

**UNITED NATIONS COMMITTEE ON THE RIGHTS OF  
PERSONS WITH DISABILITIES**

**26th Session  
7 March to 25 March 2022**

**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS TO  
THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF PERSONS WITH  
DISABILITIES IN VIEW OF THE COMMITTEE'S EXAMINATION OF  
MEXICO'S COMBINED SECOND AND THIRD PERIODIC REPORTS UNDER  
ARTICLE 35 OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES**

*Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.*

## Introduction

1. During its 26th session from 7 March to 25 March 2022, the Committee on the Rights of Persons with Disabilities (the Committee) will examine Mexico's combined second and third periodic reports under article 35 of the Convention on the Rights of Persons with Disabilities (the Convention).
2. The International Commission of Jurists (ICJ) has worked to assist States in the implementation of their obligations under the Convention. To this effect, the ICJ participated in the drafting of and formally endorsed the International Principles and Guidelines on Access to Justice for Persons with Disabilities (Principles) published by the UN Special Rapporteur on the Rights of Persons with Disabilities in August 2020,<sup>1</sup> and continues to promote the Principles globally. The ICJ also participates as active member of a global network of organizations facilitated by the Open Society Foundation, advocating for legal reform to improve equal recognition of legal capacity and access to justice of persons with disabilities worldwide.
3. In this context, the ICJ has been monitoring the implementation by Mexico of its Convention obligations in respect of Articles 12 (Equal recognition before the law) and 13 (Access to Justice). In this regard, in August 2021, the ICJ sent letters to the legislative, executive, and judicial branches in Mexico seeking information on the implementation of the Convention and the Committee's various recommendations to the Mexican authorities in its concluding observations ([CRPD/C/MEX/CO/1](#)) and its decision in the case of Mr. Arturo Medina Vela ([CRPD/C/22/D/32/2015](#)).<sup>2</sup>
4. In its letters to the Mexican authorities, among other things, the ICJ offered support to the authorities in the implementation of their Convention obligations, and requested information about the actions taken by Mexico, *inter alia* in relation to:
  - (a) initiating or encouraging legal reform towards the repeal of the non-liability regulations for persons with disabilities in criminal proceedings, which result in the declaration of legal incompetence and the limitations on the legal capacity persons with disabilities;
  - (b) initiating or encouraging legal reform towards the replacement of the substituted decision-making system with a supported decision-model;
  - (c) initiating or encouraging legal reform towards the promotion of alternatives to involuntary committal for the purposes of medical and psychiatric treatment; and
  - (d) ensuring training of all relevant personnel (whether prosecutors, public defenders, public servants or judicial officers) on the provisions of the Convention, specifically regarding the human rights of persons with disabilities to access justice and to enjoy equal recognition before the law.

---

<sup>1</sup> See: International Commission of Jurists, Groundbreaking new UN guidance on access to justice for persons with disabilities, 28 August 2020. Available at: <https://www.icj.org/a2jpwd/>

<sup>2</sup> The letters can be consulted at: International Commission of Jurists, Mexico: persons with disabilities receive unprecedented public acknowledgement of need to provide them with access to justice, 4 November 2021. Available at: <https://bit.ly/3JeUOCs>

5. Furthermore, the ICJ underscored that in its Concluding Observations to Mexico in 2014 and in its decision in the case of Mr. Arturo Medina Vela in 2019, the Committee had already recommended the revision of Mexico's legal framework in the above-mentioned areas. Moreover, while these recommendations were based on Mexico's obligations under the Convention, the country has in fact been obligated to pursue such reforms at least since it acceded to the Convention on 17 December 2007.<sup>3</sup>
6. As elaborated below, in October 2021, the ICJ received two different responses from the judicial authorities.<sup>4</sup> On 19 October 2021, the ICJ reiterated its request for information to the executive and legislative authorities. However, as of this writing, those authorities have not answered yet.
7. In this submission, the ICJ wishes to draw the Committee's attention to the fact that Mexican Authorities have not taken the necessary measures to reform the domestic legislation to guarantee that persons with disabilities enjoy legal capacity in the terms required by Article 12 of the Convention. In particular, in respect of criminal proceedings, persons with disabilities remain regularly subjected to non-liability declarations. As a result of these declarations, amongst other things, persons with disabilities might be subject to security measures, including an indeterminate period of confinement. In addition, they are denied the possibility of standing trial or accessing pre-trial negotiations. The former also constitute violations of the right to effective access to justice (Article 13 of the Convention) and the right not to be deprived of their liberty unlawfully or arbitrarily (Article 14 of the Convention) within criminal proceedings. Finally, the submission proposes some recommendations to be considered by the Committee in its upcoming evaluation of Mexico's report.

