme Court had ruled unconstitutional. Information would also be welcome on measures to prevent the dissemination in public and via social media of racial hatred, stereotypes and prejudice against Indigenous Peoples, persons of African descent and migrants and to improve education on the history of Africa, the enslavement and trafficking of Africans and the contribution of persons of African descent at the national, regional and global levels.

9. She would like to find out how many new broadcasting and telecommunication licences had been granted to Indigenous groups in 2021 and 2023 and what percentage of public bodies' communication budgets was given to non-commercial licence holders other than community or Indigenous organizations. She would welcome information on the alleged murder of environmental activist Samir Flores Soberanes, including the subsequent investigation, and details of protection measures for journalists, Indigenous leaders and community communicators. It would also be useful to know how many cases of murder, threats and harassment against journalists and community communicators had been lodged over the previous five years, and to have information on the related investigations.

10. **Ms. Chung** (Country Task Force) said that she would welcome explanations of the reported arbitrary detention of migrants based on racial profiling and the apparently systemic use of racial profiling at detention centres and immigration control points at airports. She wondered what progress had been made with amending the law in order to prohibit racially discriminatory immigration checks. She also wished to know what steps had been taken to combat racial profiling against Indigenous persons, persons of African descent and migrants.

11. **Mr. Kut** (Follow-up Coordinator) said that he wished to know the status of the draft General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities.

12. **Mr. Yeung Sik Yuen** said that it would be useful to know whether all criminal charges were decided by police officers, or whether more serious charges must be decided by legal officials. He also wished to know whether the State party's prisons were overcrowded and why large numbers of detainees had been pardoned and released from prison; had such releases occurred recently?

13. **Ms. Shepherd** said that she wished to know why the State party's strategies to combat the pigmentocracy and anti-black racism were ineffective; whether racism was combated through school curricula; and whether the International Decade for People of African Descent had assisted in raising awareness of black history and promoting strategies to eliminate racial discrimination.

14. **Ms. Essene** said that information would be welcome on the constitutional provisions that permitted the detention of persons suspected of certain crimes before any investigation had been carried out, which appeared to violate the right to a fair trial and affect vulnerable groups disproportionately.

15. **Mr. Amir** said that the Committee would welcome information on the fate of the children who had been arrested, tortured and separated from their parents at the border between Mexico and the United States of America. He wished to know how the State party would react to such arbitrary, racist decisions by future United States administrations.

16. **Mr. Diaby** said that he would like to know whether the killings of 54 human rights defenders in 2021 had been reported and investigated, and whether those investigations had been closed and the perpetrators convicted. He also wished to know whether the reported excessive use of force by the National Guard had been investigated and the perpetrators sanctioned, and what the outcome had been of the almost 500 complaints against the National Guard lodged with the National Human Rights Commission. Lastly, it would be useful to know whether non-governmental organizations (NGOs), particularly organizations of Indigenous persons and persons of African descent working to combat racial discrimination, had been involved in preparing the periodic report.

17. **A representative of Mexico** said that federal anti-discrimination legislation was being reformed to strengthen the capacity of the National Council for the Prevention of Discrimination to coordinate public policy, harmonize the conceptual framework surrounding the right to equality and non-discrimination, and improve mechanisms for protecting defenders of that right. The reforms also sought to introduce effective sanctions for perpetrators of discrimination and comprehensive reparations for victims and to extend the list of protected characteristics to include, for example, nationality, gender identity and refugee status.

18. All of the country's 32 federative entities had adopted laws to prevent and eliminate discrimination, 29 had constitutions that contained anti-discrimination provisions, and 31 had adopted legislation that incorporated one or more of the grounds for discrimination set out in article 1 of the Convention. Some federative entities had established discrimination protection bodies, although not all of them recognized all forms of discrimination; work was therefore needed to bring those bodies into line with international standards. Training, awareness-raising and dissemination efforts were being undertaken to encourage all federative entities to establish such bodies.

