



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

24 September 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the seventh periodic report of Mexico, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 66th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MEX/CO/7, para. 64) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 9 (a) and (b), 13, 15 and 27 (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 23 June 2020 providing your Government's response on the above-mentioned paragraphs (CAT/C/MEX/FCO/7) and to make the following comments:

Incidence of the use of torture in the State party (para. 9 (a) and (b) of the Committee's concluding observations)

While welcoming the recent public statements by high-level State officials quoted in the follow-up replies in where reference was made to the prohibition of torture, the Committee remains concerned by reports pointing to the pronouncements of Mexico's Attorney General Alejandro Gertz Manero in which he questioned fundamental legal safeguards in a recent opinion piece ('*En defensa propia*', La Jornada, 6 April 2020), that were also in line with his controversial justice system reform proposals (see *Civil Society Joint Follow-up Report*, pp. 1-2). In this regard, and recalling its previous recommendation, the Committee urges the State party's authorities, including those at the local level and high-ranking judicial officers, to continue to unambiguously reaffirm the absolute prohibition of torture and ill-treatment, which should be accompanied by a clear warning that anyone committing such acts or

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being found to be otherwise complicit or acquiescent in them will be held personally responsible before the law and will be subject to criminal prosecution and appropriate penalties.

Regarding the national survey of persons deprived of their liberty, the Committee notes with concern that it has not been continued since 2016 and that the budget of the National Institute of Statistics and Geography, which is the institution mandated to carry it out on a regular basis, was reduced in 2019 due to the austerity measures implemented over the past few years (3/B2-E).

National programme against torture (para. 13 of the Committee's concluding observations)

The Committee welcomes the progress made by the State party with respect to the development of the national programme to prevent and punish torture and ill-treatment in application of the provisions of articles 69 to 71 of the General Act on Torture, and that participatory consultations were held with civil society organizations to that effect. Nevertheless, the Committee recalls its previous recommendation that the above-mentioned programme should be endowed with an appropriate budget (3/B1).

Fundamental legal safeguards (para. 15 of the Committee's concluding observations)

The Committee takes note of the procedural guarantees enshrined in the State party's domestic legislation, but regrets that the follow-up replies do not include the results of the inspection and monitoring activities conducted to ensure compliance in practice with the obligation to respect fundamental legal safeguards and the rights of detainees. It also takes note of the information provided on the measures taken by the State party to strengthen its public defence agencies, particularly with regard to the activities of the Federal Institute of the Public Defender. However, the Committee regrets that the follow-up replies did not indicate whether the State party has taken any concrete measures in this area at the local level. Lastly, while welcoming the adoption of the National Act on Detention Registers in 2019, the Committee is concerned about reports indicating a lack of clarity with regard to the provisions covering situations where persons are deprived of liberty by the military, as well as restrictions applying to organized crime suspects (see *Civil Society Joint Follow-up Report*, pp. 5-6) (2/B1).

Physical and psychological assessment of alleged torture victims (para. 27 (b) of the Committee's concluding observations)

The Committee regrets that the information submitted by the State party in its follow-up replies does not address the specific concerns mentioned in its concluding observations (1/D).

Implementation plans (para. 64 of the Committee's concluding observations)

The Committee regrets the lack of information about specific plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).



The Government of Mexico is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of Mexico or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Mexico on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

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