### **Mexican Authorities' actions concerning the rights of persons with disabilities within criminal proceedings**

8. On 4 October 2021, in direct response to the Committee's communications decision in Mr Vela's case, in a public ceremony, the Mexican authorities issued a public apology to Mr. Medina Vela and his family.<sup>5</sup> The authorities' apology went beyond the obligation to provide redress to Mr Vela for the human rights violations he had endured. It included an acknowledgment from representatives of both the executive and judiciary of the need for legal reform, and publicly committed them to complying with the broader recommendations made by the Committee. However, very little if any specific detail was provided about nature and extent of legal reform that will take place, the process it will be executed through, or the timelines for its initiation and/or completion.
9. While Mexico's public apology and commitment are to be praised, effectively, they boil down to no more than the authorities' acceptance of Mexico's obligations under the Convention, obligations to which the country has been

---

<sup>3</sup> The ratification status of the Convention is available at: <https://bit.ly/3BqOHux>

<sup>4</sup> The responses in Spanish can be consulted at: <https://bit.ly/3qDKOq8>

<sup>5</sup> The ceremony is available at: <https://www.youtube.com/watch?v=a39T8tizsoY>

legally bound to give effect since at least 2007, when it acceded to the Convention. These obligations were repeatedly brought to Mexico's attention by this Committee in 2014<sup>6</sup> and 2019,<sup>7</sup> and by several decisions of the Supreme Court.<sup>8</sup>

10. In addition, very little if any detail was provided about the nature and extent of the legal reform the authorities envisaged carrying out, or about the process through which such reform would be implemented, or the timelines for its initiation and/or completion. In light of the above, in the absence of any information from Mexican authorities, it would appear that the progress made towards legal reform over the course of nearly 15 years is limited to a simple acknowledgment of an obligation to undertake legal reform in terms of the Convention.
11. Moreover, despite a public commitment during the ceremony that Mexico would work with international organizations, civil society organizations and persons with disabilities to revise its laws, practices and procedures, to date the ICJ has received no responses to its above-mentioned letters from either the executive or legislative authorities.
12. The absence of timelines for rapid progress towards the initiation of legal reform on criminal matters is of significant concern. As Documenta has noted, the gravity of the problem should not be underestimated because "prejudice against persons with disabilities is ingrained" in Mexico and persons with disabilities continue to be "treated as objects of treatment rather than rights holders". What is required therefore are "profound modifications in Mexican law and practices in the justice system. All legislation must be reviewed to ensure compliance with the standards established by the CRPD".<sup>9</sup>
13. Furthermore, as effectively acknowledged in Mexico's own report to the Committee, when it comes to criminal proceedings, the country's efforts have focused on guaranteeing that persons with disabilities have access to communication aids,<sup>10</sup> and on ensuring legal counsel and representation free of charge,<sup>11</sup> and on conducting some legal training for public servants on the rights of the persons with disabilities.<sup>12</sup> It has therefore not as yet been able

---

<sup>6</sup> The Committee recommended that Mexico: "review all federal and state legislation in order to eliminate any restriction of rights stemming from a declaration of legal incompetence or on the grounds of a person's disability". Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Mexico, CRPD/C/MEX/CO/1, 27 October 2014, para 24.

<sup>7</sup> The Committee recommended that Mexico "make all necessary amendments to the criminal law of the Federal District and all equivalent or related federal and state laws with regard to the "exempt from liability" concept and the special procedure for persons exempt from criminal liability". Committee on the Rights of Persons with Disabilities, Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 32/2015, CRPD/C/22/D/32/2015, 15 October 2019, para 11 (b) (i).

<sup>8</sup> See for instance: Primera Sala de la Suprema Corte de Justicia de la Nación, Amparo en Revisión 1368/2015, 13 de marzo de 2019; Primera Sala de la Suprema Corte de Justicia de la Nación, Amparo Directo 4/2021, 16 de junio de 2021.

<sup>9</sup> International Commission of Jurists, Mexico: persons with disabilities receive unprecedented public acknowledgement of need to provide them with access to justice, 4 November 2021. Available at: <https://bit.ly/3JeUOCs>

<sup>10</sup> These measures include, for instance, the provision of interpreters and issuing documents in Braille.

