

MEXICO

CAT A/44/46 (1989)

170. The Committee considered the initial report of Mexico (CAT/C/5/Add.7) at its 16th and 17th meetings, held on 21 April 1989 (CAT/C/SR.16-17).

171. The representative of the State party introduced the report and said that, in conformity with the Constitution, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment formed an integral part of domestic law. He also informed the Committee about the measures taken by the Mexican authorities to reaffirm the right of every individual to be protected against torture. He explained that, on the initiative of the Human Rights Commission of the Senate of the Republic of Mexico, in 1986 the Congress of the Union had adopted the Federal Act to Prevent and Sanction Torture. Moreover, the Government of Mexico had ratified the Inter-American Convention to Prevent and Punish Torture in June 1987; it had promulgated the Federal Act governing the Duties of Public Servants and had amended and extended criminal and civil legislation to ensure that Mexico at the present time possessed comprehensive legislation which protects citizens effectively against any abuse that might be committed by public servants. He went on to say that a review of all the country's legal instruments was under way with a view to strengthening their effectiveness.

172. He stressed that the legislative reforms had been accompanied by specific programmes, namely, the programme on the administration of justice, the national public security programme, the programme for the reform of the prison system and so on.

173. The representative also informed the Committee that special machinery had been established to deal with requests for information and to follow them up. At the national level, the authorities had entered into a continuing dialogue with the agencies that are concerned with the defense of human rights, with the result that a number of cases had already been resolved.

174. He stressed that, despite the country's economic difficulties and severe budgetary restrictions, the Government of Mexico had continued to endeavor to make law-enforcement personnel responsive to issues relating to respect for human rights and fundamental freedoms and, in particular, had recently organized courses for officials of the police department and judicial services. In a more general context, various higher education institutions organized seminars and conferences for the public at large; the Mexican Academy on Human Rights had been established in March 1984 to promote the dissemination of information and the study and teaching of human rights.

175. The representative described the Federal Act of 1986, which set forth, *inter alia*, the factors that constitute an offence, defined on the basis of the principles of Mexican legal and political tradition and aligned with the principles established in international instruments. He pointed out that, prior to the promulgation of the Act, the practice of torture had already been prohibited by various legal provisions without, however, being precisely defined and expressly given the status of an offence.

176. The members of the Committee congratulated the Government of Mexico on its first-rate report, which had been drafted in accordance with the general guidelines established by the Committee. They noted with satisfaction that a special Federal Act had been adopted on 29 May 1986 for the application of the Convention in Mexican legislation. They noted, however, an omission in the report of Mexico in that it did not refer to any instances of prosecutions or convictions for the offence of torture. The members of the Committee also inquired whether Mexico had encountered difficulties in implementing the Convention, particularly in respect of the protection of citizens against torture or other similar treatment.

177. With reference to the federal structure of the Mexican State, the members of the Committee expressed a desire for more information on the constitutional organization of Mexico and the division of competence between the Federation and the States. Noting that the provisions of the Convention directly affected the national authorities, they asked whether the same applied to the local authorities. The members of the Committee also asked whether the Government of Mexico contemplated making the declarations provided for in articles 21 and 22 of the Convention.

178. Turning to article 4 of the Convention, the members of the Committee wished to know what was meant by the penalty of “200 to 500 days of fine” mentioned in the report, the penalty incurred for an act of torture and the penalty incurred in case of concurrence of offences, and why the penalty incurred by “persons attempting to commit an offence” would be only “two thirds of the penalty which would have been imposed on them if they had completed the offence”.

179. With regard to article 1 of the 1986 Federal Act, the question was raised on the meaning of the term “legitimate sanctions” contained therein; explanations were also requested of the meaning of the term “directly or immediately” used in the text of article 12 of the Penal Code.

180. Concerning the implementation of article 5 of the Convention, it was noted that the report did not contain any information on the treatment of the offence specified in article 5, paragraph 2, of the Convention, whose provisions could be described as universal or virtually universal. Details were consequently requested on this point. With regard to the jurisdiction of the Mexican State over acts constituting the offence of torture committed in a territory under Mexican jurisdiction, it was asked what steps the Mexican Government had taken in respect of the Guatemalan refugees in the south-eastern part of the country and, more generally, what was the legal status of refugees in Mexico. Further, the members wished to know to what extent Mexico was able to take advantage of its accession to the Convention in order to demand respect for the rights of certain groups of Mexican workers who had emigrated to Canada or the United States of America and who were subjected to ill-treatment or victimization outside the national territory. Clarifications were requested concerning the structure of the Public Prosecutor’s Department and the role of the Attorney-General.

