

The Mexico Coalition for the Rights of Persons with Disabilities (COAMEX)¹ is a collective of five civil society organizations whose goal is to influence public policy in our country to promote the provisions established in the Convention on the Rights of Persons with Disabilities (CRPD). This document is the Second Alternative Report (SIA) on the application of the CRPD in Mexico from 2014 to the present, covering articles 4, 5, 6, 7, 8, 9, 11, 12, 13, 18, 19, 21, 24, 25, 27, 29, 30, 31 and 33.

Five different actions were carried out to gather the information, among them the COAMEX Campaign Consult to Build (CCCC), the National Survey for the Alternative Report (ENIA), information requests on the government's transparency portals, analysis of official information and journalistic sources, as well as the study of recommendations made by different treaty bodies of the United Nations². To develop these actions, we had support and financing from Scotiabank and the Pan American Development Foundation (PADF).

Some relevant events regarding the implementation of the 2030 Agenda, general compliance with Human Rights in Mexico and the country's sociopolitical context are described below as background.

Mexico and Sustainable Development

On April 26, 2017, the Presidency created the 2030 Agenda's National Council for Sustainable Development and announced the development of a digital platform to monitor the progress of the sustainable development goals (SDGs)^{3,4}. The Presidency also delivered its first Voluntary National Report, where it reported that the Office of the President will take the lead in advancing a national strategy for fulfillment of these goals. One of the first reported actions was the alignment of the 2013-2018 National Development Plan (PND) with the global agenda, and the bodies responsible for fulfilling each objective were identified⁵.

In 2017 and 2018 the Information System for Sustainable Development Goals (SIODS) was created. In it, the National Institute of Statistics and Geography (INEGI) presented their mapping of SDG indicators and placed 180 of them in the areas of competence and in the lines of action of the different federal government agencies⁶.

In 2018, Mexico presented its second Voluntary National Report, where it acknowledges that persons with disabilities are part of the groups of people that should enjoy a better quality of life. As for progress in the sector, the following was reported: only 46% of children and youth with disabilities aged 3 to 29 go to school (SDG 4 - Secretariat of Public Education [SEP], National Council for the Development and Inclusion of Persons with Disabilities [CONADIS], no date); their rate of economic participation as of 2014 was 39.1% (SDG 8 - National Survey of Demographic Dynamics, National Institute of Statistics and Geography [INEGI], 2014), and it is still a challenge to guarantee equality of opportunity in the job market; there is also a lack of actions that benefit populations that have been historically discriminated against (SDG 10)⁷.

Regarding the table of indicators for compliance with the SDGs, we observe that the "disability" component was not considered. For example, indicator 8.5.2. about full, productive employment only includes the rate of unemployment by gender and age, while the target explicitly refers to persons with disabilities⁸.

According to the SDG Index 2018 report, Mexico has shown high levels of institutionalization for implementing SDGs and ranks 84⁹ in the world with a compliance score of 65.2 at a global level and 76.9 in the regional context. While there has been progress in the fight against poverty in the country (SDG 1), inequality continues to prevail in Mexico. Progress on SDG 10 is still insufficient¹⁰.

General Framework for Evaluating Human Rights in the Country

Between 2010 and 2018, the Mexican State has been evaluated by seven different United Nations treaty bodies¹¹. These are the most relevant recommendations the bodies have agreed on: the importance of disaggregated statistical data; to promote special temporary measures aimed at priority

¹ The COAMEX is formed by the Judeo-Mexican Association for Persons with Special Needs and/or Disabilities (KADIMA, A.C.); Mexican Confederation of Organizations for Persons with Intellectual Disabilities (CONFE, A.C.); Iluminemos de Azul, A.C.; Mexican Organization for the Comprehensive Development of Visually Impaired Persons (I.A.P.); and Voz Pro Salud Mental, A.C. This collective also represents the strength of at least 130 organizations across the country that make up our national networks.

² To learn more about development of the Second Alternative Report (SIA), refer to the 2019 COAMEX Methodology Report.

³ For this task, efforts are coordinated between the Office of the Presidency, the Coordination of the National Digital Strategy (CEDN) and the Institute of Statistics and Geography (INEGI) <https://datos.gob.mx/blog/datos-abiertos-indicadores-y-visualizaciones-conforman-plataforma-de-la-agenda-2030>
<http://www.cronica.com.mx/notas/2017/1020984.html>

⁴ On March 4, 2017, Mexico officially adopted the 2030 Agenda for Sustainable Development with the publication in the Federation's Official Diary [DOF24/04/2017] of the Decree by which the creation of the 2030 Agenda National Council is institutionalized, as well as the digital platform of indicators for tracking its progress.
http://www.dof.gob.mx/nota_detalle.php?codigo=5480759&fecha=26/04/2017

⁵ National Report for the voluntary review of Mexico in the framework of the High-level Forum on Sustainable Development (2017). Mexico, Presidency and United Nations Development Program (UNDP). <https://sustainabledevelopment.un.org/content/documents/10756Full%20Report%20Mexico%20-%20HLPF%202016%20FINAL.pdf>

⁶ <http://agenda2030.mx/index.html?lang=es#/home>

⁷ Among them indigenous peoples, migrants, women with HIV, detained people, non-heterosexual people and persons with disabilities.

⁸ Voluntary National Report for the High-level Political Forum on Sustainable Development. Fundamentals in Mexico for a long-term sustainable development vision. Progress in fulfilling the 2030 Agenda. (2018) Mexico. Government of the Republic. https://sustainabledevelopment.un.org/content/documents/20125INFORME_NACIONAL_VOLUNTARIO_060718.pdf

⁹ Out of 118 evaluated countries.

¹⁰ SDG Index Global Responsibilities. Implementing The Goals of the Bertelsmann Stiftung and the Network for Sustainable Development Solutions (2018). Bertelsmann Stiftung and the Network for Sustainable Development Solutions. Pages 2, 17, 18, 19, 302, 303.

groups; to define a road map or strategic planning that includes measurable targets and goals, sufficient resources and activity scheduling; to promote spaces for citizen participation; and finally, to define impact indicators for national policies and programs.¹²

Mexico has also been evaluated three times by the United Nations Human Rights Council's Universal Periodic Review (UPR). In the report of the work group from December 27, 2018, seven countries provided recommendations about the rights of persons with disabilities, such as the following: to promote actions to harmonize state laws; to promote awareness raising campaigns; to foster measures that prevent discrimination and any form of degrading work¹³; to optimize infrastructure; to improve conditions for educational inclusion and teacher training; to create attention protocols; and to have mechanisms for social inclusion and active participation in communities¹⁴.

On the Convention on the Rights of Persons with Disabilities and Follow-up to the Committee's Recommendations

On September 30, 2014, the Committee on the Rights of Persons with Disabilities approved the Final Observations on Mexico's Initial Report and selected 61 recommendations.

On paragraph 67, the Committee requested that the State present on January 17, 2018 its combined second and third periodic reviews and offers the option of presenting them according to the simplified procedure. On 2017, Mexico rejected the offer and decided to deliver on February 22, 2018 according to the traditional format.

The Country's Geographical, Economic and Political Situation in a Context of Generalized Social Inequality

Mexico is a representative, democratic and federal republic in the southern part of North America and is composed of 32 states and 2,458 municipalities. Officially called the United Mexican States, it is the 13th largest country in the world and the third largest in Latin America. It borders the United States of America in the north and Guatemala and Belize in the south¹⁵.

According to the INEGI's 2015 census, the total population of the country is 124 million people, but according to estimates from other digital platforms up to August 2019, the population is 134 million^{16, 17}. Mexico is one of the world's 15 largest economies and the second in Latin America.

Regardless of the country's macroeconomic stability, there are large gaps between the rich and the poor, the northern and southern states, and between the urban and rural populations¹⁸. According to the results of the Human Development Index carried out in 2015 by the United Nations Development Program (UNDP), the most developed states are Mexico City, Nuevo Leon and Coahuila¹⁹; and the least developed states are Guerrero, Oaxaca and Chiapas²⁰, which confirms the estimates about the prevalence of poverty in the country's south and southeast.

According to the National Council for the Evaluation of Social Development Policy's (CONEVAL) 2016 poverty metrics, 53.4 million people in Mexico are living in poverty and 9.4 million in extreme poverty, which means that at least 43.6% of the population live below the poverty line. The states of Chiapas, Guerrero, Michoacán and Oaxaca have the largest concentration of this population group²¹. According to the CONEVAL's Social Gap Index and to measurements carried out to fulfill the SDGs, "indigenous people in rural areas, people with disabilities and children under 18 are the population groups most at risk of living in "poverty"²².

Mexico is a pluricultural, multiethnic and diverse country with a record of 65 ethnic groups²³. Although official numbers are available from the INEGI and the National Institute of Indigenous Peoples (CDI), they are not conclusive as there are differences on the percentage of indigenous people ranging from 6 to 14%²⁴.

The Mexican government has 18 Secretariats of State, 299 dependencies and diplomatic representation from 146 countries; its congress is made up of 500 deputies and 128 senators; and in the judiciary there are 11 ministers in the National Supreme Court of Justice (SCJN), 7 councilors in the Federal Judiciary Council and 7 ministers in the Electoral Tribunal of the Judiciary of the Federation²⁵.

Mexico organizes its politics based on a party system. Historically, three parties had been the main players in the electoral processes. First, the Institutional Revolutionary Party (PRI) governed the country for 71 consecutive years until the year 2000 and gained power again in 2014²⁶. The second

¹¹ Among them are the following: Human Rights Council (HRC) on the International Covenant on Civil and Political Rights (2010), Committee Against Torture (CAT, 2021); Committee on the Rights of Persons with Disabilities (CRPD) 2014, Committee on the Rights of the Child (CRC) 2015, Committee on Migrant Workers (CMW) 2017, Committee on Economic, Social and Cultural Rights (CESCR) 2018; and Committee on the Elimination of Discrimination against Women (CEDAW) 2018.

¹² https://tbinternet.ohchr.org/_layouts/ TreatyBodyExternal/Countries.aspx?CountryCode=MEX&Lang=EN

¹³ Especially children, women, indigenous people, migrants and Mexicans of African descent in poverty or living in rural communities.

¹⁴ Human Rights Council 40th session. Universal Periodic Review - Mexico (2018). <https://www.ohchr.org/SP/HRBodies/UPR/Pages/MXIndex.aspx>

¹⁵ Wikipedia. Mexico. <https://es.wikipedia.org/wiki/M%C3%A9xico>

¹⁶ <https://countrymeters.info/es/Mexico>

¹⁷ Of which 49.3% are men and 50.7% are women.

¹⁸ Wikipedia. Mexican Economy. https://es.wikipedia.org/wiki/Econom%C3%ADa_de_M%C3%A9xico

¹⁹ To the point where they can be compared to the development of countries like Andorra, Argentina and Mauritius respectively.

²⁰ National Report for the voluntary review of Mexico in the framework of the High-level Forum on Sustainable Development (2017). Mexico. Presidency of the Republic and United Nations Development Program (UNDP). <https://sustainabledevelopment.un.org/content/documents/10756Full%20report%20Mexico%20-%20HLPF%202016%20FINAL.pdf>

²¹ <https://www.coneval.org.mx/Medicion/Paginas/PobrezaInicio.aspx>

²² To see the percentage of people between 2010 and 2014 living in multidimensional poverty by specific group at the national level, see ANNEX 1. Indicator of the Sustainable Development Goals (SDGs) – CONEVAL (2015). <https://datos.gob.mx/busca/dataset/indicadores-de-los-objetivos-de-desarrollo-sostenible-ods>

²³ The largest ones based of demographic data are the Nahuatl, the Maya, the Zapotec, the Mixtec, the Otomi and the Purepecha.

²⁴ Wikipedia. Mexico. <https://es.wikipedia.org/wiki/M%C3%A9xico>

²⁵ <https://www.gob.mx/gobierno#dependencias>

most representative party throughout history has been the National Action Party (PAN), which won federal elections in 2000 and 2006²⁷. The Revolutionary Democratic Party (PRD) is the leftist ideological counterweight, known for governing Mexico City for almost 20 years²⁸. Although there have been other parties in the national political scene, the characters remain the same. Andrés Manuel López Obrador is a good example. He was the PRD's presidential candidate in the 2000 and 2006 elections, but after his last defeat he decided to form a new party, the National Regeneration Movement (MORENA). He won the presidency in 2018 with this party²⁹.