<sup>11</sup> See for instance: Combined second and third periodic reports submitted by Mexico under article 35 of the Convention, due in 2018, CRPD/C/MEX/2-3, 19 July 2018, para. 13, 18, 106, 107, 108, 111, and 112.

<sup>12</sup> See for instance: Combined second and third periodic reports submitted by Mexico under article 35 of the Convention, due in 2018, CRPD/C/MEX/2-3, 19 July 2018, para. 107, 111 and 112.

to report any meaningful progress, or steps towards, legal reform to ensure the full realization of the rights of persons with disabilities within criminal proceedings.

14. **In light of the above, the ICJ invites the Committee to address the following recommendations to the Mexican authorities:**
  - a. **immediately undertake a full review of the criminal law legislation and policies pertaining to legal capacity, access to courts and involuntary confinement, to ascertain the extent of their consistency with the Convention; and**
  - b. **urgently prioritize and publicly commit to a timeline for undertaking the review mentioned in (a) and the necessary legal reform required to give full effect to the rights of persons with disabilities in terms of the Convention.**
  - c. **ensure that the processes described in (a) and (b) involve the full and meaningful participation of persons with disabilities and of the organizations that represent them, both domestically and internationally, as well as the participation of representatives of the executive, legislative and judicial branches.**

#### **Consequences of Mexico's failure to introduce comprehensive legal reform in criminal matters**

15. The current federal and state legislation still prevent persons with psychosocial and intellectual disabilities from enjoying full legal capacity, exercising their rights and making their own decisions within legal proceedings, including criminal ones. In relation to criminal matters, as elaborated below, due to the current legislation, persons with disabilities also face problems in reporting crimes, appointing a lawyer of their choosing, being heard during hearings, standing trial, appealing a decision, and asking or offering reparation for a crime.<sup>13</sup>
16. On some occasions, when persons with disabilities are charged with a criminal offence, this lack of agency can imply they are deprived of their liberty without being able to use a judicial remedy, as happened in the case of Mr. Arturo Medina Vela. One of the biggest barriers to access to justice that persons with psychosocial and intellectual disabilities face in criminal proceeding is that they are subject to non-liability declarations (*declaración de inimputabilidad*). In this regard, for instance, the Criminal Code for the Federal District sets out that a non-liability declaration can be issued when the person who committed the crime has "a mental disorder or retarded intellectual development" (*trastorno mental o desarrollo intelectual*

---

<sup>13</sup> On this topic see for instance: Diana Sheinbaum and Sara Vera, *Hacia un sistema de justicia incluyente, Proceso penal y discapacidad psicosocial*, 2016, available at: <https://bit.ly/3LuWPfw>; Documenta, *Inimputabilidad y medidas de seguridad en México: legado de un pasado excluyente*, in: Documenta, *inimputabilidad y Medidas de seguridad a Debate: reflexiones desde América Latina en torno a los derechos de las personas con discapacidad*, 217, available at: <https://bit.ly/34y78it>

*retardado*).<sup>14</sup> Similar provisions can be found in the criminal codes of the other States.<sup>15</sup>

17. Making matters worse, the National Criminal Procedural Code (*Código Nacional de Procedimientos Penales*) establishes the imposition of custodial and non-custodial measures called “security measures” (*medidas de seguridad*) when a person is subject to a non-liability declaration.<sup>16</sup> This means that although a person is excluded from criminal responsibility, they can still be subjected to restrictions of their liberty despite their purported inability to participate in a criminal trial supposedly tasked with ascertaining their guilt or innocence. One of the common custodial measures levied against persons in this situation is confinement in health or psychiatric facilities.
18. Furthermore, they can be subjected to an indeterminate period of confinement. For instance, the Federal District Criminal Code provides that the confinement might last until “the person is cured”.<sup>17</sup> The only limitation is that the maximum duration of their confinement is the same as the maximum prison time for the crime the person has allegedly committed.<sup>18</sup> If the person with a disability in question is alleged to have committed serious crimes, this means that she can be placed in a facility for up to 70 years, without ever having an opportunity to defend themselves against the charge/s in a fair trial – something to which any other accused person would be entitled.<sup>19</sup> Similar provisions can be found in the criminal codes of the other States.<sup>20</sup>
19. In addition, the National Criminal Procedural Code sets out that persons subject to non-liability declarations cannot have access to an abbreviated procedure (*procedimiento abreviado*) available to all others.<sup>21</sup> In this abbreviated procedure, defendants can access pre-trial negotiations, including those that may result in guilty plea discounts on the eventual sentence. Persons with disabilities subject to non-liability declarations, therefore, lose the opportunity to negotiate the charges against them on an equal basis with other defendants.
20. Moreover, the widely reported poor conditions in some detention centres to which persons with disabilities are then admitted, such as overcrowding, unhygienic and unhealthy conditions, and lack of access to healthcare services, might amount to cruel, inhuman or degrading treatment or punishment in violation of article 15 of the Convention.<sup>22</sup>

---

<sup>14</sup> Criminal Code for the Federal District, article 29, section C, subsection II.