181. In respect of article 6 of the Convention, clarifications were requested concerning the authority who would have applied its provisions at the national level.

182. With regard to the implementation of article 7 of the Convention, it was noted that acts of torture were regarded as constituting a grave offence in Mexican legislation and, regard being had to this gravity, it was asked whether the offence was imprescriptible or, if not, what was the period of prescription.

183. With regard to the implementation of article 8 of the Convention, the members of the Committee wished to know whether the Government of Mexico accepted the principle of a universal jurisdiction in respect of torturers.

184. Turning to article 10 of the Convention, members of the Committee commented that the report made no reference to systematic training for members of the police department and the army and for law enforcement officials. In the same context, it was noted that the report said nothing about the training of medical personnel, which was an important consideration. Consequently, additional information was requested on these aspects of the implementation of article 10 of the Convention.

185. With reference to the Community Collaboration Programme referred to in the report, it was asked whether the non-governmental organizations were involved in the Programme and, in particular, whether they were active in the fields of education, training and rehabilitation. Details were also requested concerning the methods and practices of interrogation employed by the Attorney-General when visiting places of detention.

186. Concerning the implementation of article 11 of the Convention, members of the Committee asked for statistical data on the number of persons detained in prisons or other penal establishments, as well as for additional information on the rights and guarantees of prisoners. It was also asked at what age an individual was regarded as criminally responsible and able to be charged with the offence of torture.

187. Referring to the concept of the “obligation to report”, contained in article 116 of the Federal Code of Penal Procedure, clarifications were requested about the liability of persons having knowledge of an offence, particularly parents or close relations of the person who had committed it.

188. Turning to the implementation of article 13 of the Convention, the members of the Committee inquired whether the remand in custody that was provided for in article 18 of the Constitution of Mexico was limited in time and whether the penalty, prescribed by the Penal Code, of a fine from 30 to 300 times the minimum daily wage for the perpetrator of the offence of abuse of authority was consonant with the provisions of article 22 of the Mexican Constitution that prohibited, *inter alia*, “excessive fines”.

189. With regard to the compensation to which a victim of torture was entitled, it was stated that the report dealt only with the financial aspect of compensation, and stress was laid on the overriding importance of assuring medical and psychological rehabilitation. Information was requested on this aspect of compensation. In the same context, it was asked how many cases of compensation had been ordered by a court against the State.

190. In respect of the implementation of article 16 of the Convention, it was asked which authority was responsible for prisons, whether the Mexican Government considered the cramming of prisoners in prison cells to be a cruel and inhuman treatment and what was the meaning of the term “penas corporales” that appeared in the report.

191. The representative of the State party, in reply to the questions raised by the members of the

Committee, explained that the Convention was applicable in all 31 states of Mexico as well as in the Federal District. With regard to articles 21 and 22 of the Convention, he said that they were still under study by the federal authorities.

192. Turning to the questions raised in connection with article 4 of the Convention, the representative said that the expression “penas corporales” meant simply detention, not bodily injury; that the 200 to 500 days of fine, mentioned in article 2 of the Federal Act to Prevent and Sanction Torture, referred to a sliding scale, the fines progressing from 200 to 500 times the minimum daily wage in the Federal District, and that people who were much better off were subject to heavier fines: the general rule was that the amount of fine depended on the income of the person concerned. He further stated that the idea of imposing up to two thirds the penalty on a person attempting to commit an offence left the judge free to define in each case the point at which an attempt was punishable under Mexican law. Turning to the question concerning the concurrence of offences, he stated that, in such a case, the heaviest penalty was invariably imposed.

193. In response to the questions raised under article 5 of the Convention, the representative said that, at present, a draft treaty with the United States of America on the rights of migrant workers was well advanced, but in the last instance the fate of migrant workers would naturally depend on the legislation of the country that received them. As for refugees from Guatemala, they received treatment equivalent to that given to Mexicans living in neighboring States.

194. In connection with article 6 of the Convention, the representative informed the Committee that investigations were carried out by the Public Prosecutor’s Department, which was subordinated to the Federal Executive. The Attorney-General acted through his own offices: there were 32 branch offices, one in each of the 31 states and one in the Federal District.

195. Taking up questions raised under article 7 of the Convention, he explained that the penalty for a person guilty of acts of torture, under article 105 of the Penal Code, was between 3 to 10 years of imprisonment.