During the 2012-2018 administration, the Presidency focused its attention on the so-called structural reforms. The administration presented changes to 11 legislative bodies in the following areas: education, labor, tax, finance, energy, electoral politics, economics, telecommunications, social security, transparency and the National Code of Criminal Procedure. It should be noted that specific provisions for persons with disabilities were only observed in the Telecommunications and Broadcasting Act.

On July 1, 2018, Mexico held one of the country's largest federal elections. 3,326 positions were up for election at a national level, including 128 senators, 500 deputies and the head of the federal executive branch, with President López Obrador winning the election with 53.19% of the votes.

On February 6, 2019, the president held a press conference to report on his first 100 days of government. He highlighted some priority actions in infrastructure, security—addressed by creating a National Guard—and finally social programs for youths, the elderly and “the poorest persons with disabilities,” as he has referred to them in several public events³⁰.

The SIA analysis specifically covers the 2014-2018 period, but some areas include thoughts about the policies currently being promoted in the country.

The COAMEX's Second Alternative Report (SIA).

The purpose of this report is to reflect on compliance with the CRPD through the opinions of persons with disabilities, their families and representatives of civil society organizations, and to try to give more visibility to different groups of the population³¹ who also made specific proposals for recommendations.

The drafting of the SIA took into account principles of progression, interdependence and accessibility, as well as analysis based on intersectionality, the 2030 Agenda, the recommendations adopted by the CRPD Committee for Mexico and its six general observations³².

The report is split into articles and every section is organized as follows:

1. **Background.** A general description of the circumstances and situations around the subject. In some cases, this includes statistical data from official sources.
2. **Step Forward.** This part includes laws, policies, programs, actions and activities that the Mexican government has done for fulfilling the addressed rights.
3. **Recommendations.** Areas for improvement and suggestions for proper compliance with the article.

1. GENERAL OBLIGATIONS (Article 4)

BACKGROUND

On January 12, 2015 the Office for Domestic Affairs (SEGOB) established a work group to track the recommendations of the Committee (also known as the GT- SRCDPD)³³. In 2016 and 2017 the National Council for the Development and Inclusion of People with Disabilities (CONADIS) held on average 30 meetings to present reports on the activities of certain agencies and appointed people responsible for tracking the recommendations³⁴.

Currently the federal government is analyzing the dissolution of the CONADIS, which could affect the rights of persons with disabilities³⁵. Catalina Devandas, the UN's Disability Rapporteur made a statement addressed to the Secretariat of Foreign Affairs (SRE) and made a call to comply with the provision of the CRPD's article 4^{36, 37}.

In 2019, the CONADIS suffered a 36% cut in its programmed spending for the first half of the year according to the Federation Expenditure Budget (PEF) reported by the Secretariat of Finance and Public Credit (SHCP). The body had to change its budget to 16 million pesos, a third less than the original budget³⁸.

²⁶ As of March 2019, this party governs 12 states and 850 municipalities. <https://adnpolitico.com/mexico/2019/03/03/90-datos-del-pri-en-90-anos-de-historia> / <http://pri.org.mx/somospri/MexicoPri/Prientuestado.aspx>

²⁷ This party governs 12 states to date.

²⁸ And for winning governorships in 10 states during the 90s and the 00s.

²⁹ The party also won governorship of 5 states, including Mexico City, as well as a majority in both chambers of Congress.

³⁰ <https://lopezobrador.org.mx/temas/cierre-de-campana/>

³¹ Including children, youths, women, migrants, indigenous people, people from the LGBTTTI community and relatives of persons with multiple disabilities or deaf-blindness.

³² Articles 12, 9, 6 and 7, 24, 19 and 5.

³³ In this work group, representatives of government agencies (40) and civil society (46) are shown a matrix to interpret each recommendation (indicating the body or institution responsible for tracking and the action proposals).

³⁴ It is worth noting that 98% of what was reported about the planning referred to federal or national actions.

³⁵ <https://www.animalpolitico.com/2019/03/consejo-personas-discapacidad-conadis-cndh/>

³⁶ <https://billieparkemoticias.com/preocupa-a-relatora-de-la-onu-desaparicion-de-conadis/>

³⁷ Amalia Gamio, a Mexican expert who belongs to the CRPD's tracking mechanism at the UN, also made a statement about this topic. She mentioned that if a assistance-based approach persists over a rights-based approach, our country will be reprimanded; <https://eldiadespues.mx/desaparece-conadis-crearan-un-sistema-de-atencion-a-la-discapacidad/>

STEP FORWARD

- After the 2011 Constitutional Reform about conceiving, interpreting and applying the “conforming interpretation” and “pro person” principles, federal entities were forced to reform their constitutional texts. According to the National Commission on Human Rights (CNDH) Platform for Tracking Normative Harmonization of Human Rights³⁹, 89.38% of these entities have complied with this provision and 100% have included the “interpretation in accordance with International Treaties” in their regulatory frameworks. Likewise, the level progress in harmonizing the rights of specific populations is as follows:

Rights of...	National harmonization percentage (%)
Women to a life free from violence	79.27
The elderly	63.32
Indigenous peoples and communities	62.68
The LGBTTTI community	59.15
Persons with disabilities	57.1

- Reports II and III⁴⁰ of the Mexican State indicate that provisions regarding disability have been included in 26 legislative orders⁴¹, responding to at least 16 CRPD articles⁴² about “forbidding discrimination due to disability,” they are included in the so-called “vulnerable groups” and in some cases specific measures are indicated for priority attention.
- Federal programs from 2014-2018 include specific provision for the sector. To name a few cases, the National Development Plan includes an axis called “Inclusive Mexico,” and in the document’s body disability is considered in 4 of 5 goals, 5 of 31 objectives, 5 of 118 strategies and 7 of the 819 lines of action. In the National Program for the Development and Inclusion of Persons with Disabilities there are 6 objectives, 37 strategies, 313 lines of action and 6 compliance indicators; likewise, disability was included in the National Youth Program, the Social Assistance Program and the Education Sector Program.
- In 2016, on the anniversary of the CRPD’s entry into Mexico, the Presidency established the National System for the Inclusion of Persons with Disabilities and placed a call to agencies of the federal government to evaluate progress every six months⁴³.
- In 2017, the CONADIS Consultative Assembly was established. It is a consultative body of citizen participation with a representative from each state, civil society organizations, experts, scholars and researchers.
- By 2017, 12 State Institutes for the Inclusion of Persons with Disabilities were installed in the states of Baja California Sur, Campeche, Mexico City, Colima, the State of Mexico, Guanajuato, Jalisco, Michoacán, San Luis Potosí, Sonora, Tlaxcala, Yucatán and Zacatecas⁴⁴.
- In 2017, through the National Conference of Governors (CONAGO), the Commission for the Development and Inclusion of Persons with Disabilities was promoted.
- In November 2018, CONADIS signed Coordination Agreements with 30 states with the objective of promoting the harmonization of regulatory frameworks, generating state programs, defining policies for the prevention and care of disability and promoting their inclusion in the social and labor spheres, as well as to include items for priority care in the expenditure budget at a state level^{45, 46}. To date, the Sinaloa agreement is the only one in effect. It will end in 2021.
- The 32 states currently have laws for the protection of persons with disabilities, of which 27 are in line with the CRPD and the rest are still in the process of harmonization. Among the most outstanding actions, the Political Constitution of Mexico City⁴⁷ came into force in 2018, which includes specific provisions for the inclusion of persons with disabilities. Specifically, the rights of this group are described in article 11 “Inclusive City” appendix “G.” It should also be acknowledged that it is the first constitution in which the right to “legal capacity” is explicitly recognized.

³⁸ <https://www.animalpolitico.com/2019/08/conadis-recorte-presupuesto/>

³⁹ <https://www.armonizacion.cndh.org.mx/Armonia/Armonizacion/>

⁴⁰ https://tinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=MEX&Lang=EN

⁴¹ 13 general laws, 6 federal laws, 3 national laws, 5 secondary laws and 8 official Mexican norms.

⁴² Including general obligations, equality and non-discrimination, children, women, accessibility, equality before the law, access to justice, protection against torture, personal mobility, freedom of expression and access to information, health, education, work and participation in cultural life, recreational activities and sports.

⁴³ <https://www.excelsior.com.mx/nacional/2016/05/04/1090330>

⁴⁴ In 2019, the possible disappearance of the Jalisco COEDIS was announced. While it has not taken place yet, it shows the tendency of current governments to eliminate Decentralized Public Organisms as part of “austerity” policies. <https://www.eloccidental.com.mx/local/van-por-la-extincion-de-los-opd-como-parte-de-reingenieria-del-gobierno-de-alfaro-2734090.html>

⁴⁵ <https://www.gob.mx/conadis/documentos/convenios-de-colaboracion-con-entidades-federativas>

⁴⁶ <https://www.gob.mx/conadis/acciones-y-programas/gobierno-del-estado-de-morelos-y-el-conadis-firman-el-1er-convenio-para-implementar-el-pndipd-2014-2018-5945>

⁴⁷ http://infodf.org.mx/documentospdf/constitucion_cdmx/Constitucion_%20Politica_CDMX.pdf.

- In 2019, the Congress of Guanajuato formed the First Parliament for Persons with Disabilities, in which 40 persons with motor, hearing, visual and intellectual disabilities participated^{48,49}. In the same year, a similar action was promoted in the Mexico City Congress with the purpose of opening the platform to the expression of plural and diverse ideas in the matter⁵⁰. 46 members from 14 municipalities participated, representing physical, visual, auditory, psychosocial, intellectual and other disabilities⁵¹.

RECOMMENDATIONS

- ✓ To harmonize state laws and regulations with the CRPD.
- ✓ To guarantee cross-cutting public policies with a human rights approach based on equality of opportunity and the principle of intersectionality.
- ✓ To promote inclusive language that guarantees rights without radicalization such as promoting regressive policies that encourage privileges or "special" services, "preferential" places or "assistance-oriented" measures.
- ✓ To evaluate the impact of economic transfers promoted by the current government.
- ✓ To define the institutional framework of disability policy.
- ✓ To promote the creation of state institutes and strengthen existing ones in order to safeguard the operation of the National System for the Inclusion of Persons with Disabilities.
- ✓ To promote objectives, lines of action and goals within the 2019-2024 Plans and Programs, and in particular in the Municipal Development Programs.
- ✓ To establish cross-cutting actions for the attention and protection of the rights of persons with disabilities within the Catalogue of Federal Programs for Municipalities.
- ✓ Increased budget allocation at federal, state, and municipal levels with clear lines to ensure reasonable adjustments, to generate support systems and to develop programs and services.
- ✓ To establish regular and effective mechanisms for public consultation with organizations for and by persons with disabilities, ensuring that their views are taken into account in the design of public policies.
- ✓ Follow-up and continuity for the 2030 Agenda, guaranteeing the level of institutional framework particularly to provisions that address disability.

2. EQUALITY AND NON-DISCRIMINATION (Article 5) AWARENESS-RAISING (Article 8)

BACKGROUND

The 2017 National Survey on Discrimination (ENADIS) shows that 58% of people with disabilities have been discriminated against because of their condition. 48% believe their rights are respected little or not at all⁵². 42% of people have felt discrimination on the street or while on public transportation, 30% in their own families, 29% in medical services⁵³ and almost 70% of youths aged 12 to 17 have felt rejected at school or at work.

71% of those surveyed believe that "people with disabilities are rejected by most people."⁵⁴ This is confirmed by the 2017 Mexico City Discrimination Survey (EDIS), where disability is identified as the fifth most prevalent cause of discrimination in Mexico City⁵⁵.

The 2017 National Survey for the Alternative Report (ENIA) reports that the majority of people with disabilities surveyed recognize individuals and civil society organizations respectively as the entities that have most helped them when they have been victims of discrimination. This information was confirmed in the survey of family members.