<sup>15</sup> Just to mention a few, see: Criminal Code for the State of Baja California, article 23, section IX; Criminal Code for State of Quintana Roo, article 20, section C, subsection III, Criminal Code for the State of Hidalgo, article 25, section C, subsection III; and Criminal Code for the State of Aguascalientes, article 30; Criminal Code for the State of Baja California Sur, article 31, section IX; and Criminal Code for the State of Chiapas, article 25, section C, subsection III.

<sup>16</sup> National Criminal Procedural Code, article 416.

<sup>17</sup> Criminal Code for the Federal District, article 62.

<sup>18</sup> Criminal Code for the Federal District, article 66.

<sup>19</sup> Criminal Code for the Federal District, article 29 and 62.

<sup>20</sup> Just to mention a few, see: Criminal Code for the State of Chihuahua, articles 59 and 62; Criminal Code for the State of Chiapas, articles 66 and 69; Criminal Code for the State of Campeche, articles 8 and 74.

<sup>21</sup> National Criminal Procedural Code, article 418.

<sup>22</sup> On this topic, see, for instance: Disability Rights International, *Decades of Violence and Abuse in Mexican Institutions for Children and Adults with Disabilities*, available at: <https://bit.ly/3uOQ5Ud>; Disability Rights

21. In light of the above, the ICJ invites the Committee to address the following recommendations to the Mexican authorities to ensure that the review and reform processes mentioned in paragraph 14 above explicitly remedy violations of the Conventions arising from the following:

- a. non-liability declarations (*declaración de inimputabilidad*) amounting to violations of legal capacity;
- b. unequal access to abbreviated procedure (*procedimiento abreviado*) which amounts to a violation of the right to equal protection of the law without discrimination;
- c. custodial security measures (*medidas de seguridad*), which amount to forced confinement; and
- d. the poor conditions in detention centers which amount to cruel, inhuman or degrading treatment.

### Problems with the guardianship system

22. At both federal and state levels,<sup>23</sup> the rules pertaining to guardianship (*régimen de interdicción*) continue to have a direct impact on the legal capacity of some persons with psychosocial and intellectual disabilities to exercise their rights in legal proceedings. Although these regulations focus on civil and family matters, they can still have a negative impact on the exercise of rights of person with disabilities within a criminal proceeding. For instance, pursuant to the Federal Civil Code, guardians (*tutores*) are in charge of representing the person under the guardianship in trials.<sup>24</sup>

23. Simply put, currently operational civil guardianship legislation allows guardians to make decisions on behalf of persons with disability, including how and when to report a crime committed against them and the nature of legal defence strategy when such persons are accused of committing a crime.

24. A bill to create a new national civil procedure code (*Código Nacional de Procedimientos Civiles y Familiares*) is currently under consideration. The current version of the bill has a chapter on “accessibility, adjustments, support and safeguards for people with disabilities for their assistance or representation in the exercise of their legal capacity” (*Accesibilidad, ajustes, apoyos y salvaguardias a personas en situación de discapacidad para su asistencia o representación en el ejercicio de su capacidad jurídica*).<sup>25</sup> However, the provisions of this chapter do not recognize full legal capacity for people with disabilities on an equal basis with others, as required by article 12 of the Convention.

25. As recently stated by numerous human rights organizations, disability rights activists and experts, including ex-members and members of the CRPD

---

International, Torture, Trafficking and Segregation in Mexico, 2015, available at: <https://bit.ly/3qD9jDV>; Comisión Nacional de los Derechos Humanos, Situación de las personas con discapacidad psicosocial e inimputables en centros penitenciarios de la República Mexicana, 2016, available at: <https://bit.ly/3o1dDWO>

<sup>23</sup> Guardianship is mainly regulated in the civil codes of the 32 Mexican States and in the Federal Civil Code.

<sup>24</sup> Federal Civil Code, article 537 (V).