196. Referring to questions raised in relation with article 8 of the Convention, the representative indicated that one of the basic tenets in Mexican extradition treaties was that a person was not returned to a country if it was felt there was a possibility that the procedures followed might result in harm to that person.

197. In reply to questions under article 10 of the Convention, he stated that the Mexican authorities had included the detection of cases of torture in training and research programmes for the police and the medical corps. He then provided explanations as to the attitude of the Government of Mexico to the participation of non-governmental organizations in the Community Collaboration Programme.

198. The legal guarantees of prisoners in Mexico, he said, were set out under article 20 of the Mexican Constitution, the text of which had been made available to the members of the Committee. The age at which a person in Mexico was criminally responsible was 18.

199. As for the facilities available in Mexico for the medical rehabilitation of torture victims, he explained that such treatment would fall within the purview of the competent social services and

public hospitals caring for all categories of victims. The representative pointed out that the question of rehabilitation had been included in the social programmes of the Government, covering assistance to all kinds of victims of physical and psychological injury.

200. Finally, the representative of the reporting State stated that it was quite difficult to answer very specific questions raised by the members of the Committee on the application by Mexico of the Convention, as well as to provide the requested statistical data. All these questions would be dealt with, he said, in the second periodic report of his Government.

201. In concluding the consideration of the report, members of the Committee stated that it could serve as a model to other reporting States. However, they suggested that the Mexican authorities should provide written replies to those questions which had not been answered during the discussion, so that the Committee could have a clear and complete picture of the situation with regard to the implementation of the Convention in Mexico.

CAT A/48/44 (1993)

208. The second periodic report of Mexico (CAT/C/17/Add.3) was considered by the Committee at its 130th and 131st meetings, on 17 November 1992 (see CAT/C/SR.130, 131 and 131/Add.2).

209. The report was introduced by the representative of the reporting State, who described the most important legislative, administrative and judicial measures taken to prevent and punish torture during the period 1988 to 1992. In this connection, he drew attention to the establishment of the National Commission on Human Rights in 1990 and its acquisition of constitutional status in 1992. The representative also outlined the activities of that Commission. They included, first, the investigation of complaints of human rights violations, such as allegations of torture. In this regard, he indicated that the Commission made public recommendations to the competent authorities and could request information from them in the course of its investigations. Secondly, the Commission made proposals for action, which included the adoption of administrative measures and the amendment of national legislation, to improve the State party's compliance with its international human rights obligations. Thirdly, the Commission was active in developing awareness of human rights for the public, in general, and in providing training and education in the area of the prevention of human rights violations for administration of justice officials, in particular.

210. With regard to particular legislative reforms, the representative informed the Committee that the Federal Executive had endorsed a number of proposals made by the National Commission on Human Rights, which had led to changes in the Federal and State Penal Codes and in the Federal and Federal District Codes of Penal Procedure and that those changes had been approved by Congress. Following another proposal by the Commission, draft legislation had been introduced to amend the Federal Act on the Responsibilities of Public Servants with a view to making it obligatory for the latter to provide information that the Commission requested in the course of its investigations. The representative also informed the Committee that the Congress had found it necessary to amend the 1986 Federal Act to Prevent and Punish Torture. This had resulted in the introduction of the new Federal Act to Prevent and Punish Torture which had expanded the procedural rights of persons under investigation for an offence and made provision for the benefits of a pardon or amnesty to be extended to the most needy. The new Act also provided for the non-admittance as evidence of both confessions made to police authorities and statements made to the Public Prosecutor's Department or judicial authority without the presence of the accused person's defense counsel or confidant, and where appropriate, interpreter. In addition, the new Act provided for the harsher penalization of those found guilty of torture, through the imposition of a possible 3-to-12 year prison sentence and their obligation, in certain cases, to meet the legal advice, medical and other costs incurred to provide redress for injury and compensation to the victim or his dependants.

211. With regard to administrative reforms, the representative made mention of the various programmes and procedures which had been introduced by the Attorney General's Office to ensure better treatment of detainees and respect for their human rights. Such action included the establishment of an Internal Control Unit, within the Office of the Attorney General, to detect, investigate and punish torture in order to prevent the impunity of offenders.

212. Finally, the representative provided details of the breakdown of the number of complaints of

torture during the period from June 1990 to June 1992, which indicated that such complaints had fallen in number. He also made mention of the number of investigations, criminal proceedings and recommendations for action which had emerged from complaints of human rights violations. In this regard, he stated, inter alia, that from June 1990 to May 1992 the Commission had made 34 recommendations concerning torture to the Attorney General's Office. In 13 cases, criminal proceedings had been instituted. Those 13 cases had involved 37 public officials who had been imprisoned pending trial.