19. The draft decree that would align article 149 ter of the Federal Criminal Code with article 4 of the Convention had been approved by the Senate, and the opinion of the Justice Commission was pending. The statutes of the National Council for the Prevention of Discrimination had been revised to allow it to provide greater assistance to groups that had historically faced discrimination, including the removal of the discriminatory requirement for the President of the Council to have an academic curriculum. The Council's budget had risen by almost 10 per cent since 2021.

20. **A representative of Mexico** said that the rights of Indigenous Peoples and persons of African descent were upheld by the National Institute of Indigenous Peoples. Statistics on those groups, as well as on migrants, were gathered through a range of censuses and surveys that had found, for example, that more than 23 million persons in Mexico considered themselves to be Indigenous and more than 7 million spoke an Indigenous language; almost 90 per cent of the latter also spoke Spanish. The percentage of Indigenous persons living in multidimensional poverty had fallen from over 70 per cent in 2018 to 65 percent in 2022, and more than three quarters of the Indigenous population were registered with the health services. The illiteracy rate among Indigenous persons aged over 15 was more than double that of the general population, at around 10 per cent, and the average time spent in education by members of that community was around 8 years.

21. Almost 1.5 million persons with disabilities described themselves as Indigenous. Nearly 53 per cent of the Indigenous community – around 35 per cent of Indigenous women and 72 per cent of Indigenous men – were economically active. A 2022 survey had found that approximately 30 per cent of Indigenous persons aged over 12 had suffered discrimination in the previous year; around 30 per cent of those cases had related to the victim's appearance or dress. The average age of persons of African descent, who comprised 2 per cent of the population, was 32 years. More than 7 per cent spoke an Indigenous language, and they spent an average of almost 10 years in education. Around 66 per cent of persons of African descent were economically active, and approximately 75 per cent were registered with the health services.

22. In an effort to provide legal certainty to communities and facilitate their integration at the national level, the National Institute of Indigenous Peoples was drawing up a catalogue of Indigenous Peoples and communities of African descent that would include their

territorial, social, legal and political characteristics. Justice Plans were intended to recognize Indigenous communities' capacity and repair historic injustices committed against them by the State. Seventeen such plans, relating to 23 Indigenous Peoples, had so far been implemented. Rather than causing conflict, the Plan for the Yaqui People had resolved that group's historic grievances, for example by returning to it large amounts of land. The draft General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities had been approved by the Chamber of Deputies and was being considered by the Senate.

23. **A representative of Mexico** said that the 2020 census had included a question intended to identify the number and places of residence of persons describing themselves as of African descent, as well as their sociodemographic and economic situation. The wording of the question had employed terms commonly used by members of that group to describe themselves. A recent census of state governments had identified 770 informal settlements.

24. **A representative of Mexico** said that the judiciary had dealt with five cases of racial discrimination between 2021 and 2024, all involving Indigenous victims. Three had resulted in convictions, while two were ongoing. A binding *amparo* appeal ruling had made specific reference to the limits on freedom of expression in relation to racial hatred. The enjoyment of rights could not be criminalized and, before issuing decisions that could lead to criminal sanctions, courts were required to consider the customs and traditions of Indigenous Peoples and communities of persons of African descent, within the limits set out by the Constitution. Those provisions had allowed for adjustments to human rights protection procedures, for example by introducing a requirement for culturally appropriate summonses. Indigenous persons had the right to interpretation, to ensure that they understood all aspects of legal proceedings. Such services were provided by official interpreters where possible, with unofficial interpreters used only as a last resort and subject to proof of knowledge of Spanish and the relevant Indigenous language, customs and culture.

25. Indigenous communities were consulted regularly and had, for example, vetoed education reforms and business and industrial activities. With regard to racial profiling, articles 97 and 98 of the Migration Act had not been ruled unconstitutional; rather, the Supreme Court had highlighted the need for limits in migration policy. The resulting legal provisions, which were binding on all authorities, had been in force only for a few months. The capacity of the Federal Public Defender Service to assist persons from Indigenous communities and those of persons of African descent had been strengthened, and 5 per cent of its staff could provide services in an Indigenous language and had specialist knowledge of those communities. Judges had recently been empowered to hear requests for pardons, and the high number of prisoner releases was linked mainly to the involvement of the Federal Public Defender Service. Of the 140 cases involving Indigenous prisoners that had been heard, 136 had resulted in release.