<sup>25</sup> The bill can be consulted here: [https://www.senado.gob.mx/64/gaceta\\_del\\_senado/documento/122460](https://www.senado.gob.mx/64/gaceta_del_senado/documento/122460)

Committee, the system established in the bill “is not a genuine supported decision-making system, whereby a person retains autonomy to make decisions themselves, with support as necessary. Instead, it replicates a substitute-decision making system, or guardianship, in violation of Mexico’s international human rights obligations and in contradiction of Mexico’s constitutional court rulings”.<sup>26</sup> In addition, no consultation process with persons with disabilities and organizations representing them about it has taken place thus far.

**26. In light of the above, the ICJ invites the Committee to address the following recommendations to the Mexican authorities:**

- a. modify the current provisions on legal capacity of persons with disabilities in the bill to create a new national civil procedure. New provisions on the bill should establish a genuine supported decision-making system. That is, a system that upholds the will and preferences of persons with disabilities.**
- b. immediately undertake a full review of the civil law legislation and policies pertaining to legal capacity.**
- c. urgently prioritize and publicly commit to a timeline for undertaking the review mentioned in (b).**
- d. ensure that the processes described in (a) and (b) involve the full and meaningful participation of persons with disabilities and the organizations that represent them, both domestically and internationally and provide for the participation of representatives of the executive, legislative and judicial branches.**

### **Role of judicial authorities in fulfilling the rights of the persons with disabilities**

27. In October 2021, the ICJ received two responses from the Mexican judicial authorities to its letters.<sup>27</sup> The responses came from the General Direction of Human Rights Affairs of the Supreme Court of Justice (*Dirección General de Derechos Humanos, Suprema Corte de Justicia de la Nación*) and the National Commission of Mexican Superior Tribunals (*Comisión Nacional de Tribunales Superiores de Justicia de los Estados Unidos Mexicanos*) respectively.

28. Neither of the responses received provided any information on any specific actions taken by the judiciary to implement the Committee’s recommendations. Moreover, the National Commission of Mexican Superior Tribunals of Justice stated that the design of public policies and the drafting of bills were the responsibility of the executive branch.

29. Nevertheless, the General Direction of Human Rights Affairs of the Supreme Court of Justice provided substantial information about the actions undertaken by the judiciary concerning the rights of persons with disabilities.

---

<sup>26</sup> Human Rights Watch, Open letter to the Chair of the Justice Commission of the Mexican Senate, 9 February 2022, available at: <https://bit.ly/3Bj3BAr>

<sup>27</sup> The responses in Spanish can be consulted at: <https://bit.ly/3qDKOq8>

It mentioned that at least since 2012 the Supreme Court has handed down a range of milestone decisions to protect the rights of persons with disability in accordance with the Convention. For instance, it mentioned that in a 2019 Amparo Action (*Amparo en Revisión*), the Mexican Supreme Court found that the guardianship regime of the Civil Code for the Federal District was unconstitutional and violated Article 12 of the Convention.<sup>28</sup> The General Direction also acknowledged that the Supreme Court had not pronounced itself in relation to the non-liability regulations in criminal proceedings (*procedimiento penal para inimputables*).

30. The General Direction also mentioned that three training sessions (two in 2020 and one in 2021) for judicial actors on the rights of persons with disabilities had been conducted.<sup>29</sup> In addition, the General Direction highlighted that the Supreme Court issued a "Protocol for actions of persons who administer justice in cases that involve the rights of persons with disabilities" (*Protocolo de actuación para quienes imparten justicia en casos que involucren derechos de Personas con discapacidad*).<sup>30</sup> According to the General Direction, the latest version of the Protocol is from 2014, and a new version is currently being produced.
31. While the open engagement of the judiciary is welcomed, the ICJ draws the Committee's attention to the limited impact that the actions of the Supreme Court described above might have. While decisions of the Supreme Court are undoubtedly important and constitute a prerequisite for advancing the human rights of persons with disabilities in Mexico, their broader impact and influence should not be overestimated for a variety of reasons.
32. First, the majority of the Supreme Court's rulings pertaining to disability rights do not address criminal matters, but have focused on civil law provisions regarding the guardianship system (*régimen de interdicción*).<sup>31</sup>
33. Second, as mentioned in the General Direction of Human Rights Affairs of the Supreme Court of Justice's letter to the ICJ, the Supreme Court has not pronounced on the non-liability declaration in cases of persons with disabilities.
34. Third, Mexico does not employ the same system of judicial precedent that is applied in many common law jurisdictions and some civil law jurisdictions, thus limiting the legal precedent impact of Supreme Court's pronouncements. Before a very recent reform to Mexico's legal precedent system in March 2021, the reasoning or criterion adopted by the Supreme Court in its judgments in any particular case became a legal precedent (*jurisprudencia*) mandatory for all other courts to follow only if the Supreme Court applied it in five consecutive decisions. In addition, for these decisions to carry this legal precedential value, the five decisions had to be adopted by a majority of eight justices when the decisions were issued by the Plenary of

---

<sup>28</sup> Primera Sala de la Suprema Corte de Justicia de la Nación, Amparo en Revisión 1368/2015, 13 de marzo de 2019, para 84 and f.f.