The National Council to Prevent Discrimination (CONAPRED) reported that between 2014 and September 2018 1,103 files were opened for complaints about alleged discrimination against people with disabilities. This can confirm the ENADIS and ENIA data, which reports that 43% and 41% people do not report or do anything, respectively, when facing discrimination. Only 1.5% filed a report. On the other hand, the National Human Rights Commission (CNDH) reports that between 2000 and 2017 it received 2,520 complaints, of which 2,380 were concluded and 140 are still pending; to date, only 6 recommendations have been submitted.

According to other sources, such as Google's keyword planner, the most frequent monthly searches in Mexico as of January 2019 were the following: 14,800 - Disability; 6,600 - Disabled; 6,600 - Intellectual disability; 3,600 - Persons with disabilities; 1,900 - *Minusvalia* (another word for disability); 1,300 - Rights of persons with disabilities; 50 - Disability Law; 1,000 - Convention on the Rights of Persons with Disabilities⁵⁶.

According to the Internet MX Association⁵⁷ there are 79 million internet users in Mexico⁵⁸ and their main activity is checking social networks, especially Facebook and WhatsApp. It is worth noting that social networks are fertile ground for different awareness-raising and information campaigns⁵⁹. They are

⁴⁸ <https://guanajuatoinforma.com/celebrara-congreso-de-guanajuato-primer-parlamento-para-personas-con-discapacidad-a-nivel-nacional/>

⁴⁹ It should be noted that it is made up of 20 men and 20 women with motor, hearing, visual or intellectual disabilities who participated in five working groups that will address the issues of accessibility; access to justice; education; work and employment; and participation in political and public life.

⁵⁰ Deputy Temistocles Villanueva Ramos, president of the Human Rights Commission of the local Congress welcomed said parliament.

⁵¹ <https://www.congresocdmx.gob.mx/se-inaugura-en-el-congreso-de-la-ciudad-de-mexico-el-primer-parlamento-para-personas-con-discapacidad/>

⁵² Being indigenous, a woman or a person with disability (51.7%) places the individual at a greater risk of facing discrimination or infringement of their rights (2017 ENADIS).

⁵³ Other places where people faced discrimination: 20% in a government office, 18% at school or at work, 8.3% at businesses or malls and 4.1% on social media.

⁵⁴ 2017 ENADIS

⁵⁵ In the same report, the people surveyed believe that there is a high degree of discrimination against indigenous people, non-heterosexuals, people with darker skin, with HIV AIDS, in poverty and overweight.

⁵⁶ This highlights the lack of knowledge about the CRPD and the prevalence of inappropriate use of terms in the general population, since the word "disabled" is the second most frequently used word for internet searches. Although in 2016 it was reported that the average internet user in Mexico is suspicious of information found in social networks and the internet in general, it has more credibility than the information obtained through television, radio or print media. Alonso, R. (2016). 7 data on Mexican Internet users and their use of social networks. Available at <https://www.eleconomista.com.mx/politica/7-datos-de-los-internautas-mexicanos-y-su-uso-de-redes-sociales-20161016-0007.html>

⁵⁷ Internet MX Association. (2018). Study on the habits of internet users in Mexico:

also a channel of communication and expression for people with disabilities⁶⁰, so they have become the media most used by this segment of the population⁶¹. As far as television content, there are still programs that do not promote a positive vision of people with disabilities⁶². On the flipside, the Teletón Foundation, according to its web site⁶³, has made significant changes in its communication platform by conveying messages in line with the human rights approach.

STEP FORWARD

- The **2014-2018 National Program for Equality and Non-Discrimination (PRONAIND)**⁶⁴ includes 3 objectives, 7 strategies, 19 lines of action and an indicator about the rights of people with disabilities.
- In 2014, the **Federal Act to Prevent and Eliminate Discrimination** recognized the denial of reasonable accommodation as a form of discrimination.
- To date there are 32 laws on the subject and two State Councils have been established in Michoacán and Mexico City, as well as a Municipal Council in Queretaro^{65, 66}.
- Between 2014 and 2017 CONAPRED edited at least four publications about disability⁶⁷ and they have included the topic transversally in their campaigns about eliminating discrimination.⁶⁸
- During 2018, the CONAPRED trained 64,803 people through courses to identify, prevent and avoid acts of discrimination⁶⁹.
- On 2017, the CONAPRED published the **Mexico City Discrimination Survey (EDIS)**.
- On 2018 the CONAPRED published the results of the **National Survey on Discrimination (ENADIS)** with support from different federal government agencies and academia, becoming a benchmark for analysis and promotion of public policies at a national level.
- In 2018 the CONAPRED published the **Federal Law To Prevent Discrimination** in accessible reading format.
- Reforms to the **Federal Labor Law** in 2019⁷⁰; Article 4, Section II acknowledges the need of a differential, specialized approach. Section IV Equality and Non-Discrimination states that there will be no distinction in the processes and that there will be no discrimination of any kind.
- The **Federal Telecommunications Law** mentions that in the provision of services discrimination of any type is forbidden against people with disabilities. It also defines the Rights of Users with Disabilities and the modifications service providers must do for accessibility. As far as content, it establishes that information aimed at children and adolescents should, among other things, promote respect for the rights of persons with disabilities. Furthermore, the law also considers the right to subtitling services, dubbing into Spanish and Mexican Sign Language, as well as access to the programming guide through a telephone number or internet portals.
- The **General Law of Social Communication**⁷¹ establishes in its article 6 that campaigns shall contribute to promoting equality between men and women and to respect the country's social and cultural diversity, but there is no explicit mention of the rights of people with disabilities.
- The Secretariat of the Interior published the "**Agreement to establish the general guidelines for social communication campaigns of the agencies and entities of the Public Administration**,"⁷² which establishes that social communication campaigns must promote content with gender equality and subtitles for people with disabilities, as well as to evaluate social communication campaigns through a gender perspective^{73, 74}.
- The creation of the Teletón Foundation's **Know Your Rights and Act** campaign⁷⁵ with the purpose of "inviting society to become aware of the active role that each individual can and should play in building an inclusive Mexico".⁷⁶

https://www.asociaciondeinternet.mx/es/component/remository/Habitos-de-Internet/14-Estudio-sobre-los-Habitos-de-los-usuarios-de-Internet-en-Mexico-2018/lang_es-es/?Itemid

⁶⁰ 66% use this tool since at least the age of 8.

⁶¹ Alto Nivel (2011). Social networks are essential for spreading corporate social responsibility:

<https://www.altonivel.com.mx/empresas/responsabilidad-social/11861-las-redes-sociales-son-basicas-para-difundir-la-rse/>

⁶² https://www.parentesis.com/noticias/internet/redes_sociales/Redes_sociales_dominan_el_uso_del_Internet_en_Mexico

⁶³ We can assume that this is largely due to a lack of information. One example is the episode A More than Special Love of the Televisa Show *La Rosa de Guadalupe*, where stereotypes remain about people with disabilities being seen as dependent on charity and not as rights holders. Las Estrellas (2018). A More than Special Love. Available at <https://www.lasestrellas.tv/programas/la-rosa-de-guadalupe/capitulos/capitulo-1063-un-amor-mas-que-especial>

⁶⁴ <https://www.teleton.org/home/>

Spots of the *Know Your Rights and Act* campaign launched on July 23, 2019: <https://www.youtube.com/watch?v=yLnvWqBPM08>

<https://www.youtube.com/watch?v=q59TzCduew>

<https://www.youtube.com/watch?v=uYEnco2QYOY>

<https://www.youtube.com/watch?v=DVLMaUkSwgg>

⁶⁵ In the Inclusive Mexico Goal, strategy 2.2.4.

⁶⁶ Michoacán: State Council to Prevent and Eliminate Discrimination and Violence (COEPREDV); Mexico City: Council to Prevent discrimination in Mexico City (COPRED); Queretaro: Municipal Instituto to Prevent and Eliminate Discrimination (INMUPRED).

⁶⁷ According to information from the CONAPRED requested to the Social Engagement branch via email on June 2019.

⁶⁸ 2014 - Children's book. Brandon, Another Team Member (KIPATLA, Down and educational inclusion). 2015 - Recommendations for hosting accessible events. 2016 - Accessibility and law. 2017 - Structural discrimination and social inequality.

⁶⁹ Campaigns: (1) #SinTags (no tags), (2) *Sin Odio* (no hate) (3) *Incluir para Crecer* (inclusion for growth).

⁷⁰ The most popular long-distance courses where "The ABCs of Equality and Non-Discrimination," "Sexual Diversity, Inclusion and Non-Discrimination" and "Inclusion and Disability." The 32 states were served, Mexico City standing out with 21,136 graduates, Puebla with 6,103 and Coahuila with 4,872. *Redacción* (2019). CONAPRED taught courses to more than 67 thousand people in 2018. *ContraRepública*. Available at <https://www.contrarepublica.mx/nota-conapred-impartio-cursos-a-mas-de-67-mil-personas-en-2018-20194133>

⁷¹ Available at http://www.diputados.gob.mx/LeyesBiblio/ref/fft/LFT_ref29_22jun18.pdf

⁷² http://www.diputados.gob.mx/LeyesBiblio/pdf/LGCS_110518.pdf

⁷³ Published on the Official Journal of the Federation 30/12/2015, 29/12/2016, 29/12/2017 y 29/01/2019

⁷⁴ [http://gobnacion.gob.mx/work/models/SEGOB/Resource/946/4/images/SENSIBILIZACION\(1\).pdf](http://gobnacion.gob.mx/work/models/SEGOB/Resource/946/4/images/SENSIBILIZACION(1).pdf)

⁷⁵ https://www.gob.mx/cms/uploads/attachment/file/14886/EG_manualcampanas.pdf

⁷⁶ In compliance with the CRPD's 2014 recommendation, Teletón launched in July 2019 a campaign about the human rights of people with disabilities.

⁷⁷ Teletón Foundation, <https://www.teleton.org/home/noticia/conoce-sus-derechos-y-actua>

RECOMMENDATIONS

- ✓ Ensure that local laws in all states include the denial of reasonable accommodation as a form of discrimination.
- ✓ Advance campaigns that promote respect, inclusion and an adequate image of people with disabilities, from the three levels of government and in accordance with the intersectional approach.⁷⁷
- ✓ Create trainings on disability so that public officials know and implement the correct use and application of language in the planning of laws, programs and public policies through the work of a multidisciplinary team.
- ✓ Define a manual for language use between the CONAPRED and the General Direction of Digital Communication.
- ✓ Define a strategy to supervise and penalize inappropriate use of terms and to establish the body responsible for monitoring and penalizing.
- ✓ Advance campaigns that promote respect, inclusion and an appropriate image of people with disabilities in the government's social communication areas—on the three levels and powers of the administration—including different agencies, instances and extended cabinets.
- ✓ Organize a multidisciplinary team that promotes trainings and campaigns that include different bodies⁷⁸.

3. WOMEN WITH DISABILITIES (Article 6)

BACKGROUND

According to the 2018 ENADID, women account for 51% of the general population (63.7 million), and 54% of the population with disabilities (4.2 million)—out of which 48% believe their rights are respected *little or not at all*^{79, 80}.

In the last 5 years, 33% of women aged 15 to 49 (301,316) that gave birth reported being mistreated by the staff who attended them⁸¹. 40%⁸² of these cases occurred at a Mexican Social Security Institute (IMSS) clinic or hospital^{83, 84}. As of 2016 there were 23,147 bilateral tubal occlusion (OTB) surgeries (sterilizations)—in girls and young women aged 10 to 19⁸⁵—but there are no records of how many of them had a disability⁸⁶.

As for education, for the 2017-2018 school cycle the number of enrolled women (18,246,173) was larger than the number of men (18,204,277)⁸⁷. As for women with disabilities, the rate of illiteracy was higher than for men with disabilities⁸⁸. In terms of access to work, only 27.4% of women with disabilities aged 15 to 59 are part of the economically active population⁸⁹, and they work mainly on personal services, supporting activities and agriculture (41.9%), handcrafts (13.2%) and as administrative and sales employees (13.2%), ranking the lowest for skilled and technical work (11.4%), or participating as civil servants, directors and managers (2.3%)^{90, 91}; for women over 60 there is a greater degree of economic dependence on others⁹².