26. **A representative of Mexico** said that, under proposed reforms to the Constitution, Indigenous authorities' jurisdiction would be recognized and full access to State justice would be guaranteed to Indigenous Peoples through, for instance, translators and experts in Indigenous rights. The proposed reforms would also guarantee the right to be consulted on legislative and administrative measures that had the potential to significantly affect Indigenous persons. The National Institute of Indigenous Peoples had issued numerous reports and opinions on subjects relating to Indigenous Peoples, while the Federal Prosecutor General's Office had set up more than 30 online courses that had provided training to more than 13,500 public officials. The national register of interpreters contained more than 2,000 professionals working in around 180 languages and language variants.

27. **Ms. Tlakula** said that it would be useful to know the sentences handed down in the three racial discrimination cases that had resulted in convictions. Clarification was required as to the historic injustices against Indigenous Peoples addressed by the Justice Plans, as well as the amount of land granted to those communities.

28. **Ms. Stavrinaki** said that she wished to know whether the failure to consider culturally relevant evidence constituted grounds to appeal court rulings and, if so, how such cases were assessed.

29. **Ms. Boker-Wilson** said that she would like to find out whether, under the Indigenous Residential Schools Programme, the State provided supplementary or free teaching to all

Indigenous persons aged between 5 and 29, or to children in certain age groups, and whether such education was compulsory.

30. **Mr. Diaby** said that he would like to know whether any investigations or trials had taken place in respect of the 54 murders of human rights defenders in the State party. He wondered whether the State party was considering adopting legislation to protect human rights defenders, particularly those belonging to Indigenous communities or those of persons of African descent.

31. **A representative of Mexico** said that Mexico had a public policy in place that currently protected over 2,000 human rights defenders. In the wake of the regrettable murder of Samir Flores Soberanes, 11 members of the Frente de Pueblos en Defensa de la Tierra y el Agua de Morelos, Puebla y Tlaxcala (Front for the Defence of the Land and Water of Morelos, Puebla and Tlaxcala) had attended a board meeting of the mechanism for the protection of human rights defenders on 25 and 26 May 2022 and had been granted over 20 protection measures.

32. **A representative of Mexico** said that failure to take due account of culturally relevant evidence would be grounds to overturn a judgment. Federal judges were required to ensure that such evidence was presented. They could also informally rectify any failure to do so by applying the procedure of amendment of deficient pleadings.

33. It was true that the Constitution listed certain crimes that warranted pretrial detention. However, in the light of two rulings handed down by the Inter-American Court of Human Rights, the Supreme Court would be reviewing that provision in the near future in the course of its consideration of three cases currently before it. In one region of the country, instructions had already been issued to assess cases on an individual basis, regardless of the constitutional provision. The Supreme Court review could impose that change nationwide.

34. The purpose of the protocols on proceedings involving the rights of Indigenous Peoples and persons of African descent was to ensure that the intercultural perspective was duly taken into account. Both had been updated in the previous two years. They represented a compilation of all international and national jurisprudence in that regard and were binding on all judicial authorities. In addition, a manual had been produced on the impact of stereotyping in the justice system and, to ensure access to justice, a document had been issued on the uses of and challenges associated with sociocultural and anthropological expert evidence with a gender perspective.

35. **A representative of Mexico** said that, according to the National Institute of Statistics and Geography, in 2022, among the Indigenous population aged 12 and over, around 28 per cent of both men and women had been victims of discrimination during the previous 12 months. The fact of being an Indigenous Person or a person of African descent was given as a cause of discrimination by around 29 per cent of both women and men. Among the population of African descent aged 12 and over, around 37 per cent of women and 34 per cent of men said that they had been victims of discrimination in the previous 12 months. Of those, 12 per cent of women and 29 per cent of men gave skin colour as the reason.