<sup>29</sup> According to the General Direction, 715 public servants of the judiciary were part of the training sessions. It was not provided information about how many of those public servants were judges or prosecutors.

<sup>30</sup> The Protocol in Spanish is available at: <https://bit.ly/33f22qO>

<sup>31</sup> The main decisions of the Tribunal regarding the right of persons with disabilities can be consulted at: Cuadernos de Jurisprudencia No. 5, Derechos de las personas con discapacidad, 2020. Available at: <https://bit.ly/3GNw6ay>

the Supreme Court. When the decisions were issued by one the chambers of the Supreme Court, the decisions had to be adopted by a majority of four justices.<sup>32</sup> Since many of the decisions of the Supreme Court on the human rights of persons with disabilities were adopted before the 2021 reform, and covered diverse topics and the legislation from different states, none created a judicial precedent binding on other courts.

35. The current legal precedent system,<sup>33</sup> as updated in March 2021, establishes that “the reasons that justify the decisions” (*las razones que justifiquen las decisiones*) handed down by the Supreme Court become a mandatory precedent (*jurisprudencia por precedentes obligatorios*) when they are issued by the Plenary of the Supreme Court by a majority of eight votes, or where they are handed down by one of the Chambers of the Supreme Court, by a majority of four votes.<sup>34</sup> The new rules concerning the legal precedent system do not apply retroactively.

36. It is hoped that the new system of judicial precedent will assist in facilitating the adoption of judgments relating to the human rights of persons with disabilities throughout the judicial system with binding precedent value. However, it should be noted that the new legal precedent system does not have any impact on the Court's past decisions. This means that only decisions adopted after March 2021 can become mandatory precedents. It will also take time for judges of lower courts to become familiar with both the legal precedent system, which alters well over 100 years of legal culture in Mexico, as well as the jurisprudence of the Supreme Court on a full range of areas, including the human rights of persons with disabilities.

**37. In light of the above, the ICJ invites this Committee to address the following recommendations to the Mexican authorities:**

**a. publish and widely disseminate a fully updated version of the “Protocol for actions of persons who administer justice in cases that involve the rights of persons with disabilities”, which include:**

- i. direct reference to Committee’s Concluding Observations to Mexico, its decision in Mr Vela’s case and the UN Special Rapporteur’s International Principles and Guidelines on Access to Justice for Persons with Disabilities; and**
- ii. an overview of judicial precedents of the Supreme Court on the human rights of persons with disabilities.**

**b. adopt measures, including the provision of training, to assist all judicial officers in all courts throughout Mexico to understand and apply the Convention, the UN Special Rapporteur’s International Principles and Guidelines on Access to Justice for Persons with Disabilities, the**

---

<sup>32</sup> Amparo Law (*Ley de Amparo, reglamentaria de los artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos*), former article 192.

<sup>33</sup> The current system was established through the following decrees: DOF: 11/03/2021 and DOF: 07/06/2021. See also: Pleno de la Suprema Corte de Justicia de la Nación, Acuerdo General número 1/2021.

<sup>34</sup> Mexican Constitution, article 94. See also: Amparo Law, articles 222 y 223

**Committee's Concluding observations to Mexico and its decision in Mr Vela's case. Such training sessions should also include an explanation of the application of judicial precedent in Mexico, and its specific application with respect to the human rights of persons with disabilities. It should therefore cover existing jurisprudence of the Supreme Court decided prior to change in the precedential system in March 2021.**

## **Conclusion**

38. The ICJ thanks this Committee for the opportunity to make these submissions, which are made in a spirit of co-operation and with the sole intention of improving Mexico's efforts to ensure that the human rights of persons with disabilities are respected, protected, promoted and fulfilled. The ICJ hopes that its submissions may assist the Government of Mexico in reporting to the Committee in the future. Further clarification and information is available upon request.