As for violence, 66% of women suffer domestic violence⁹³ and “many of them depend financially or for security on their own aggressors”⁹⁴. Due to the violence they suffer, the most prevalent disorders are post-traumatic stress disorder and depression⁹⁵. 53% of women report living in insecure conditions and from 2015 to 2018 there was an increase in femicides (of almost 60%)⁹⁶ for the population aged 0 to 17⁹⁷. Unfortunately, there is no specific information about how women with disabilities experience violence.

STEP FORWARD

- Adaptation into accessible reading format of the **General Law on Women's Access to a Life Free of Violence**⁹⁸.
- **National Program for Equality and Non-Discrimination (PRONAIND) 2014-2018** includes people with disabilities—and some priority groups⁹⁹—in 3 objectives, 7 strategies, 19 lines of action and 1 indicator. It includes a specific line of action for women with disabilities in the topic of health and social security¹⁰⁰.

⁷⁷ Increase the visibility of disability in different population groups: children, the elderly, indigenous people, migrants, girls and women, LGBTTTI.

⁷⁸ For example: Office for Domestic Affairs (SEGOB), Secretariat of the Civil Service (SFP), Secretariat of Public Education (SEP), Secretariat of Culture, National Council for the Development and Inclusion of People with Disabilities (CONADIS), National Institute for Women (INMUJERES), Youth Institute (INJUVE), among others.

⁷⁹ 2017 ENADIS.

⁸⁰ Of the women in Mexico, those in greater risk of being discriminated against are domestic workers. According to ENADIS, 62% believe that their rights are respected *little or not at all* and 87% report not having any work benefits, which places them at a greater disadvantage.

⁸¹ These were mainly shouts and scolding, and delays in attention because of shouting or complaining. Milenio, <https://www.milenio.com/tendencias/callate-y-puja-que-es-la-violencia-obstetrica>; Obstetric violence is only defined in the states of Veracruz, Guerrero, Chiapas and the State of Mexico and it is only part of the Health Law in the state of Durango.

⁸² El Universal, <https://www.eluniversal.com.mx/periodismo-de-investigacion/10-horas-con-mi-hija-muerta-en-el-vientre>

⁸³ An example are the cases that happened in Oaxaca, where a woman gave birth in a garden, and Puebla, where a woman gave birth at the hospital reception. Milenio,

<https://www.milenio.com/tendencias/callate-y-puja-que-es-la-violencia-obstetrica>

⁸⁴ Due to mistreatment or inadequate attention it is believed that the mother and child could be put at risk of developing functional limitations or developing a disability. Unfortunately, there is no information on the impact of these situations.

⁸⁵ Por Esto, <https://www.poresto.net/2018/12/24/esterilizacion-forzada-en-mexico/>

⁸⁶ Por Esto, <https://www.poresto.net/2018/12/24/esterilizacion-forzada-en-mexico/>

⁸⁷ Secretariat of Public Education (SEP), Format 911, www.f911superior.sep.gob.mx/

⁸⁸ CONAPRED (2018). 2017 National Survey on Discrimination (ENADIS). Results Compendium. https://www.conapred.org.mx/documentos_cedoc/Enadis_Prontuario_Ax.pdf

⁸⁹ In contrast with 45.1% of men with disabilities who work.

⁹⁰ The classification of occupations is based on the 2011 National System of Occupation Classification (SINCO). It groups some categories in order to observe the stratification of occupations associated with social strata defined by labor relations structures (Solís and Boado, 2016).

⁹¹ CONAPRED (2018). Ibid.

⁹² CONAPRED (2018). Ibid.

⁹³ These are the most frequent types of violence: 49% emotional, 41% sexual, 34% physical and 29% financial, patrimonial or work discrimination.

⁹⁴ National Survey on the Dynamics of Household Relationships (ENDIREH), 2016.

⁹⁵ Mental health of women abused by their partners. A study with samples from Mexico and Spain. Available at http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S0185-33252015000500321#B5

⁹⁶ There were 306 murders by the third quarter of 2015 and 625 by the third quarter of 2018.

⁹⁷ The number of investigations on gender-motivated murders has increased by 105%.

⁹⁸ National Commission for the Prevention and Eradication of Violence against Women (CONAVIM) <https://www.gob.mx/conavim/documentos/ley-general-de-acceso-de-las-mujeres-a-una-vida-libre-de-violencia-en-lectura-facil>

⁹⁹ Children, women, workers, families.

- **National Program for Equal Opportunities and Non-Discrimination (PROIGUALDAD) 2013-2018** includes women with disabilities in 5 objectives, 7 strategies and 11 lines of action. However, 1 of these strategies and 7 lines of action contain inadequate use of language (“disabled”), and they do not have any indicator nor consider the provisions within the CRPD framework¹⁰¹.
- The National Institute for Women’s (INMUJERES) **Program to Strengthen Gender Mainstreaming (PFTPG)** establishes in its Rules of Operation its alignment to PROIGUALDAD and the PNDIPD, in addition to considering the inclusion of persons with disabilities for its implementation¹⁰².
- **Primer on Sexual and Reproductive Rights of Persons with Disabilities** published in 2018 by INMUJERES in collaboration with civil organizations. It includes 13 chapters on equality, non-discrimination, access to information, personal safety, privacy, freedom of expression and choice, among others¹⁰³.
- **11 State Women’s Institutes¹⁰⁴ employ women with disabilities**—mostly physical and visual.

RECOMMENDATIONS

- ✓ Establish a collegial and interdisciplinary working body with the participation of the Government—Secretariat of Health (SSA), Federal Judicial Police (PJF), among others—civil organizations and women with disabilities to monitor and assess relevant public policy.
- ✓ To report on the current situation of girls and women with disabilities, standardizing how INEGI compiles statistical information at the national level, guaranteeing their inclusion in national surveys with geolocation standards and disaggregation by priority groups.
- ✓ Harmonize and mainstream federal and state laws—in civil and criminal matters—in order to prevent and eliminate discrimination against women with disabilities.
- ✓ Establish through INMUJERES an effective mechanism to file and follow up on complaints of human rights violations against girls and women with disabilities, as well as provide the support they require in the process.
- ✓ Empower State Women’s Institutes—and equivalent agencies—to contribute to the care of girls and women with disabilities in a coordinated way.
- ✓ Guarantee access to justice for women with disabilities who are victims of violence, promoting coordination between the government, international bodies and civil organizations in the processes of follow-up, investigation, sentencing and measures to repair the damage.
- ✓ Guarantee the protection of girls and women, especially those with disabilities and from priority groups, to prevent and eradicate human trafficking.
- ✓ Investigate cases of forced sterilization and obstetric violence and guarantee reparation of damages and compensation to those affected.

4. CHILDREN WITH DISABILITIES (Article 7)

BACKGROUND

In Mexico there are 39 million children and adolescents aged 0 to 17¹⁰⁵, which accounts for 32% of the population¹⁰⁶. 50% are male and 49% are female. This is the distribution by age group: 0 to 5, 32%; 6 to 11, 33%, 12 to 17, 33%¹⁰⁷. More than 20 million live in poverty and 4 million in extreme poverty. Indigenous children and adolescents are at the highest risk (91%)¹⁰⁸. 63% of children and adolescents with disabilities live in poverty while 15% in extreme poverty¹⁰⁹.

According to the 2014 National Survey of Demographic Dynamics (ENADID), 1.9% of children and adolescents in the country —767,969 people—have some kind of disability. 4.8% have limitations to perform activities in their daily lives. The main cause is congenital, 46%, while disease accounts for 30%. This is the distribution by age group: 0 to 5, 14%; 6 to 11, 39%, 12 to 17, 43%. According to the 2018 edition of the same survey, the distribution of the population aged 0 to 19 with disabilities is 830,320 (11%) and 2,489,737 (13%) with limitations¹¹⁰.

As for early childhood development, 18% of children aged 36 to 59 months show inadequate development¹¹¹, 1 in 10 children under the age of 5 is chronically malnourished, and one in three children under the age of 11 is overweight and obese¹¹².

In education, 8 of every 10 children in 6th grade show limited learning; they do not reach the expected outcomes in language and communication. Almost 3 of every 10 adolescents aged 15 to 17 do not go to school¹¹³. The Secretariat of Public Education (SEP) reports that the National Education System (SEN) serves 612,039 students with “special needs,”¹¹⁴ out of which about 143 thousand have some disability¹¹⁵.

¹⁰⁰ PRONAIND 2014-2018. Line of action 3.2.4. “Guarantee universal coverage for health services to indigenous women and women with disabilities, respecting their conditions and therapeutic needs.”

¹⁰¹ http://www.dof.gob.mx/nota_detalle.php?codigo=5312418&fecha=30/08/2013

¹⁰² PFTPG rules of operation for fiscal year 2018: https://www.gob.mx/cms/uploads/attachment/file/283888/ROP_DOF_261217.pdf

¹⁰³ https://www.gob.mx/cms/uploads/attachment/file/389291/Carlilla_DS_y_DR_Folleto.pdf

¹⁰⁴ Chiapas, Mexico City, Coahuila, Durango, Guanajuato, Hidalgo, Nayarit, Nuevo León, Sinaloa, Veracruz and Yucatán. National Institute for Transparency, Access to Information and Personal Data Protection (INAI).

¹⁰⁵ This population group is repeatedly mentioned in the SGDs because they face difficulties in different areas, such as poverty, lack of decent housing, education and health.

<https://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible/>

¹⁰⁶ http://www.beta.inegi.org.mx/contenidos/saladeprensa/aproposito/2018/nino2018_Nal.pdf

¹⁰⁷ Cf. National Program for the Protection of Children and Adolescents (PRONAPINNA)

¹⁰⁸ <https://www.unicef.org/lac/comunicados-prensa/analisis-sobre-la-situacion-de-la-infancia-en-mexico>

¹⁰⁹ 2014 National Survey of Demographic Dynamics (ENADID).

¹¹⁰ Percentage distribution based on disability, sex and age: girls with disabilities aged 0 to 4 (1.70), 5 to 9 (1.41), 10 to 14 (2.36) and 15 to 19 (3.14); boys with disabilities aged 0 to 4 (2.27), 5 to 9 (2.88), 10 to 14 (4.07) and 15 to 19 (3.60). Distribution of the population with limitations: girls aged 0 to 4 (0.99), 5 to 9 (2.49), 10 to 14 (3.73) and 15 to 19 (4.38); boys aged 0 to 4 (1.16), 5 to 9 (3.61), 10 to 14 (4.95) and 15 to 19 (4.54). This means that there is a higher percentage of boys and male adolescents with disabilities and limitations compared to girls and female adolescents.

¹¹¹ Especially in literacy—numerical, physical, socioemotional knowledge or learning. Cf.

¹¹² According to UNICEF

¹¹³ Cf. <https://www.unicef.org/lac/comunicados-prensa/analisis-sobre-la-situacion-de-la-infancia-en-mexico>

¹¹⁴ Inadequate language is still used in educational institutions.

The National Survey of Children and Women (ENIM) reports that 63% of children aged 1 to 14 have been subjected to physical or psychological punishment by a member of their household and 6% to severe physical punishment¹¹⁶. Though there are no disaggregated data, we can surmise that children with disabilities are at a higher risk.

In 2007 the National System for Integral Family Development (DIF) reported 29,310 institutionalized children: 58% are girls, 23% are aged 0 to 6, 77% are aged 7 to 17 and only 1.1% have a disability. The Institute of Statistics and Geography (INEGI) reports that 188,487 children live in homes without parental care¹¹⁷.

With the arrival of the new government, the Secretariat of Welfare's (previously SEDESOL) Children's Housing Program for Working Mothers and Fathers suffered a 46% budget reallocation that will affect 350 thousand minors, including children with disabilities, as they will no longer have spaces where they can be cared for¹¹⁸, since the government will give that money directly to the parents or grandparents to take care of them at home.