36. **A representative of Mexico** said that the national discrimination survey included a question allowing respondents to identify their own skin colour from a chromatic scale of 11 different skin tones. That made it possible to analyse some of the social effects of racism and assess the relevance of skin tone as a factor in unequal access to opportunities of various kinds.

37. Measures taken to reduce the incidence of pretrial detention included the creation of the national register of detentions in 2019 to help prevent violations of detainees' human rights. It was administered and operated by the Ministry of Public Security and Citizen Protection. In addition, the National Human Rights Commission had a presence in all federal penitentiary centres, which facilitated complaints procedures. The Supreme Court had strengthened protection for people in the justice system, for example by ruling that non-compliance with migration regulations was not in itself grounds for deprivation of liberty and that, where applied as an exceptional measure, detention could not exceed 36 hours.

38. **Ms. Chung** said that the Committee would appreciate receiving information on the status of the proposed reform of the Constitution to ensure the protection and recognition of

Indigenous Peoples, announced on 5 February 2024, as well as details of how the processes of consultation with Indigenous Peoples had been carried out and how their proposals had been taken into account. She would appreciate an explanation of the way in which recognition of the rights to self-determination and to lands, territories and resources had been incorporated into the proposed constitutional amendments.

39. Noting that the definition of Indigenous Peoples in the State party tended to be interpreted restrictively, she would appreciate an explanation of the way in which local and federal authorities identified Indigenous Peoples when launching consultations or implementing programmes likely to affect them. She would like to hear the delegation's response to the assessment that Indigenous Peoples were subject to structural racism, discrimination, exploitation and inequality, and that the State party denied them the status of subjects of public law. The Committee would like to know more about the outcomes of the Special Programme for Indigenous and Afro-Mexican Peoples 2021–2024 and the implementation of the Institutional Programme (2020–2024). Did those programmes include special measures to combat structural discrimination against Indigenous Peoples?

40. She would like to know what results had been obtained from measures to reduce the levels of poverty and inequality affecting Indigenous Peoples. Could the delegation describe the outcomes of the Programme for the Holistic Well-Being of Indigenous Peoples and its impact in improving the enjoyment of their economic, social and cultural rights?

41. She would appreciate information on efforts to improve academic achievement among Indigenous Peoples and Indigenous children's school enrolment rates, and on measures taken to improve access to education. What steps did the State party intend to take to improve the quality of education in Indigenous schools? She would be interested to know whether textbooks and curricula covered the history and culture of Indigenous communities, and whether such subjects were covered in children's own languages.

42. She would appreciate hearing about any measures taken to combat discrimination against Indigenous Peoples in the workplace and in access to employment, and measures taken to protect Indigenous women in domestic work.

43. She would welcome information on measures taken to alleviate the disproportionate burden of ecological degradation and the impact of climate change experienced by Indigenous, Afrodescendent, black and brown communities. What efforts were being made to adopt differentiated climate-change mitigation and adaptation measures, in order to counter displacement caused by environmental racism and climate change?

44. Although the National Guard, according to the Constitution, was a civilian institution, in practice it had become militarized. She would appreciate the delegation's comments on reports to the effect that women experiencing community violence frequently identified a soldier or a marine as their aggressor.

45. She wished to know whether the State party had taken concrete steps to prevent internal displacement of Indigenous Peoples as a result of development projects related to mining, logging, hydrocarbon extraction, dam construction and tourism, and to safeguard their rights in the event of displacement. It would be useful to know whether the State party intended to adopt a general law on forced displacement. What measures had been taken to safeguard Indigenous Peoples' culture, tradition and language in the event of displacement, and to protect their psychological security? According to information received, displacement took place in a context of corruption, impunity and a lack of access to justice, and it was often associated with paramilitary groups with ties to local and state power structures. She would be interested to hear the delegation's explanation of that state of affairs.

