

30 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Mexico and welcome the constructive engagement of your Government during the 31st session of the UPR Working Group in November 2018.

As the final outcome report on the review of Mexico has been recently adopted by the Human Rights Council at its 40th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Mexico – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the statements and/or recommendations made by 102 delegations, the presentation and responses made by the delegation of Mexico and the actions taken by your Government to implement the 176 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

Many of the areas raised during the review of Mexico featured prominently during my visit to the country from 5 to 9 April 2019. A number of the recommendations made to Mexico focused on the need to strengthen the rule of law and ensure the effective investigation of human rights violations, thus reducing the existing high levels of impunity. In particular, I would like to highlight the urgency of strengthening efforts to protect journalists and human rights defenders from attacks and to guarantee that perpetrators are brought to justice. I also wish to emphasize the importance of the full implementation of the two General Laws adopted in 2017 on Torture and on Disappearances. In this context, I welcome the recent re-launch of the National Search Commission which has a key role to play in the search for over 40,000 disappeared persons. I join the UPR recommendations for a speedy and efficient functioning of the National Search System across all States of the Mexican Federation.

Please allow me to add that in all of the aforementioned areas – attacks on journalists and human rights defenders, disappearances and torture – there is an evident need for strengthening the gender perspective. More broadly, as reflected in some of the UPR recommendations to Mexico, the issue of gender-based violence requires urgent attention, as well as the need to harmonize the normative framework for women's enjoyment of sexual and reproductive health.

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H.E. Mr. Marcelo Luis Ebrard Casaubón
Secretary for Foreign Affairs
Mexico

I encourage Mexico to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for Mexico's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Mexico and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage Mexico to make further efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Mexico to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to continue discussing with you ways in which my Office may assist Mexico in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Cristopher Ballinas Valdés
Director General for Human Rights and Democracy
Ministry for Foreign Affairs
Mexico

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the following international treaties: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure; the Convention on the Reduction of Statelessness (1961); the Inter-American Convention on Protecting the Human Rights of Older Persons; the Inter-American Convention Against All Forms of Discrimination and Intolerance; the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance; and the ILO Domestic Workers Convention, 2011 (No. 189).
- Recognition of the competence of the Committee on Enforced Disappearances to receive individual complaints, pursuant to articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance.

National human rights framework

- Enhancement of the capacities and independence of the National Human Rights Commission and of the 32 state human rights commissions.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adoption of additional measures to address any form of discrimination and violence, particularly against indigenous peoples, people of African descent, migrants and LGBTI persons.

Development, the environment, and business and human rights

- Adoption of a national plan for business and human rights in line with the United Nations Guiding Principles on Business and Human Rights.
- Establishment of a National Mechanism for Reporting and Follow-up (NMRF).

B. Civil and political rights

Right to life, liberty and security of person

- Protection of human rights defenders, journalists, activists and civilians from violence, extrajudicial killings, enforced disappearances and organized crime, which disproportionately affect women and girls.
- Development of a database of disappeared and missing people, including migrants.
- Investigation of arbitrary detention and torture of detainees and abolition of the *arraigo* detention.

Administration of justice, including impunity, and the rule of law

- Enhancement of the independence of the judicial system at all levels
- Creation of an effective and independent Federal Attorney General's Office.
- Implementation of the National Anti-Corruption System.
- Investigation of all human rights violations committed by the police and military forces.
- Promotion of a citizens' security approach, including adoption and implementation of public security policies that are in line with international human rights norms and standards.
- Investigation of all cases of enforced disappearances and the combat of impunity of perpetrators.

Fundamental freedoms

- Further engagement with human rights defenders (including women, indigenous and local defenders) and journalists to ensure they are able to conduct their work free from intimidation, harassment and attacks.
- Further enhancement of the mechanism for the protection of human rights defenders and journalists.

Prohibition of all forms of slavery

- Adoption of further measures to fight against trafficking in persons, in particular the exploitation of children, women, migrants and indigenous peoples, and implementation of the General Act on the Prevention, Punishment and Eradication of Trafficking in Persons and the Provision of Protection and Assistance to Trafficking Victims.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Adoption of a comprehensive strategy to further reduce unemployment and precarious working conditions, especially in the agricultural and domestic service sectors.
- Enhancement of efforts to bridge the wage gap between men and women.

Right to an adequate standard of living

- Adoption of further measures to combat poverty, especially the prevalence of child poverty, and social inequality.

Right to health

- Implementation of programmes to further reduce child and maternal mortality, especially among indigenous and rural populations.

- Adoption of additional measures to decriminalize abortion at national level, and enhancement of actions aimed to ensure access to safe and legal sexual and reproductive health services.

Right to education

- Adoption of further measures to improve access to quality education for children, especially for those living in rural and remote areas.

D. Rights of specific persons or groups

Women

- Enhancement of efforts to strengthen gender equality and prevent and combat all forms of discrimination and violence, including domestic violence against women and girls.

Children

- Adoption of legislation prohibiting corporal punishment of children in all the federative states, including psychological punishment.
- Implementation of the General Act on the Rights of Children and Adolescents.

Persons with disabilities

- Enhancement of efforts to strengthen the normative and institutional framework for the protection of the rights of persons with disabilities, to integrate persons with disabilities in society, to support their full participation in the community, and to raise awareness among the population of the rights of persons with disabilities.

Minorities and indigenous peoples

- Adoption of additional normative and institutional measures to effectively combat all forms of discrimination against indigenous peoples and communities and persons of African descent.
- Promotion of dialogue and consultation with indigenous peoples, particularly with regards to decisions and measures that may affect their lives.

Migrants, refugees, asylum seekers and internally displaced persons

- Enhancement of measures to protect the human rights of migrants, refugees, asylum seekers, especially women and children, and internally displaced persons, with the inclusion of those who are transiting throughout the territory; and adoption of additional measures to prevent violence and crimes against them.