STEP FORWARD

- Approval of the **General Law on the Rights of Children and Adolescents**, which includes chapter X: The right to inclusion of children and adolescents with disabilities, which stipulates non-discrimination as a principle in the design of actions and implementation of protective measures, promoting inclusion, establishing universal design and carrying out awareness-raising actions that promote respect and dignity.
- The **National System for the Comprehensive Protection of Children and Adolescents (SIPINNA)** was established to ensure adequate protection for this group, which is considered a priority group. In addition, this system articulates 32 state subsystems; it analyzes, defines and articulates public policies, it generates national policy, and it uses indicators to measure and assess.
- The **National Program for the Protection of Children and Adolescents (PRONAPINNA)** established a strategy and 11 lines of actions for the government to work towards guaranteeing protection of the rights of children and adolescents with disabilities. One example is promoting policies on equality and non-discrimination in addition to strengthening actions in inclusion and accessibility.
- One of the **National Youth Program's** objectives is to strengthen inclusion and non-discrimination of youths in social and economic development processes. There are five strategies under the principle of respect and non-discrimination. There are also seven lines of actions in education, health and labor for youths with disabilities.
- The **Youth Prize** is the most important accolade awarded by the federal government to youths aged 12 to 29 who stand out among their peers through their dedication, work or studies in different disciplines, inspiring admiration for their personal growth and support of their community's development¹¹⁹. It is worth noting that in the category of Disability and Integration, youths with disabilities have received awards in the past five years.

RECOMMENDATIONS

- ✓ Guarantee inclusion for children and adolescents with and without disabilities in the design, implementation and evaluation of public policies from a perspective of human rights, intersectionality and interculturalism¹²⁰.
- ✓ Advance actions to promote the children's interests, since this is the basis for favoring the legal capacity of young people with disabilities.
- ✓ Establish an institutional strategy to empower and consult children and adolescents with disabilities so their requests are taken into account for developing legislation, policies and government action in line with principles of accessibility, inclusion and non-discrimination. Pay special attention to people living in rural or hard-to-access zones, indigenous communities and migrant populations.
- ✓ Guarantee the integral development—social, intellectual and emotional—of children under 6—with or without disabilities—in order to promote diagnosis (neonatal screening), intervention and early cognitive stimulation within a framework of a fully institutionalized inclusive early education model.
- ✓ Investigate the situation of institutionalized children and adolescents with disabilities and establish mechanisms to supervise and evaluate these spaces to understand the living conditions to prevent, eliminate and punish any form of violence, abuse or mistreatment.
- ✓ Create a system of information about institutionalized children and adolescents—with or without disabilities—that are victims of violence, are deprived of their freedom or lack parental care¹²¹ to gather statistical data that can help identify care needs such as family support, personal assistance, and health and rehabilitation services.
- ✓ Coordinate work between different systems—particularly between the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA) and the Mexican Youth Institute (IMJUVE)—to integrate cross-cutting policies in favor of children and adolescents with disabilities.

¹¹⁵ Intellectual, motor, or hearing disability, deaf-blindness, blindness, low vision, deafness, or autism; (information from the Statistic 911 – Secretariat of Public Education [SEP]) Cf.

<https://www.jornada.com.mx/2011/02/08/sociedad/036n1soc>

¹¹⁶ Violence in any form has an impact on the development of this group and girls and adolescent women are more vulnerable to violence.

¹¹⁷ https://cdhdf.org.mx/wp-content/uploads/2015/05/DFensor_04_2014.pdf

¹¹⁸ Cf. <https://www.elsoldetampico.com.mx/local/confirman-recorte-presupuestal-destinado-a-estancias-infantiles-2842212.html>

¹¹⁹ <https://www.gob.mx/imjuve/articulos/conoce-a-las-y-los-galardonados-del-premio-nacional-de-la-juventud-2018?idiom=es>

¹²⁰ Especially for actions advanced by the National System for the Comprehensive Protection of Children and Adolescents (SIPINNA)—and its state subsystems—and the Mexican Youth Institute (IMJUVE).

¹²¹ In shelters, orphanages, homes, mental health centers, deprived of freedom, among others.

BACKGROUND

31% of people with disabilities believe the main problem they face is lack of accessibility to public services, facilities and equipment. 30% state that the main barrier to find information in government offices is the distance and the need for additional company or support (2017 National Survey on Discrimination [ENADIS] 2017)¹²².

The Mexican state reported on its latest report to the Committee that 60% of the public buildings in the Institute for the Administration and Appraisal of National Assets (NDAABIN) inventory are accessible (684 medical units and 8,506 registered educational facilities)¹²³. However, it is not clear what criteria were considered to define the degree of accessibility.

Only 50% of homes have internet access and 90% of users connect via a smart device¹²⁴. 4.5 million internet users are persons with disabilities, 3.6 million of which are youths¹²⁵. 39.6% of the people in this group¹²⁶ believe that the government information available online is not accessible. 53.8% state that they have not found information in accessible formats in government offices or has only found it in small part, (2017 National Survey for the Alternative Report [ENIA] 2017).

91% of organization representatives¹²⁷ believe that government development of accessible care and service programs is little or insufficient and 80% believe that government development of accessible formats is little or insufficient (2017 National Survey for the Alternative Report [ENIA]).

85% and 92% of the aforementioned surveyed groups believe that *none or very few* of the public transport units they use are accessible (2017 National Survey for the Alternative Report [ENIA]).

In Mexico, four sign language systems are recognized: Mexican, Mayan, Chatina and Purepecha. There is a population of approximately 1.4 million people with hearing impairment¹²⁸. However, there are only 40 certified interpreters, a number that has remained unchanged for four years¹²⁹.

STEP FORWARD

- Ratification of the **Marrakech Treaty** on July 29, 2015 and entry into effect on September 30, 2016¹³⁰. It currently includes a preliminary proposal of criteria about Authorized Entities, advanced by the (National Human Rights Commission) CNDH and civil society organizations¹³¹.
- **Agreement that establishes the general provisions of web accessibility that agencies and entities from the Public Federal Administration and the productive enterprises of the State must observe**, issued in 2015 by the Secretariat of Public Education (SEP).
- **Accessibility guidelines for using the National One-Stop Shop**, defined by Secretariat of the Civil Service's (SFP) Digital Government Unit and publication of a Declaration of Accessibility¹³².
- **Federal Telecommunications Law (LFT)**: it includes a section on Rights of Users with Disabilities; it mandates that government Internet portals must have accessibility features in accordance with international standards; it considers the Rights of Audiences with Disabilities to guarantee accessible formats for television and complaint mechanisms¹³³.
- **General Law of Human Settlements, Territorial Planning and Urban Development**, which considers access to public spaces for people with disabilities, as well as consulting them for projects¹³⁴.
- **General Guidelines for Accessibility to Telecommunication Services for Users with Disabilities**. Published in 2016, they establish specific obligations for authorized service dealers and providers¹³⁵.
- **The Federal Telecommunications Institute (IFT)** was the first public institution certified in Mexican Standard NMX-R-SCFI-2015 on Labor Equality and Non-Discrimination¹³⁶.
- **The Transportation Accessibility Fund for Persons with Disabilities (FOTRADIS)**¹³⁷ allocates resources to states' investment projects for the acquisition of adapted vehicles, construction and inclusive adaptation of infrastructure, roads and public buildings¹³⁸.

¹²² National Council to Prevent Discrimination (CONAPRED) 2018. Handbook of the 2017 National Survey on Discrimination (ENADIS).

¹²³ https://www.conapred.org.mx/documentos_cedoc/Enadis_Prntuario_Ax.pdf

¹²⁴ According to the inventory of the Institute for the Administration and Appraisal of National Assets (NDAABIN), there are 25,054 accessible public buildings in Mexico. This figure was referred to in the integrated report that the Mexican State submitted to the Committee in 2018.

¹²⁵ Institute of Statistics and Geography (INEGI). http://www.beta.inegi.org.mx/contenidos/saladeprensa/boletines/2018/OtrTemEcon/ENDUTIH2018_02.pdf

¹²⁶ This figure was obtained by cross-referencing the number of internet users (2017 National Survey on Availability and Use of Information Technologies in Households [ENDUTIH]) and the official rate of disability of 6.3% (National Survey of Demographic Dynamics [ENADID] 2018).

¹²⁷ This figure refers to persons with disabilities surveyed by the Mexico Coalition for the Rights of Persons with Disability (COAMEX) in the 2017 National Survey for the Alternative Report (ENIA).

¹²⁸ This figure refers to the "attendees" (therapists, teachers, instructors and organization representatives) that were surveyed by the Mexico Coalition for the Rights of Persons with Disability (COAMEX) in the 2017 National Survey for the Alternative Report (ENIA).

¹²⁹ According to the 2017 National Survey of Demographic Dynamics (ENIA) about the population with disabilities based on activities where they have difficulty "hearing (even if using a hearing aid)."

¹³⁰ <https://rotativo.com.mx/noticias/nacionales/edomex/751781-lenguaje-de-senas-mas-alla-de-un-recuadro-en-la-television/>

¹³¹ [dof.gob.mx/nota_to_doc.php?codnota=5454667](https://www.dof.gob.mx/nota_to_doc.php?codnota=5454667)

¹³² https://www.wipo.int/edocs/mdocs/copyright/es/ompi_da_mex_17/ompi_da_mex_17_inf_5.pdf

¹³³ The Declaration was published on February 17, 2016 and last updated on August 21, 2017. <https://www.gob.mx/accesibilidad>

¹³⁴ http://www.diputados.gob.mx/LeyesBiblio/pdf/LFTR_140219.pdf

¹³⁵ http://www.diputados.gob.mx/LeyesBiblio/pdf/LGAHOTDU_140519.pdf

¹³⁶ http://www.dof.gob.mx/nota_detalle.php?codigo=5466859&fecha=23/12/2016

¹³⁷ <http://www.ift.org.mx/sites/default/files/comunicacion-y-medios/comunicados-ift/comunicadoift57-1.pdf>

- **Urban Improvement Program** aimed at improving urban equipment, public space and housing¹³⁹.
- Publication of the **Secretariat of Tourism's Guide to Universal Design Recommendations for the Tourism Sector**¹⁴⁰, which establishes accessibility recommendations for the sector.
- Project for adapting the first 29 articles of the Mexican Constitution (CPEUM) into accessible formats¹⁴¹—from the Electoral Tribunal of Mexico City in collaboration with a team of civil organizations and the National Supreme Court of Justice (SCJN)¹⁴². However, it has not yet been published¹⁴³.
- Mexican Sign Language (LSM) interpretation for ordinary sessions of the Chamber of Deputies and the Senate of the Republic which are broadcast through the Congressional Channel. There are four certified interpreters¹⁴⁴.
- The Electoral Tribunal of Mexico City is the first Latin American tribunal with Mexican Sign Language (LSM) interpretation for public sessions¹⁴⁵. In 2016 the tribunal organized the National Workshop on the Professionalization of Mexican Sign Language Interpretation Services for Law. These workshops continue to be organized by the Electoral Tribunal of the Judiciary of the Federation (TEPJF)¹⁴⁶.
- Mexican Sign Language (LSM) interpretation (2019) for the Presidency's morning press conferences.
- The Specialized Regional Room of the Electoral Tribunal of the Judiciary of the Federation (TEPJF) advanced a Glossary for Procedural Law in Mexican Sign Language. It also published the Manual of the Judicial Interpreter in Mexico aimed at interpreters in training and justice providers¹⁴⁷.
- Academy of Mexican Sign Language inaugurated in 2019 by the Government of Mexico City through the local National System for Integral Family Development (DIF) with the goal of certifying interpreters—with approval from the Secretariat of Public Education (SEP)—with a two-year program¹⁴⁸.
- Agreement signed between CONADIS and the Secretariat of Communications and Transportation (SCT) in 2016 to monitor compliance with accessibility regulations in federal trucking terminals and airports. Moreover, there is a proposal about digital inclusion and plans for coordination with state and municipal governments¹⁴⁹.