46. The Committee would like to have information on progress made in ensuring the recognition and protection of lands, territories and resources traditionally owned, occupied, used or acquired by Indigenous Peoples. What measures had the State party taken to prevent and settle the long drawn-out and often violent territorial conflicts involving Indigenous Peoples over agrarian, religious, financial or political issues? She would welcome the delegation's explanations in respect of claims by certain relocated Indigenous groups to the effect that the land provided by the State was inadequate for planting and that there were no schools or sources of drinking water nearby.

47. It would be interesting to hear about the content of the draft General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities, and whether consultations on the draft were planned or had been carried out.

48. She would like to know how the State party ensured compliance with international standards regarding consultation processes on megaprojects, and what environmental and human rights impact assessments were carried out prior to the implementation of investment and development projects that might affect Indigenous Peoples.

49. She would like to know what measures had been taken to protect the environment of Mayan communities in the state of Yucatán, who had suffered damage to the environment and water sources as a result of the installation of enormous pig farms in the area. She would also appreciate detailed information on the Maya Train project, which had created controversy over consent procedures, prompting human rights organizations to take legal action.

50. She would be interested to hear details of a case mentioned in the 2023 report of the Special Rapporteur on the human rights of internally displaced persons, in which a mining company had failed to execute 67 court rulings ordering it to vacate the territory, restore environmental damage and compensate the Indigenous People. Lastly, she would welcome the delegation's comments on reports claiming that investigations into the situation of Indigenous Peoples were often conducted by business-friendly researchers.

51. **Mr. Diaby** said that he wondered why the National Human Rights Commission was not represented in the State party's delegation and whether that reflected a lack of resources. In general, did the State allocate sufficient resources to enable the Commission to function? He understood that the new President of the Commission had been appointed by the Government, which raised questions about the body's independence; apparently, she had herself recently proposed dissolving the Commission; he would like to know why, and what had become of the proposal.

52. **A representative of Mexico** said that the National Institute of Indigenous Peoples Act recognized Indigenous Peoples and Mexicans of African descent as rights holders, thereby formalizing their relationship with the State of Mexico and its institutions and ensuring that all action by the State was taken in consultation with Indigenous communities' authorities and representatives.

53. The reform of article 2 of the Constitution had been submitted to Congress and was currently being considered by the relevant committees of the Chamber of Deputies. The congressional indigenous affairs committee supported the proposal. The main purpose of the reform was to recognize the status of Indigenous Peoples and Mexicans of African descent as rights holders with legal personality and their own particular heritage. It recognized the multi-ethnic nature of the Mexican population and reinforced the concept of Indigenous Peoples on the basis of international instruments. It also addressed matters such as self-identification, self-determination and autonomy; forms of government and the Indigenous jurisdiction; preservation of the cultural heritage, including Indigenous languages and medicine; habitat and the integrity of lands and sacred places; and recognition of collective intellectual property. It recognized the right of access to the jurisdiction of the State, with due account to be taken of cultural specificities, including the right to specialist interpreters, defenders and experts, as well as the gender perspective. It recognized the right of Indigenous Peoples to be consulted on measures that risked making a significant impact on their lives or environment, with a view to obtaining their consent or agreement.

54. The reform also aimed to strengthen the recognition and visibility of communities of persons of African descent, most importantly by providing a definition and a set of rights, including the right to protection of their cultural identity, ways of life and forms of spirituality and all aspects of their heritage and intellectual property, as well as the promotion and recognition of their contributions to the nation's history and cultural diversity. When producing official statistics, especially in censuses and surveys, the competent institutions must establish procedures, methodologies and statistical criteria reflecting the identity of Indigenous Peoples and communities of persons of African descent.

55. The reform recognized the rights of Indigenous women and women of African descent, including their right to take part in decision-making processes, and to education, health care, land and property ownership; it included provisions to safeguard indigenous children and adolescents and strengthen their rights, including the right to education in their own language, to health, technology, art, culture, sport and vocational training, as well as to protection from exclusion and violence, in particular sexual and gender-based violence, and from addiction.