213. The members of the Committee expressed appreciation to the State party for its informative report and introductory statement. They also welcome the various measures taken by the State party to combat torture which, they considered, were a reflection of its political commitment to comply with the provisions of the Convention. However, they expressed concern at the reports they had received from non-governmental organizations which appeared to point to the continued practice of torture, particularly by the judicial police. It also appeared that confessions occupied an important place in the system of evidence and that the police felt obliged to obtain confessions even through means of torture. In this connection, it was stated, inter alia, that an example of that endemic practice was that State officials prosecuted for having practised torture themselves complained that they were forced to confess under torture. Members of the Committee observed with concern that the judicial police, in particular those officials who were responsible for acts of torture, seemed to enjoy a high degree of impunity in Mexico.

214. With regard to matters of a general nature, members of the Committee requested clarification on how legislation and other measures were actually applied under the Mexican federal system. They also requested further information on the work of the National Commission on Human Rights regarding, in particular, the Commission's classification of complaints; the number of the complaints that it received which were related to torture; and the follow-up to the Commission's recommendations regarding those complaints. They were also interested to know more about the Commission's conciliation process, which had led to settlements out of court, and requested clarification as to whether that process might lead to impunity for those responsible for torture-related offences. In addition, reference was made to the statement of the National Commission on Human Rights, contained in the State party's report, according to which in many cases involving torture there was no evidence or indication of the alleged torture and that many forms of torture left no visible marks that might merit a medical certificate. In this regard, it was indicated that although it took time to detect traces and effects of torture, it was possible for physicians who had received specialized training on the subject of the treatment of torture victims to uncover reliable proof or indications of torture. In addition, further information was sought on any reports received on the programmes of the Office of the Attorney General, and the State party's intention of making a declaration under articles 21 and 22 of the Convention.

215. With reference to article 1 of the Convention, it was asked why the new Act to Prevent and Punish Torture did not use the exact wording of article 1 of the Convention in defining torture.

216. In relation to article 4 of the Convention, members of the Committee requested further information on the penalties imposed on those found guilty of acts of torture, particularly with regard to the 266 officials referred to in the report. In addition, reference was made to the report of the National Commission on Human Rights, which indicated that, contrary to legislation and to

article 4, paragraph 2, of the Convention, there had been a number of cases in which persons responsible for violations had not been punished. It was observed that such a statement reinforced the impression that those responsible for torture were enjoying impunity.

217. Concerning the application of article 10 of the Convention, members of the Committee wished to receive further information, on the training of medical personnel. In this connection, the importance of informing doctors about methods of torture, means of diagnosis and the possibilities of rehabilitating torture victims was emphasized. It was also indicated that doctors specialized in that field could assist the National Commission of Human Rights in its work and in combating the impunity of human rights violators. In addition, the police were in harmony with the new measures adopted by the State party to prevent and combat torture.

218. In respect of article 11 of the Convention, further information was sought as to a detainee's right to a medical examination.

219. With reference to articles 12 and 13 of the Convention, members of the Committee sought further information on the procedures of the National Commission on Human Rights for investigating into complaints of torture and how such procedures worked in practice. In this connection, concern was expressed, *inter alia*, at the difficulties involved in investigating complaints where victims could not identify the persons responsible for violating their human rights.

220. In connection with article 15 of the Convention, the attention of the Government of Mexico was drawn to information indicating that there were repeated instances in Mexican courts in which statements made to the police were admitted as evidence and giving greater credence than subsequent statements in which they were denied. Furthermore, Amnesty International and other non-governmental organizations had reported many such cases in which evidence of torture had been produced, but there appeared to be no review of the original confessions made by the victims under police interrogation.

221. Replying to the questions raised, the representative of Mexico indicated that his Government was prepared to provide additional information on matters raised by the Committee and emphasized his Government's commitment to the task of putting an end to torture. The representative clarified that the National Commission on Human Rights was an independent body with branches in various states and regions of the country. It consisted of representatives from various professional backgrounds and its activities were interrelated with those of the ombudsman, social bodies and non-governmental organizations. Actions of the Commission were not simply confined to investigations but extended to prosecutions and sentences. Arrest warrants followed from recommendations contained in the Commission's reports. The Commission's report for the period from December 1992 to June 1993, in particular, included information on the 4,503 complaints received and on violations of the rights of journalists. It also provided a detailed account of 110 recommendations made and an indication of the follow-up to the recommendations. The report also presented programmes concerning disappeared persons, the prison system and a special programme to examine violations of the rights of journalists. The representative pointed out that the reports of the National Commission on Human Rights, particularly its special reports, constituted a way of bringing pressure to bear on those responsible for torture and ill-treatment by stimulating the awareness of the public at large. Nevertheless, the impact of the new machinery could not be felt immediately.