RECOMMENDATIONS

- ✓ State-level harmonization of the Integral Urban Mobility Plans' transportation and mobility laws with the purpose of guaranteeing accessibility to people with disabilities on public space and transportation.
- ✓ Guarantee the definition, fulfillment and monitoring of the National Accessibility Program, taking into account international standards to draft the guidelines and penalty mechanisms.
- ✓ Include as a requirement compliance with accessibility criteria in all government funds, acquisition of products or services related to buildings, public spaces, transportation, communication and information¹⁵⁰.
- ✓ Define technical standards for each area of accessibility and make them publicly available ensuring that people with disabilities, the organizations that represent them, experts and academic specialists can participate in their development.
- ✓ Create an intersectoral committee that includes the Office for Domestic Affairs (SEGOB), the Secretariat of Communications and Transportation (SCT), the Federal Commission of Telecommunications (IFT), the Secretariat of the Civil Service (SFP) and the Federal Commission of Economic Competence to monitor the application of public policy in this area and compliance with national, state and municipal regulations.
- ✓ Guarantee the principle of progression in the allocation of resources with items for the cleaning and maintenance of adapted infrastructure in public space, public transportation or buildings.
- ✓ Include all people with disabilities as beneficiaries of the Marrakech Treaty and ensure that texts are adapted into accessible formats, including translations and indigenous languages.
- ✓ Harmonize the Federal Copyright Law and its Regulations with the Marrakech Treaty principles on copyright limitations and exceptions in favor of people with visual disabilities and people that cannot access the printed text.
- ✓ Define and regulate Authorized Entities in accordance with the Marrakech Treaty, including a guideline for the standardization of quality accessible formats in collaboration with organizations of and for people with disabilities.
- ✓ Ensure that the current administration continues the efforts to have a digital strategy for the Federal Government with quality standards and observing the principle of progression.
- ✓ Create a Prosecutor's Office for Audience Rights and ensure that the Federal Commission of Telecommunications (IFT) has the power to follow up on actions and has sanction mechanisms in case of breaches or complaints about licensees.

¹³⁷ Fund for Accessibility in Public Transport for Persons with Disabilities

¹³⁸ http://www.dof.gob.mx/nota_detalle.php?codigo=5511243&fecha=24/01/2018

¹³⁹ The program considers accessibility and the construction of ramps for people with disabilities. <https://www.gob.mx/sedatu/acciones-y-programas/programa-de-mejoramiento-urbano>; <https://www.gob.mx/sedatu/documentos/reglas-de-operacion-programa-de-mejoramiento-urbano-2019?state=published%C2%AO>

¹⁴⁰ http://www.sectur.gob.mx/gobmx/wp-content/uploads/2018/01/Gu%C3%ADa-Recomendaciones-Dise%C3%B1o-Universal-ST_Completa.pdf

¹⁴¹ Audio and Braille, Mexican Sign Language, Easy Reading and Subtitles.

¹⁴² <https://sipse.com/mexico/traduccion-constitucion-mexicana-lenguaje-senas-braille-210346.html>

¹⁴³ <https://www.tecdmx.org.mx/index.php/actividades-y-eventos/2060-constitucion-formatos-accesibles>

¹⁴⁴ 102 were reported in 2016, amounting to 526 hours of interpretation approximately. <https://www.canaldelcongreso.gob.mx/files/tucanal/imagen/transparencia/InfoRelevante/LenguaSenas.pdf>

¹⁴⁵ <https://enfoquenoticias.com.mx/noticias/fundamental-la-labor-de-los-int-rpretes-para-garantizar-el-acceso-la-justicia-tribunal>

¹⁴⁶ In the framework of the new Accusatory Penal System. <https://www.la-prensa.com.mx/mexico/56032-no-se-debe-vulnerar-los-derechos>

¹⁴⁷ <https://www.tecdmx.org.mx/index.php/actividades-y-eventos/4220-presentacion-del-libro-manual-del-interprete-judicial-en-mexico-26-de-febrero-de-2018>

¹⁴⁸ <https://www.excelsior.com.mx/comunidad/inauguran-academia-de-lengua-de-senas-mexicana-en-cdmx/1288428>

¹⁴⁹ <https://www.gob.mx/sct/prensa/firman-sct-y-conadis-convenio-de-colaboracion-de-inclusion-a-personas-con-discapacidad-80051>

¹⁵⁰ For example, the guidelines of the Federal Mass Transportation Support Program (POTRAM).

BACKGROUND

The Judicial Branch of the Federation (PJF) is formed by the National Supreme Court of Justice (SCJN), an Electoral Tribunal (TEPJF), Collegiate and Unitary Circuit Courts and District Courts¹⁵¹.

There is a Federal Judiciary Council (CJF), an administrative body in charge of administering, monitoring and discipline the Judicial Branch of the Federation (PJF) in order to issue and apply regulations, guidelines and policies¹⁵².

On June 18, 2008 a reform was published in the Official Journal of the Federation (DOF) establishing the New Criminal Justice System (NSJP)¹⁵³ which implements the following: (1) accusatory model; (2) presumption of innocence; (3) avoid the use of pre-trial detention as a precautionary measure; (4) oral trials in public hearings; (5) the possibility of serving sentences without going to prison. The following were reformed when the New Criminal Justice System (NSJP) entered into effect: (1) Criminal Justice Law for Adolescents; (2) Criminal Enforcement Law; (3) Law against Organized Crime.

On June 18, 2016 the Presidency held a formal event to official announce the start of the New Criminal Justice System's consolidation stage and its operation throughout the country¹⁵⁴.

The National Code of Criminal Procedure (CNPP) addresses unenforceability as a permanent or temporary condition determined from expert opinions ordered by the Judge in control of the process. If a person is declared unimputable, the application of reasonable adjustments and the possible application of precautionary and security measures is considered according to the criteria of proportionality and minimum intervention¹⁵⁵.

The New Criminal Justice System (NSJP) states that all trials shall be held publicly in oral courtrooms. However, there are no official figures on how many of these facilities comply with accessibility measures for persons with disabilities.

The Mexico City Human Rights Commission (CDHDF) issued Recommendation 04/2018 in response to the suicide of 24 people in prison and establishes the violation of their right to life by staff omissions in seven centers in Mexico City¹⁵⁶, in breach of its obligation to guarantee this right to persons deprived of freedom in their custody¹⁵⁷.

STEP FORWARD

- In 2016, the Presidency of the Republic announced **the reform of 21 federal laws and the modification of 350 local norms** within the framework of the entry into effect of the New Criminal Justice System (NSJP). A National Agreement is also signed between the executive, legislative and judicial branches with the aim of following up on the accusatory system.¹⁵⁸
- The **National Code of Criminal Procedures**¹⁵⁹ (CNPP) recognizes the following rights: (1) principle of equality and non-discrimination; (2) application of reasonable accommodations to the criminal procedure; (3) accessibility to judicial information - access to an interpreter, technological tools, among others; (4) support for the decision making of unimputable persons with disabilities.
- Recognition of rights in: (1) **General Law for the Inclusion of Persons with Disabilities (LGIPD)** (receive free legal advice and representation); (2) **General Law of Victims** (justice bodies must provide training for their staff); (3) **General Law on the Rights of Children and Adolescents (LGDNNA)** (participation in judicial and justice processes); (4) **National Law on the Comprehensive Juvenile Justice System (LNSIJPA)** (*ex officio* assistance from a translator or interpreter and request for reasonable adjustments to the procedure)¹⁶⁰.
- The **National Supreme Court of Justice (SCJN)** has **8 Protocols of Action for Dispensers of Justice**, including a specific protocol on the rights of persons with disabilities which emphasizes the need to guarantee accessibility—to information and communications—with alternative formats and reasonable adjustments to procedures.
- The **Attorney General of Mexico (PGR)** and the **National Council for the Development and Inclusion of People with Disabilities (CONADIS)** developed a **Protocol for first contact with persons with disabilities** addressed to Prosecution Authorities¹⁶¹. On January 30, 2018, these agencies signed a Collaboration Agreement in order to promote the protection of rights and inclusion of this group¹⁶².
- The **Federal Penitentiary System** issues the **Regulations for Federal Centers for Social Readaptation** in Braille, in addition to providing training and awareness-raising for its staff on the inclusion and human rights of persons with disabilities¹⁶³.

¹⁵¹ According to the Constitution of Mexico (CPEUM).

¹⁵² Federal Judiciary Council (2019). Functions. <https://www.cjf.gob.mx/funciones.htm>

¹⁵³ A period of eight years was established so that local Governments and Congresses can do the necessary adjustments.

¹⁵⁴ El País. Mexico inaugurates its accusatory criminal justice system. Article published on June 19, 2016 at https://elpais.com/internacional/2016/06/18/mexico/1466268324_944192.html

¹⁵⁵ It is worth noting that the Code orders that—if it is not possible to meet these requirements—the unimputable person will be acquitted of the crime and sentence.

¹⁵⁶ Women's Santa Martha Acatitla Social Readaptation Center, Women's Tepepan Social Reintegration Center, Men's North Preventive Prison, Men's South Preventive Prison, Men's West Preventive Prison, Men's Santa Martha Acatitla Social Readaptation Center and Mexico City Penitentiary.

¹⁵⁷ Mexico City Human Rights Commission (CDHDF). 04/2018 recommendation. Violations of the right to life for lack of care by the State as guarantor of persons deprived of freedom in its custody. https://cdhdf.org.mx/wp-content/uploads/2018/08/reco_0418.pdf

¹⁵⁸ El País. Mexico inaugurates its accusatory criminal justice system. Article published on June 19, 2016 at https://elpais.com/internacional/2016/06/18/mexico/1466268324_944192.html

¹⁵⁹ National Code of Criminal Procedures (CNPP). Last published reform, Official Journal of the Federation (DOF) 17-06-2016. http://www.diputados.gob.mx/LeyesBiblio/pdf/CNPP_250618.pdf

¹⁶⁰ Reports II and III from Mexico delivered to the CRPD on February 2018.

¹⁶¹ Ibidem. Paragraph 118.

¹⁶² https://www.gob.mx/cms/uploads/attachment/file/312965/CONVENIO_PGR_CONADIS.pdf

¹⁶³ Ibidem. Paragraph 121.

- The **Federal Institute of Public Defender's Office** for matters of federal jurisdiction appoints legal advisors to represent persons with disabilities in amparo proceedings¹⁶⁴.
- Issuance of three sentences in easy-to-read format for persons with psychosocial disabilities^{165, 166}.
- The Mexico City Court of Justice signed an Agreement with Documenta A.C. in April 2017 to include the participation of facilitators trained in proposing reasonable adjustments to the procedure, in criminal proceedings of persons accused of a crime and who have been declared unimputable, totaling more than 100 hearings intervened. Furthermore, in 2019 training activities in Easy Reading and Accessible Communication are being promoted¹⁶⁷.

RECOMMENDATIONS

- ✓ Articulation of the Protocols for the National Supreme Court of Justice's (SCJN) dispensers of justice, promoting the integration of a single Protocol with global guidelines on how to judge with an intersectional and gender approach under the principles of inclusion and non-discrimination.
- ✓ Reforms to the National Code of Criminal Procedures (CNPP) for acknowledging the rights of people with disabilities under the terms set out by the CRPD:
 - Accessibility as a principle, right and service for people with disabilities, guaranteeing in all cases where it is required accommodations, reasonable adjustments and accessible formats.
 - Legal capacity to guarantee their right to participate in any criminal proceedings affecting them—including the possibility to initiate proceedings, to testify as witnesses and to defend themselves if being charged on the presumption of a crime.
 - Independent living and inclusion in the community, ensuring that persons with disabilities—unimputable, accused or relatives of accused people—are not institutionalized when they are involved in criminal proceedings or a process of access to justice.
- ✓ Promote trainings—systematic and mandatory—for all public servants involved in dispensing justice and law enforcement officials in the three levels of government¹⁶⁸.
- ✓ Training for human rights defenders and representatives of the Commissions in the area of attention to priority groups.
- ✓ Establish a system of mobile courts and free legal aid to facilitate access to justice for persons with disabilities—particularly persons with intellectual or psychosocial disabilities, indigenous people, women, children and victims of violence or abuse— living in rural or remote areas¹⁶⁹.
- ✓ Ensure the publication of and unhindered access to information and regulations—national and international—in accessible formats about the legal recourse available to persons with disabilities¹⁷⁰.