56. The reform established the State's obligation to guarantee the effective exercise of those rights and sustainable intercultural development. To that end, it provided for the creation of a number of institutions with responsibility for improving general well-being, notably through development plans to strengthen indigenous economies by encouraging agroecology, the planting of traditional crops and the use of native seeds, and the recognition of community work as an integral part of the cultural system. Indigenous communities would be able to administer budget allocations themselves. The rights of indigenous migrant workers and seasonal workers were also recognized, and there were provisions addressing communications, including road networks and the media.

57. The reform would also hold the State, federative entities and municipalities responsible for taking the necessary measures to effectively implement those rights under the Constitution, and it proposed the adoption of umbrella legislation to ensure their realization at the various levels of government.

58. A consultation process on an unprecedented scale had taken place between 2019 and 2022, organized by the National Institute of Indigenous Peoples and the Ministry of the Interior. Events had included not only regional forums but also special forums for communities of persons of African descent and Indigenous migrants in the United States, that had been attended by a total of 68 Indigenous and Afrodescendent communities. The outcomes had been considered at a national forum, followed by 62 regional assemblies, which had approved the text to be submitted to the President.

59. The draft General Act on the Consultation of Indigenous and Afro-Mexican Peoples and Communities had been adopted in April 2021 and submitted to the Senate. Meanwhile, a federal Act on protection of the cultural heritage of Indigenous Peoples and communities of persons of African descent had been adopted in January 2022, recognizing, among other things, the collective intellectual property of those communities.

60. With regard to the outcomes of the various programmes for Indigenous Peoples and communities of persons of African descent, in 2023, over 3 million adults in Indigenous communities and some 23,000 Mexicans of African descent had received a bimonthly stipend of US\$ 300, while more than 941,000 residents in Indigenous municipal areas and over 3,000 Mexicans of African descent had received a bimonthly welfare allowance for persons with disabilities of US\$ 180. The Sowing Life (Sembrando Vida) programme had benefited over 195,000 Indigenous farmworkers and over 3,000 Mexicans of African descent.

61. Under the Programme for the Holistic Well-Being of Indigenous Peoples, between April 2022 and January 2024, US\$ 19 million had been allocated to support economic and environmental projects and access to credit for Indigenous and Afro-Mexican communities and businesses. Between 2021 and 2023, some US\$ 10 million in support had been provided to around 1,160 projects to strengthen the promotion and dissemination of cultural language, traditional knowledge, music, craft work and other cultural expressions. A cumulative total of around US\$ 3.5 million had been allocated to projects on intercultural communication, the promotion and dissemination of tangible and intangible expressions of Indigenous and Afro-Mexican cultural heritage, and to traditional medicine projects. Over US\$ 1 million had been made available to meet the health care and medical costs, including transport, medicines and food, and also the funeral costs of Indigenous persons.

62. As to education among Indigenous communities, beneficiaries of the Indigenous Residential Schools Programme received board and lodging and support for extracurricular activities. The University of Indigenous Languages, which had opened in September 2023 with 70 students, aimed to train indigenous language professionals with a view to revitalizing and preserving the cultural and linguistic heritage of the indigenous communities and encouraging respect for ethnic and cultural diversity in society at large. The University of the

Yaqui People, in Sonora state, provided higher education in coordination with the Yaqui authorities and representatives.

63. In August 2023, for the first time, a decree had been issued recognizing and protecting the sacred sites and pilgrimage routes of several Indigenous Peoples, to be implemented by a presidential commission.

64. The National Institute of Indigenous Peoples was empowered to carry out consultations in coordination with the relevant competent bodies. Consultations had been held on the Maya Train project and the trans-isthmus corridor project, involving the traditional authorities and representatives and in compliance with international instruments. A follow-up exercise on implementation of the agreements reached was currently under way.

