



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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30 April 2021

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 103<sup>rd</sup> session, considered the follow-up report submitted by the Government of Mexico, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 11, 21 (b) and 31 (b) of the Concluding Observations CERD/C/MEX/CO/18-21 adopted following the consideration of the State party's combined 18<sup>th</sup> to 21<sup>st</sup> periodic reports, at its 99<sup>th</sup> session, held in August 2019.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 22<sup>nd</sup> to 24<sup>th</sup> periodic reports, to be submitted in a single document, by 22 March 2022.

#### **Paragraph 11 of the Concluding Observations**

The Committee welcomes the proposed amendments and additions to article 149 of the Federal Criminal Code of Mexico, which would criminalize acts described in article 4 of the Convention. The Committee also takes note that race-based motives would be considered as aggravating circumstances for sentencing under the amended article 149. The Committee requests the State party to provide an update on the adoption of these amendments and additions to article 149 of the Federal Criminal Code in its next periodic report, and information on its implementation. The Committee considers the response to this recommendation partially satisfactory.

#### **Paragraph 21 (b) of the Concluding Observations**

While noting the information provided on the publication 'Derecho a la consulta libre, previa e informada de los Pueblos Indígenas. Bases, Principios y Metodología para su implementación en el marco de la Administración Pública Federal', the Committee regrets that this document maintains as objective for consultations, the gathering of opinions and proposals, rather than the free, prior and informed consent, of the indigenous

H.E. Mrs. Socorro Flores Liera  
Permanent Representative of Mexico  
to the United Nations Office  
Geneva  
[mexicounoge@sre.gob.mx](mailto:mexicounoge@sre.gob.mx)

communities and peoples that may be affected by relevant projects. The Committee is concerned by reports that protocols or rules of dialogue for the consultations are not developed or agreed upon with the affected communities themselves, but that it is usually the authorities who define the places, dates, times and forms of dialogue, without due attention to whether they are culturally appropriate. The Committee draws the attention of the State party to denunciations of situations of threats, harassment, and criminalization of members of indigenous peoples during the consultation processes, which compromises the free character of the consultations. The Committee is also concerned by reports that impact studies do not involve the affected communities and do not integrate a human rights approach. The Committee considers the response to this recommendation unsatisfactory.

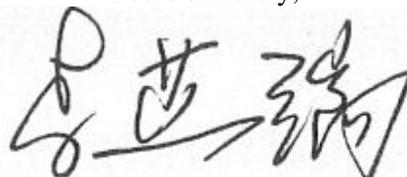
### **Paragraph 31 (b) of the Concluding Observations**

The Committee welcomes the information provided by the State party on the mechanism for the protection of human rights defenders and journalists, including on the increase in terms of people benefitting from it and budget allocated to it, and the international cooperation engaged in to strengthen it, including with the Office of the UN High Commissioner for Human Rights (OHCHR). The Committee regrets, however, that the information provided does not address some of the challenges related to the mechanism, including its insufficient implementation at the state level and the lack of cooperation from some authorities to ensure the mechanism's effectiveness. The Committee also regrets the lack of details regarding the effective participation of civil society in the mechanism, the effective incorporation of a gender perspective, and the consideration of the differential risks that indigenous and Afro-Mexican human rights defenders can face. The Committee further regrets the lack of detailed information on the status of the implementation of the recommendations made by OHCHR. The Committee considers the response to this recommendation partially satisfactory. It requests the State party to include, in its next periodic report, information on steps taken to ensure the strengthening of the mechanism's capacities and resources, including human resources, and on measures taken to ensure the engagement of all relevant authorities in working towards effective implementation of the mechanism. The Committee also requests the State party to provide, in its next periodic report, information on the effective participation of civil society in the mechanism, and details on OHCHR recommendations already implemented and information on the progress towards those recommendations not yet implemented.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Mexico, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

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

Yours sincerely,



Yanduan Li  
Chair

Committee on the Elimination of Racial Discrimination