7. LIBERTY OF MOVEMENT AND NATIONALITY (Article 18)¹⁷¹

BACKGROUND

The International Organization for Migration (IOM) estimates there are more than 10 million migrants with some kind of difficulty in their bodily functions or structures¹⁷². Migrants in transit face particular risk of acquiring conditions of physical disability due to accidents on the *La Bestia* train or direct attacks by individuals, migratory authorities, police or criminal groups¹⁷³. Migration generates a psychosocial impact due to stress, anxiety, psychological distress, attrition or traumatic events such as being a victim or witness of violence. Therefore, psychosocial disabilities may develop due to disorders (mental, sleep, anxiety, post-traumatic stress), panic attacks or major depression¹⁷⁴. Finally, priority groups among migrants are made invisible and there is a lack of mainstreaming of the disability approach in public migration policy.

STEP FORWARD

- Global Compact for Safe, Orderly and Regular Migration (GCM) led by Mexico and Switzerland. It includes 23 targets—at local, national, regional and global scales—with explicit mention of the rights of persons with disabilities in Goals 7 (reduce vulnerabilities) and 15 (access to basic services)¹⁷⁵.
- The Migration Law (Mexico) identifies persons with disabilities as a vulnerable group. Moreover, the General Law for the Inclusion of Persons with Disabilities (LGIPD, Mexico), recognizes the right to equality and non-discrimination for migrants with disabilities.
- The Secretariat of the Interior's (SEGOB) Migration Policy Unit (UPM) has published three reports with statistical information¹⁷⁶. It also coordinated the creation, implementation and evaluation of the Special Migration Program (PEM) 2014-2018¹⁷⁷.

¹⁶⁴ Reports II and III from Mexico delivered to the CRPD on February 2018. Paragraph 115.

¹⁶⁵ In one case, the judiciary recognized the need to provide decision-making support for persons with disabilities and ordered the criminal court to ensure that the person could freely appoint lawyers for their defense.

¹⁶⁶ <http://documenta.org.mx/discapacidad-justicia/>

¹⁶⁷ <https://documenta.org.mx/blog-documenta/2018/04/10/acceso-a-la-justicia-de-personas-con-discapacidad/>; for this initiative, Documenta, A.C. collaborated with Lectura Fácil México for developing contents for the subject

¹⁶⁸ 2018 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Final observations for Mexico.

¹⁶⁹ Mexico City Human Rights Commission (CDHDF) report on the challenges on torture and other cruel, inhuman or degrading treatment or punishment. United Nations Committee Against Torture (CAT).

¹⁷⁰ United Nations Committee Against Torture (CAT) 2012. Final recommendations for Mexico.

¹⁷¹ To know more about this topic, refer to the Special Report on Migration and Disability. Mexico Coalition for the Rights of Persons with Disability (COAMEX) 2019.

¹⁷² United Nations (2017) International Migration Report, 2017.

https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf?fbclid=IwAR1k3iuWZZd2kfkYSp1I8XkjAsd6yheW7I0IdabAczYRg1zjh5oYQFBcw

¹⁷³ Mexico Coalition for the Rights of Persons with Disability (COAMEX) 2019. Special Report, "Migration and Disability. An Intersectional Perspective."

¹⁷⁴ Mexico Coalition for the Rights of Persons with Disability (COAMEX) 2019. Special Report, "Migration and Disability. An Intersectional Perspective."

¹⁷⁵ 3. La Jornada. 164 countries endorse the pact for orderly migration. Published on December 11, 2018 at <https://www.jornada.com.mx/2018/12/11/politica/010n1pol>

¹⁷⁶ Secretariat of the Interior's Migration Policy Unit (UPM-SEGOB) 2018. Reports on International Migration. http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Prontuarios

- Existence of the National Migration Institute's (INM) Beta Groups. They do rescue, first aid, assistance and guidance for migrants in transit¹⁷⁸.
- Affiliation to the *Seguro Popular*¹⁷⁹ for migrants in transit (as of May 2016, at least 30,751 benefited¹⁸⁰).
- Within the framework of the Regional Advocacy Agenda (Mexico-Central America) and the Research Protocol on Migration and Disability (COAMEX, 2017-2019), 4 consultation events have been organized with the support of international organizations, Mexican government agencies and civil organizations from Mexico, Guatemala, Honduras and El Salvador.

RECOMMENDATIONS

- ✓ Define and implement a protocol for comprehensive attention of persons with disabilities in all forms of migration.
- ✓ Advance a national, regional and global strategy through interinstitutional work.
- ✓ Ensure that agencies that gather statistical data include elements about disability, migration and risk conditions.
- ✓ Promote awareness-raising campaigns to make migrants with disabilities visible.
- ✓ Guarantee accessibility—architectural, to information and communication—in all migratory offices and agencies.
- ✓ Ensure the distribution of official information in accessible formats.
- ✓ Develop and apply protocols of care for migrants in case of acquiring disabilities included as part of the treatment: hospital services, medicines, rehabilitation, as well as psychosocial care and therapeutic support.
- ✓ Promote a study to evaluate the emotional and psychosocial impact of migrations on people who were displaced, are in transit or are returning.
- ✓ Generate accessible medical services for migrants with disabilities.
- ✓ Define a strategy for labor insertion (or reinsertion) and social inclusion of migrants with disabilities in collaboration with the private sector and the promotion of micro-entrepreneurship.

8. RIGHT TO LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY (Article 19)

BACKGROUND

One of the main challenges persons with disabilities face is living independently and being included in the community. They face different obstacles to take control of their lives¹⁸¹. In this regard, the State's main task is to eliminate barriers that prevent these people to play their role in society. The State must provide the appropriate means for them to acquire the abilities necessary for autonomy and independence to participate in the community.

The NOM025 refers to the provision of health services in units of comprehensive hospital medical-psychiatric care and establishes the need for social reintegration for people living with a mental disorder through the promotion of community programs: day hospitals, outpatient services, day centers, halfway houses and sheltered workshops, among others, with special emphasis on prevention from a comprehensive perspective that takes into account the complexity of biological, psychological, social and gender aspects for groups that are at-risk for mental illness¹⁸². Though normative provisions exist, they are still far from being implemented, and there is a lack of broader and more comprehensive measures that promptly address the provisions of Article 19.

STEP FORWARD

- The General Law for the Inclusion of Persons with Disabilities (LGIPD) promotes the right to a higher index of human development, including appropriate food, clothes and housing, as well as continuous improvement of life conditions for persons with disabilities.
- On April 4, 2019, the Mexico City Congress presented the first bill to create a Care System for the capital, through which the state will share responsibilities with families in caring for dependent people such as children, the elderly, people with sickness and people with disabilities (with ongoing support needs).
- The Mexico City Human Rights Commission (CDHDF) is preparing a Special Report about the CRPD's article 19. To this end they organized in April 2019 a hearing and work tables with specialists to share progress and good practices, as well as to identify barriers, challenges and proposals for guaranteeing this right in Mexico City.
- Official Mexican Norm NOM-025-SSA2-2014 for providing health services in integrated medical-psychiatric hospital care units.

RECOMMENDATIONS

- ✓ Adopt such legislative, financial and other measures as may be necessary to ensure the independent living of persons with disabilities in the community. Such measures should include personal assistance services, be culturally appropriate and enable persons with disabilities to choose their way of life, place of residence and identify their preferences and needs, with a special focus on gender and age.
- ✓ Create databases on people with disabilities that are institutionalized in shelters, orphanages, homes, mental health centers and detention centers, among others, that help identify the need to implement a focused public policy.

¹⁷⁷ Secretariat of the Interior (SEGOB) 2015. Programa Especial de Migración 2014-2018 (PEM). http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Programa_Especial_de_Migracion_2014-2018_PEM

¹⁷⁸ National Migration Institute (INM) 2017. Beta Groups for migrant protection. <https://www.gob.mx/inm/acciones-y-programas/grupos-beta-de-proteccion-a-migrantes>

¹⁷⁹ The *Seguro Popular* is the system of social security and health services aimed at the non-beneficiary population coordinated by the National Commission for Social Protection in Health.

¹⁸⁰ National Population Council (CONAPO)- Secretariat of the Interior (SEGOB) 2016. Migration and health. Perspectives on the migrant population. https://www.gob.mx/cms/uploads/attachment/file/166446/Migracion_y_Salud_2016.pdf

¹⁸¹ These include physical barriers—architectural, transport—and the social environment—stereotypes and prejudices—and the State, society and families themselves are involved in these.

¹⁸² http://www.dof.gob.mx/normasOficiales/5805/salud3a11_C/salud3a11_C.html

✓ It is urgent to establish a strategy for the deinstitutionalization of persons with disabilities with specific deadlines and follow-up of results based on a report.

9. RIGHT TO EDUCATION (Article 24)

BACKGROUND

The country has a diverse, complex, heterogeneous education system, divided into basic, secondary, and higher education in schooled, non-schooled and mixed modalities. Basic education consists of preschool, primary and secondary school; secondary education consists of high school and other equivalent levels; higher education consists of bachelor's degrees, specializations, postgraduate degrees, as well as other options like Superior University Technician, in addition to the normal education in all its levels and specialties¹⁸³.

In the 2017-2018 school cycle, the National Statistics System (SEN) enrolled 25 million children and adolescents in basic education (70%); 5 million in secondary education (14%); 3 million in higher education (10%); and 1.9 million in job training (5%)¹⁸⁴.

In the case of children aged 3 to 5, only 6 out of 10 attend an educational program¹⁸⁵. The largest coverage in initial education or early childhood care is concentrated in the community education services of the National Council for the Promotion of Education (CONAFE) (2015 National Survey of Children and Women [ENIM]), where approximately 700,000 children were served in the first quarter of 2018. The council also offered child development workshops for community promoters¹⁸⁶.

Although preschool is mandatory in Mexico, only 42% of 3-year-olds attended in the 2014-2015 school cycle; 89% for 4-year-olds; and 84% for 5-year-olds¹⁸⁷.

According to the National Institute for the Evaluation of Education (INEE), in the 2016-2017 school cycle the highest percentage of enrollment was found in primary education with 97% (2,275,221 students)¹⁸⁸, a figure that shows that primary education coverage in Mexico has become almost universal. For secondary education in the same school cycle, 95 out of every 100 young people attended (SEP / INEE)¹⁸⁹.

Nearly one fifth of the indigenous population is illiterate (17%) and one in four indigenous speakers cannot read or write. In the case of the population of African descent, 6% are illiterate.

According to the National Council for the Evaluation of Social Development Policy (CONEVAL), 48% of the population with disability lags behind in education, compared to 15% of persons without disability¹⁹⁰. According to the 2014 ENADID, only 46% of the population with disability aged 3 to 29 attends school, in contrast to 60% of persons without disability of the same age range; according to the 2016 ENIGH at least 80,628 persons with disability of school age do not attend school. On the other hand, it is estimated that 26% of the population with disability aged 18 to 29 is illiterate, 42% live in conditions of educational lagging, and it is estimated that the percentage increases to 68% for the population with disability over 65 years of age.

In basic education, the SEN provides care for students with disabilities and so-called "students with special educational needs"¹⁹¹ through two types of care services: The Multiple Care Centers (CAM) and the Service and Support Units for Regular Education (USAER), in which the highest percentage of students enrolled are in primary education (67% and 72%, respectively)¹⁹². On the other hand, even when "inclusive education" is promoted, there was an increase in the number of students with disabilities in special education services.

While school attendance is almost universal at basic levels (97%), among persons with disabilities the percentage drops to 80% and only 28% of this sector is incorporated into secondary and higher education (CONAPRED 2018).¹⁹³

Within the framework of the Education Reform that was promoted during the last administration—in 2012 and 2013—several constitutional reforms were established to articles 3 and 73, in which some proposals were added regarding the State's obligation to guarantee quality in compulsory education, as well as the creation of the National System of Educational Evaluation (SNEE) coordinated by the National Institute for the Evaluation of Education (INEE), establishing the criteria for the evaluation of the Professional Teaching Service¹⁹⁴—through the modification of the General Law of Professional Teaching Service¹⁹⁵. In spite of this, the new government issued and approved a New Educational Reform on May 15, 2019 cancelling the Reforms and actions implemented between 2013 and 2018. At the same time, the disappearance of the INEE was approved, so instead it was proposed to create the National Institute for the Reevaluation of the Teaching Profession and the Continuous Improvement of Education¹⁹⁶.