65. **A representative of Mexico** said that the National Council for the Prevention of Discrimination had received 640 complaints of acts of discrimination since 2014. It was attempting to tackle its backlog by strengthening the complaints department; currently, the longest-standing case dated back to 2020. Of the 425 discrimination complaints under consideration, 4 alleged xenophobia and racial discrimination. From 2021 to 2023, 10 allegations of racial discrimination against Indigenous persons and persons of African descent by federal civil servants or private individuals had been registered. In 2023, 26 favourable decisions, upholding the finding of discrimination, had been handed down. In 2024 to date, eight such rulings had been issued and 48 additional cases had been opened. Some cases were resolved by settlement, but only where the discrimination was deemed not to be serious. Sixty per cent of cases were dealt with by mediation and conciliation procedures, which generally benefited the victims.

66. The Council was stepping up its efforts to raise awareness in Indigenous communities and among Mexicans of African descent, as the fact that it did not receive many complaints was a sign that the complaints procedure was not well enough known. To that end, it was working with other institutions, such as the radio stations of the National Institute of Indigenous Peoples, which broadcast in various indigenous languages.

67. **A representative of Mexico** said that the draft decree on a general law on preventing, addressing and providing full reparation for forced internal displacement had been approved by the Chamber of Deputies in 2020 and was currently before the Senate. Meanwhile, provision for specific action was made in the National Human Rights Programme and the Sectoral Governance Programme (2020–2024). The National Institute of Indigenous Peoples, for example, had offered resources and assistance to displaced indigenous communities; the Federal Public Defender Service had launched 17 class actions representing the interests of people belonging to indigenous communities; and the federal Supreme Court had published a manual for judges containing guidance on the relevant criteria and legal norms.

68. The Ministry of the Interior had created a working group on enforced displacement, and the Commission on Assistance for Refugees had launched a small pilot programme to resettle displaced persons in other states, with opportunities for employment and retraining.

69. Mexico had recently ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the ILO Violence and Harassment Convention, 2019 (No. 190). Under a special programme, more than 60,000 domestic workers had been enrolled in the Mexican Social Security Institute.

70. Although the National Human Rights Commission had been constitutionally autonomous since 1999, its strategic plan for 2020–2024 aimed to reinforce that status. In line with that plan, it had issued 457 recommendations, exceeding the number issued in the six previous years.

71. **A representative of Mexico** said that the Council of the Federal Judiciary was working on new ways to reach out to the population. In 2023, for example, it had published a guide to seeking information from the Council, which was available in 33 indigenous languages. In another project, which sought to bridge the digital divide and mitigate the geographical factors that hindered access to judicial bodies, discussions with indigenous lawyers in various states had revealed a lack of basic knowledge of judicial institutions. Accordingly, three documents had been drafted describing the judiciary, the services it provided and the basic rights of indigenous peoples and communities; each of them had also

been published in audio format in the 20 most commonly spoken languages. The Council was about to start a joint project with the National Institute of Indigenous Languages and the National Institute of Indigenous Peoples to disseminate information through community radio stations.

72. Inspired by comments made by the Special Rapporteur on the independence of judges and lawyers, to the effect that it was not people who should adapt to the justice system but the justice system that should adapt to the public, a people-centred justice project was under way. By means of dialogue with groups representing a number of sectors, including Indigenous Peoples and communities of persons of African descent, the Council was attempting to establish which of its practices it ought to modify. The aim was to implement policies in the course of the year, in consultation with those sectors.

73. **Ms. Shepherd** said that she wondered how long it would take for Indigenous Peoples to attain a high standard of living and enjoy all rights, so that they no longer needed to be the objects of study. It had been 500 years since Europeans had invaded and disfigured their world and relegated them to the status of marginalized people: when would it be possible to stop talking about them as marginalized people? Similarly, she wondered when pigmentocracy, the idea that one skin colour could be superior to another, would stop affecting relations among people.

74. **Mr. Diaby** said that he would like the delegation to shed more light on the Maya Train project. It appeared that it was going ahead without the free, prior and informed consent of Indigenous Peoples and that enforced displacement had been carried out without compensation, reparation or accompanying measures.

