



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-eighth session
20 February-10 March 2006

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the Elimination of
Racial Discrimination**

MEXICO

1. The Committee considered the twelfth to fifteenth periodic reports of Mexico, which were due on 22 December 1998, 2000, 2002 and 2004, respectively, submitted as one document (CERD/C/473/Add.1), at its 1731st and 1732nd meetings (CERD/C/SR.1731 and 1732), held on 20 and 21 February 2006. At its 1752nd and 1753rd meeting (CERD/C/SR.1752 and 1753), held on 7 March 2006, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's periodic report and the fact that it was represented by a delegation made up of officials from a variety of State agencies involved in matters related to the implementation of the Convention. The Committee also welcomes the fact that the National Human Rights Commission took part in the preparation of the periodic report, as well as human rights non-governmental organizations. The Committee expresses appreciation to the delegation for its frank and detailed replies to the many questions addressed to it.

B. Positive aspects

3. The Committee welcomes the declaration made by the State party in 2002 under article 14 of the Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals.
4. The Committee welcomes the adoption of the new article 2 of the Constitution, stipulating that Mexico is a single, indivisible and multicultural nation originally based on its indigenous peoples.
5. The Committee welcomes the enactment of the Federal Act to Prevent and Eliminate Discrimination in 2002 and the establishment of the National Council for the Prevention of Discrimination, which began operations in 2004.
6. The Committee welcomes the enactment of the General Act on the Linguistic Rights of Indigenous Peoples in 2003 and the establishment of the Institute of Indigenous Languages.
7. The Committee welcomes the establishment of the National Commission for the Development of Indigenous Peoples in 2003.
8. The Committee welcomes the recognition of the jurisdiction of 'indigenous judges' in certain States of Mexico.
9. The Committee takes note with satisfaction of the State party's ratification of the International Convention on the Protection of Migrant Workers and Members of their Families in 2003.
10. The Committee takes note with satisfaction of the close cooperation between the Office of the High Commissioner for Human Rights in Mexico and the State party in efforts to combat racial discrimination, especially in relation to indigenous peoples.

C. Concerns and recommendations

11. The Committee expresses concern at the lack of statistics on communities of African descent in the State party's report. The Committee points out that information on the composition of the population is necessary for evaluating the implementation of the Convention and monitoring policies that affect minorities.

The Committee recommends that the State party should provide information on communities of African descent, which are numerically small and vulnerable and should enjoy all the guarantees of protection laid down in the Convention.

12. While the Committee takes note of the explanations supplied by the State party in

relation to the constitutional reforms of 2001 as regards indigenous rights, it regrets that those reforms have not been followed through in practice. The Committee also regrets that the indigenous peoples were not consulted during the reform process.(Art.2)

The Committee recommends that the State party should put into practice the principles set out in the constitutional reform in relation to indigenous matters in close cooperation with the indigenous peoples.

13. The Committee expresses concern at the failure to implement article 10 of the Law on Linguistic Rights of Indigenous Peoples under which indigenous persons are entitled to use interpreters in the administration of justice. (Art.5 (a))

The Committee, bearing in mind General recommendation 31 (Section B, paragraph 5e)), recommends that the State party should guarantee the right of indigenous peoples to use interpreters and court-appointed defence counsel who are familiar with the language, culture and customs of the indigenous communities.

14. The Committee notes with concern that under Article 2, section VII of the Constitution, the right of the indigenous peoples to elect their political representatives is limited to the municipal level. (Art. 5(c))

The Committee reminds the State party of article 5 (c) of the Convention, and recommends that it should guarantee in practice the right of the indigenous peoples to participate in government and in the management of public affairs at every level.

15. The Committee reiterates its concern that indigenous communities have no legal security with regard to land tenure, particularly in the Huasteca region, where the indigenous communities' struggle for recognition of their ownership of land and the granting of titles has resulted in dozens of deaths over the past three decades. (Art.5 (d)(v))

The Committee reminds the State party of its general recommendation 23 on the rights of indigenous peoples, in particular paragraph 5 which calls on State parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their lands and territories. The Committee also recommends that the State party should ensure the effective implementation of the programme for dealing with hot spots, which is designed to settle conflicts caused mainly by disputes over land ownership. The Committee requests the State party to supply information in its next periodic report on progress made in this area.

16. The Committee remains concerned at the situation of migrant workers who originate principally from indigenous communities in Guatemala, Honduras and Nicaragua, particularly as regards women, who are victims of such abuses as long working days, lack of health insurance, physical and verbal ill-treatment, sexual harassment, and threats that they will be handed over to the migration authorities because they are undocumented. (Art.5 (e) (i))

Bearing in mind general recommendation No. 30 on non-citizens, the Committee recommends that the State party should ensure the proper Implementation in practice of programmes for migrant workers, such as the Programme of Documentation for the Legal and Migratory Security of Guatemalan Farm Workers, the Regularization of Migration Programme, the Programme for upgrading migrant holding centres, the Plan of Action for Cooperation in Migratory Matters and Consular Protection with El Salvador and Honduras and the Agricultural day labourers' programme. The Committee calls on the State party to include in its next periodic report information on progress made in relation to the situation of migrant workers in the State party.

17. While the Committee welcomes the criminalization of forced sterilization under article 67 of the General Health Law, it reiterates its concern at the reproductive health situation of indigenous men and women in Chiapas, Guerrero and Oaxaca as far as the alleged practice of forced sterilization is concerned. (Art.5 (e) (iv))

The Committee urges the State party to take all necessary steps to put an end to practices of forced sterilization, and to impartially investigate, try and punish the perpetrators of such practices. The State party should also ensure that fair and effective remedies are available to the victims, including those for obtaining compensation.

18. The Committee is concerned at the racial discrimination which exists against indigenous peoples in the media, including through projection of stereotyped and demeaning representations of indigenous peoples. (Arts.4 and 7)

The Committee recommends that the State party should take appropriate steps to combat racial prejudice leading to racial discrimination in the media, both public and private. The Committee also recommends that in the area of information the State party should foster understanding, tolerance and friendship among the various racial groups in the State party, including the adoption of a code of media/journalistic ethics in this field.

19. The Committee recommends that the State party should take account of the relevant parts of the Durban Declaration and Programme of Action when incorporating the Convention, particularly articles 2 to 7, into its domestic law. It also recommends that, in its next periodic report, the State party should provide information on measures it has taken to give effect to the Durban Declaration and Programme of Action at the national level, particularly the preparation and implementation of the national plan of action.

20. The Committee recommends that the reports of the State party should be made public as soon as they are submitted, and that the observations of the Committee in this regard should also be published in the indigenous languages of the State party.

21. In pursuance of article 9, paragraph 1, of the Convention, and rule 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of the

implementation of the Committee's recommendations contained in paragraphs 11, 12 and 17 within one year of the adoption of the present conclusions.

22. The Committee recommends that the State party should submit its sixteenth and seventeenth reports in a single report, due on 22 March 2008.