The authorities were encountering resistance at the local level as local bodies did not always find it easy to accept central State supervision and to be made accountable for their actions.

222. With regard to article 4 of the Convention, the representative provided information on prosecutions and sentences that followed investigations into human rights abuses. For example, the person responsible for the ill-treatment of a journalist named Rodolfo Morales had been sentenced to 15 years' imprisonment. With reference to the enforcement of sentences, he indicated that proceedings took a long time and illustrated this point with the case of Richard Lopez who had been tortured and died as a result in July 1990, yet those found guilty of that act had been sentenced in October 1992. They had been sentenced to 44 years' imprisonment for homicide and abuse of authority.

223. Concerning article 10 of the Convention, the representative informed the Committee that a National Day against Torture had been proclaimed in Mexico. He also indicated that efforts were being made to stimulate awareness of human rights and that although it was difficult for such efforts to take root, non-governmental organizations were providing valuable support in this regard.

224. In connection with article 11 of the Convention, the representative explained that information on the rights of detainees and the remedies available to them for the protection of their rights had been widely disseminated. In this regard, mention was made of the circular from the Procurator General which stated that every detainee had to undergo a medical examination at the time of his arrest, and of a press communiqué, issued by the Office of the Attorney General, which had indicated that a medical examination of a detainee would be given at the time of his arrest or imprisonment and upon his release.

225. With regard to articles 12 and 13 of the Convention, the representative pointed out that under paragraph 31 of the Organic Law, a complaint of human rights abuse could be admitted, even if a complainant were unable to identify the State officials who had violated his rights, if the subsequent investigation made it possible to establish responsibility.

Conclusions and recommendations

226. The Committee expressed its sincere thanks to the Government of Mexico for its well-documented periodic report, and for the frank explanations provided orally in response to questions raised.

227. The Committee noted with satisfaction the many legislative, judicial and administrative measures that had been adopted by that Government with a view to the implementation of the provisions of the Convention. It noted in particular the establishment of the National Commission on Human Rights with the status of a constitutional body, the promulgation of the Federal Act to Prevent and Punish Torture, the amendment of the Federal Code of Penal Procedure, the various measures taken by the Procurator General of the Republic, as well as the many human rights education, training and information programmes.

228. However, the Committee noted with deep concern that, according even to the official sources, an extremely large number of acts of torture of all kinds were perpetrated in Mexico despite the

existence of a legal and administrative act designed to prevent and punish them. In that respect, the number of torturers that have been punished is small in comparison to the number of complaints.

229. The Committee hoped that the Government's political will and the various measures adopted will have the desired effect, and in particular that those guilty of acts of torture will not remain unpunished. The Committee would be grateful if the Government of Mexico transmitted to it, within 18 months, additional information on the specific measures already adopted, in particular on the punishment of those responsible for acts of torture.

CAT A/52/44 (1997)

153. The Committee considered the third periodic report of Mexico (CAT/C/34/Add.2) at its 285th, 286th and 289th meetings on 30 April and 2 May 1997 (CAT/C/SR.285, 286/Add.1 and 289), and formulated the following conclusions and recommendations.

1. Introduction

154. Mexico submitted the initial and periodic reports called for under article 19 of the Convention on time.

155. The Committee appreciates the timeliness with which the State party has fulfilled this obligation, thereby helping the Committee to carry out its functions under the Convention.

156. The third periodic report (CAT/C/34/Add.2), which was considered by the Committee at its eighteenth session, complies with the guidelines on the form and content of periodic reports which the Committee adopted in 1991.

157. Several months before the third periodic report was submitted, Mexico also submitted the supplement to the second periodic report which the Committee had requested during its consideration of that report in November 1992. However, the Committee did not consider the additional report, both because of the time of submission and because the information it contained was included in the most recent report.

2. Positive aspects

158. The Committee appreciates the State party's efforts to improve the legal status of torture victims and, in particular, the new legislative provisions on restitution, compensation and rehabilitation for victims of human rights violations, promulgated in January 1994, and the granting of compulsory effect to the recommendations of the National Human Rights Commission, which require the authorities to compensate torture victims for the harm they have suffered.