75. **Ms. Chung** said that she would appreciate the delegation's comments on the information received by the Committee to the effect that numerous requests and needs articulated by the Indigenous groups consulted over the constitutional reform proposal had not been taken into account. In addition, she would welcome clarification regarding the current status of the proposal in Congress.

76. Similarly, the Committee understood that consultation on megaprojects failed to meet international standards: there was apparently insufficient information on possible negative impacts, insufficient notice of consultation was given, and the assemblies created did not meet the correct criteria. She would welcome the delegation's comments in that regard.

77. Lastly, she wished to reiterate her concerns about the militarization of the National Guard.

78. **A representative of Mexico** said that, although the right to consultation was recognized in the Constitution, it was fully developed in law only in the areas of education and health. The constitutional reform currently under way would fully anchor that right and set forth the obligations of the State for its implementation. In the meantime, the National Institute of Indigenous Peoples, as the relevant competent body, had issued a guide to implementation of the right to free, prior and informed consent, and it was on that basis that consultation procedures were currently organized.

79. With regard to the Maya Train project, consultations had been held with four of the affected Indigenous communities in five states, attended by representatives of nearly 1,500 communities, and 15 regional assemblies had been created. Following the meetings of the regional assemblies, 15 meetings of the consultative assemblies had been held. The regional assemblies had unanimously approved the project and made proposals to ensure that their cultural specificities were taken into account. Opposition had been voiced only in one consultative assembly, by a minority of participants. It had been agreed that, where any Indigenous community required specific consideration, a special consultation would be held. In 2020 and 2021, 45 meetings had been held to inform the public of the project's progress and any changes made. The entire procedure had been fully documented.

80. The constitutional reform procedure had been based on a document setting forth the principles and criteria for the reform that had been drawn up by an independent technical expert committee. That committee had gone on to analyse the outcome of the consultations and draw up a set of 16 thematic areas that had formed the basis of the reform proposal. The vast majority of the concerns of Indigenous Peoples and communities of persons of African

descent had been taken into account; indeed, the Chamber of Deputies Committee on Indigenous and Afro-Mexican Peoples had determined that only two of those thematic areas needed to be strengthened, namely on the rights to land and territory and on political participation. It was up to the Commission on Constitutional Issues to issue an opinion, whereupon the proposal would be submitted to the Chamber of Deputies and then the Senate.

81. **A representative of Mexico**, referring to Ms. Shepherd's last comment, said that the struggle for recognition of Indigenous Peoples and Mexicans of African descent had indeed been long, but their recognition as rights holders under the proposed reform would open new doors and pave the way to greater access to justice and equality without discrimination.

82. **A representative of Mexico** said that only 25 legal challenges had been mounted against the Maya Train project. The great majority of them related to private interests, such as contractual matters, applications for specific compensation or indemnification for expropriation. Three had raised environmental issues. Only five had concerned lack of consultation or participation, or other procedural irregularities. None of the actions in *amparo* had raised the question of enforced internal displacement.

83. **A representative of Mexico** said that the National Guard was a civilian security agency that carried out public security functions. The use of force had been regulated in 2019 by the National Act on the Use of Force and was also covered by a specific protocol; moreover, the federal Supreme Court had set forth clear guidelines on the participation of the armed forces in civilian matters and on the civilian nature of the National Guard. In respect of racial profiling, both the National Human Rights Commission and National Council for the Prevention of Discrimination ran courses on the prevention of discrimination for members of the National Guard.

84. **A representative of Mexico** said that the Act on the National Institute of Indigenous Peoples had established the National Council of Indigenous Peoples, whose mandate was to coordinate, advise and liaise with Indigenous Peoples and communities of persons of African descent, in collaboration with the relevant competent federal departments and bodies. Its membership was drawn from all the Indigenous communities and those of Mexicans of African descent in the country.

The meeting rose at 1 p.m.