159. The Committee recognizes the importance of projects and activities for human rights education and training, which focus on a wide range of public activities in which human rights violations may occur. The report shows that considerable efforts have been made to strengthen respect for human rights by public servants and society in general.

3. Factors and difficulties impeding the application of the provisions of the Convention

160. The fragility of the culture of respect for guarantees of the rights of individuals and insufficient awareness on the part of the various authorities of the importance of punishing torture harshly and in accordance with the law, as recognized in the report with a frankness which the Committee appreciates, are subjective factors which probably make it more difficult fully to guarantee the fulfilment of the obligations imposed on the State party by the Convention.

161. The restriction on the powers of the National Human Rights Commission, whose recommendations the law specifically states to be “non-binding” and of a non-compulsory nature for the authorities or public services to which they are addressed, and the fact that the Commission is not empowered to institute legal proceedings in order to conduct investigations of the complaints it makes, are limitations which prevents it from fully serving the basic purpose of protecting and promoting human rights for which it was created. The Committee considers that broadening its mandate in the sense indicated would contribute to better compliance with the Convention by the State party.

4. Subject of concern

162. The Committee has received abundant reliable information stating that, despite the legal and administrative measures the Government has taken to eradicate torture during the four-year period covered by the report, torture continues to be systematically practised in Mexico, particularly by the federal and local judicial police and, recently, by members of the armed forces on the pretext of combating subversives. The Committee notes with concern the wide gap between the extensive legal and administrative framework established in order to put an end to torture and cruel, inhuman and degrading treatment and the actual situation as revealed in the information received.

163. In the Committee’s opinion, the ineffectiveness of efforts to put an end to the practice of torture is the result, inter alia, of the continuing impunity of torturers and the fact that the authorities responsible for the administration of justice continue to admit confessions and statements made under torture as evidence during trials, despite legal provisions explicitly declaring them inadmissible.

164. Even the State party’s report includes statistics which clearly demonstrate the impunity of torturers; by contrast with the large number of complaints of torture received by the National Human Rights Commission, which the report also mentions, only two convictions based on the Federal Act to Prevent and Punish Torture and five for homicide resulting from torture were handed down between June 1990 and May 1996.

165. In practice, the failure by the authority responsible for criminal investigation to investigate reports of torture promptly and impartially, as stipulated in articles 12 and 13 of the Convention, results in the denial of the right of victims to take legal action to claim compensation for the violation of their rights.

5. Recommendations

166. In order to discourage the practice of torture, the Committee considers it necessary to implement effective procedures for monitoring compliance with the duties and prohibitions of public officials and bodies responsible for the administration of justice and law enforcement, particularly the Office of the Attorney-General and its subsidiary departments and the judiciary, in order to ensure the full implementation of the many existing judicial remedies for the elimination of torture and the criminal and administrative punishment of the persons responsible.

167. The Committee also considers the following measures to be necessary:

(a) The public human rights commissions should be given the necessary jurisdiction to prosecute cases of serious human rights violations, including complaints of torture;

(b) Training and dissemination programmes intended particularly for law enforcement officials and health professionals should be strengthened and should include issues relating to the prohibition of torture;

(c) Procedures to inform detainees of their rights should be developed. Detainees should be immediately and directly informed of their rights by public officials at the time of arrest and those rights should be posted in all detention centres, prosecutors's offices and courthouses. This information should include a clear, simple statement of the provisions of the relevant legislation, particularly articles 16, 19 and 20 of the Constitution and the relevant provisions of the Federal Act to Prevent and Punish Torture.

168. The Committee recommends that the State party should consider making the declarations under articles 21 and 22 of the Convention.

169. The Committee hopes that written answers to the unanswered questions asked by its members during the consideration of the report will be provided as soon as possible.

170. The Committee suggests that the State party should include relevant information on the Federal District and the States in its next periodic report. In particular, the Committee would like to receive information on the following:

(a) Statistics on complaints of human rights violations in general and, in particular, complaints of torture brought before the public human rights commissions, and on the recommendations of those commissions on torture;

(b) Preliminary investigations of complaints of torture, cases where criminal action has been taken and trials which have resulted in final sentences, whether acquittals or convictions, and, in the latter case, the penalties imposed;

(c) Cases in which the administrative responsibility of public officials accused of torture has been established and the penalties imposed.