STEP FORWARD

¹⁸³ Cf. <https://www.gob.mx/sep/articulos/conoce-el-sistema-educativo-nacional>

¹⁸⁴ <http://publicaciones.inee.edu.mx/buscadorePub/P1/B/116/P1B116.pdf>

¹⁸⁵ Cf. <https://www.unicef.org.mx/Informe2017/Informe-Anual-2017.pdf>

¹⁸⁶ Cf. <https://www.gob.mx/conafe/prensa/atende-conafe-a-casi-700-mil-ninos-y-ninas-en-primer-trimestre-de-2018?idiom=es>

¹⁸⁷ Cf. <https://www.unicef.org/mexico/spanish/ninos.html>

¹⁸⁸ Cf. <http://publicaciones.inee.edu.mx/buscadorePub/P1/B/116/P1B116.pdf>

¹⁸⁹ Cf. <http://publicaciones.inee.edu.mx/buscadorePub/P1/B/116/P1B116.pdf>

¹⁹⁰ Cf. https://www.coneval.org.mx/Evaluacion/IEPSM/Documents/Derechos_Sociales/Dosieres_Derechos_Sociales/Retos_Derecho_Edu.pdf

¹⁹¹ This allows us to identify how terms that are already obsolete in accordance with the CRPD and the human rights-based approach continue to prevail.

¹⁹² Cf. <http://publicaciones.inee.edu.mx/buscadorePub/P1/B/116/P1B116.pdf>

¹⁹³ <https://www.conapred.org.mx/userfiles/files/Ficha%20PdD%281%29.pdf>

¹⁹⁴ http://www.diputados.gob.mx/sedia/biblio/prog_leg/080_DOF_11sep13.pdf

¹⁹⁵ Cf. <https://www.excelsior.com.mx/topico/reforma-educativa>

¹⁹⁶ <https://www.animalpolitico.com/bbc/idioma-ver-futuro-diferente/>

- In the 2013-2018 **Sectoral Education Program**, lines of action were established from a perspective of inclusion and equality; the educational needs of persons with disabilities were also addressed based on the international and national legal framework¹⁹⁷.
- Between 2014-2015, the **Program for Inclusion and Educational Equality (PIEE)** was implemented in the 32 states, through which indigenous education schools, migrant education centers and special education services were served. Thanks to the resources of this program it was possible to do academic activities, academic strengthening, obtain specific equipment, educational support material, as well as to form and operate networks of parents of families with gifted children, where special education services are strengthened and the students benefit.
- On June 1, 2016, the **General Education Law** was amended to include the publication of books and materials in accessible formats, accessibility of campuses, conditions for the full exercise of the right to quality education, training programs, support for persons with learning, behavior, or communication disabilities, social participation in education, the obligation to establish reasonable accommodation, and infractions to non-compliant educational service providers.
- On May 15, 2019, a decree was published in the Official Journal of the Federation (DOF) **amending Articles 3, 31 and 73 of the Constitution in the area of education**, establishing that compulsory initial, preschool, primary, secondary, and higher education shall be provided and guaranteed; That initial education is a right for children and it will be the responsibility of the State to raise awareness of its importance. Education will be universal, inclusive, public, free and compulsory, as well as with a human rights and gender perspective; in the case of indigenous peoples and communities it will be multilingual and intercultural. Universities maintain their autonomy; the General Law on Professional Teaching Service (LGSPD) and the Law on the National Institute for the Evaluation of Education (INEE) are repealed, eliminating teacher evaluations; the INEE disappears and the System for the Continuous Improvement of Education will be created; teachers are recognized as fundamental agents in the educational process as well as their right to access to a system of education, training and updating.

RECOMMENDATIONS

- ✓ Recognize in legislation and policies a system that guarantees inclusive education at all levels—initial, preschool, primary, secondary and higher education—and educational modalities—community, indigenous and rural—and modify regulations that promote segregated or differentiated education.
- ✓ Promote the use of concepts and terminology in accordance with current paradigms, reassessing the actions of the Secretariat of Public Education (SEP) throughout the National Statistics System (SEN) in order to effectively advance towards a true model and practices of inclusion, beyond mere rhetoric.
- ✓ Double efforts to improve the quality of education (access, permanence, educational attainment and graduation); guarantee care for children with disabilities, paying particular attention to intellectual, psychosocial, multiple and deafblind disabilities.
- ✓ Take all necessary measures to improve the quality of education by increasing the number of qualified teachers, ensuring their continuing education and training, for which it is necessary to review and update the Plans and Programs of Teacher Training Colleges and of any other institution dedicated to the training of teachers and educational professionals, in order to include care for persons with disabilities and the principles of inclusive education as a compulsory subject or content.
- ✓ Progressively increase budget allocations to ensure full implementation of the inclusive education approach in all states and municipalities (with specific allocations to improve school infrastructure, development of adequate materials and full accessibility, especially in indigenous communities and rural areas).

10. RIGHT TO HEALTH (Article 25)

BACKGROUND

The National Health System (SNS)^{198,199} includes the following levels of care: the first level provides precautionary measures and basic health services for frequent and widespread diseases²⁰⁰; the second level handles patients referred from the first level due to a need for diagnostic, medical, therapeutic, or rehabilitation procedures²⁰¹; the third level handles patients with complex, low-prevalence, and high-risk diseases through a network of specialty hospitals with advanced technology. The Mexican School of Clinical Nutrition (CMN), as well as the Specialty Medical Units (UMAES)²⁰², and the National Public Health Institute (INSP)²⁰³, along with regional specialty hospitals²⁰⁴ (those which provide rehabilitation, psychological and psychiatric services)²⁰⁵ constitute this third level.

According to the 2016 Mexican Health Report, coverage provided by the SNS covers 83% of the total population^{206,207}. The CONEVAL reports a decreasing trend in the lack of access to health services; it declined from 19% in 2012 to 12% in 2016.

¹⁹⁷ Cf. http://normatecainterna.sep.gob.mx/work/models/normateca/Resource/253/1/images/programa_sectorial_educacion_2013_2018.pdf

¹⁹⁸ Social Security (IMSS, ISSSTE, PEMEX, SEDENA y SEMAR) and non-social security (*Seguro Popular*, SSA, SESA and IMSS-O).

¹⁹⁹ By 2014, there were 20,000 registered Medical Units; 24,199 hospital units; 24,199 outpatient units; 4,450 hospitalization units, 69% from the private sector; 134,974 censable beds, 74,983 doctor's offices, 4,049 operating rooms, 1,944 rehabilitation services, 210,600 medical personnel and 287,286 nurses. 2016 Report on the Health of Mexicans, https://www.gob.mx/cms/uploads/attachment/file/239410/ISSM_2016.pdf

²⁰⁰ Formed by UMF (IMSS), Health Centers (SSA) and Family Clinics (ISSSTE).

²⁰¹ Instituted by: "General, Regional, Integral, Community Hospitals; Pediatric, Gyneco-Obstetrics or Maternal-Infantiles Hospitals, as well as Federal Reference Hospitals that are located in Mexico City and that operate as hubs for the entire national territory."

²⁰² Located in Mexico City.

²⁰³ Based in Cuernavaca, Morelos.

²⁰⁴ They are distributed in 6 of the 32 states: Guanajuato, Oaxaca, Yucatán, Chiapas, Tamaulipas and the State of Mexico. Coordinating Commission of the National Institutes of Health and Specialty Hospitals (CCINSHAE). <http://www.ccinshae.salud.gob.mx/2012/hrae.html>

²⁰⁵ One of the main reference points in medicine in Mexico, especially in the study and care of disabilities, is the National Rehabilitation Institute, which promotes various actions in the area of research and rehabilitation services. National Rehabilitation Institute (INR), <https://www.inr.gob.mx/g24.html>

²⁰⁶ Where the states with the most resources are Mexico City and Nuevo León. The opposite is true for the State of Mexico and Chiapas.

The *Seguro Popular's* Universal Catalogue of Health Services (CAUSES) includes 294 interventions, 1807 diagnoses (CIE-10), 618 procedures and 633 medications²⁰⁸ and associated supplies^{209 210}.

Of those surveyed in the National Survey for the Alternative Report (ENIA)²¹¹, most people are covered by the *Seguro Popular* (582) followed by IMSS-PROSPERA (536) and by the private sector (165). 76% of people report that the medical care they receive in the public sector is always or almost always suitable^{212, 213}—regardless of the institution—and 85% for the private sector, with the Teletón Children's Rehabilitation and Inclusion Centers (CRIT) being the best rated with 88%. The most prevalent diseases are non-communicable diseases such as overweight and obesity, which can cause diabetes²¹⁴, and if not treated properly and in a timely manner is "[...] the leading cause of death, disability due to blindness and non-traumatic amputations, and years with a low quality of life[...]"²¹⁵ Cancer is the third leading cause of death and 85% of people living with this condition may have some form of functional restriction which puts them at greater risk of acquiring some form of disability depending on the causes and stage of the disease.

According to official sources these are the main causes of disability: disease (41%), old age (33%), birth (11%), accident (9%), violence (0.6%) and others (6%)²¹⁶. There is comorbidity between the onset of communicable and non-communicable diseases with the risk of developing mental disorders and acquiring psychosocial disabilities²¹⁷, such as cancer, HIV or diabetes with depression or anxiety²¹⁸.

Although Mexico is a "young" country²¹⁹, we can glean that in the next few years there will be a higher index of older adults when the population pyramid is inverted. Due to the decrease in levels of functionality this sector is at particular risk of acquiring disability conditions.

Until 2018, mental health care was defined by PAE 2013-2018 and NOM-025-SSA-2-2014, and the main bodies responsible for providing these services²²⁰ were psychiatric hospitals, but with the aim of redirecting care to this sector, actions have been taken to establish mental health units in General Hospitals.

It is estimated that one in four Mexicans aged 16 to 85 will have a mental disorder at some point in their lives, of which only one in five will receive treatment²²¹. Among the most frequent disorders are depression, anxiety and specific phobias, and to a large extent they are associated with harmful consumption of alcohol and other narcotic substances²²². Moreover, depression is the leading cause of disability²²³. For example, 5 to 25% of women have suffered postpartum depression, which is one of the main causes of psychosocial disability in this sector of the population²²⁴.

As for suicide²²⁵, 5,116 cases were men and 1,173 were women, of which 75% of the people committed suicide in 2016 had some mental disorder, such as depression associated with alcohol consumption in adults and cannabis in young people^{226, 227}.

Childhood depression in 2016 ranked second in diagnosed mental disorders²²⁸. Among adolescents, 24 per cent have one or more mental health problems—the most prevalent being anxiety, attention deficit, depression, substance use and suicide attempts²²⁹—while "three out of every 100 young people with acquired disabilities commit suicide because they are unable to cope with their new condition"²³⁰.

²⁰⁷ According to 2016 ENSANUT MC, 13.4% of the informants do not have any type of health protection; 43.3% have *Seguro Popular*; 32.9% are affiliated to IMSS; 7.4% to ISSSTE; 0.4% to SEDENA or SEMAR; 0.3% have PEMEX protection; and 0.6% are affiliated to the private sector. ENSANUT MC 2016.

²⁰⁸ Of which 20 are medicines for Psychiatry: Attention Deficit Disorder with Hyperactive Component, Autism and Asperger's Syndrome, Depression, Affective Disorders (bipolar affective disorder, persistent affective disorders), Anxiety Disorders (generalized anxiety, panic disorders, reaction to stress, adjustment disorders, post-traumatic stress disorder and adaptive disorder) and Psychotic Disorders (Schizophrenia, psychotic and schizotypal).

²⁰⁹ CAUSES, *Seguro Popular*, www.documentos.seguro-popular.gob.mx/dgss/CAUSES_2019_Publicación.pdf

²¹⁰ Despite the lack of definition about the continuation of this governmental entity. El Sol de Hidalgo, <https://www.elsoldehidalgo.com.mx/local/piden-actualizar-poliza-para-el-seguro-popular-3645064.html>.

²¹¹ COAMEX (2018) 2017 ENIA Results Report.

²¹² The public sector has 74% perception of suitability, the most recognized being PEMEX, ISSSTE and military institutions, which are mentioned by at least eight out of ten users. In turn, IMSS and *Seguro Popular* are rated 74% and 71%, respectively. This is contrary to what is reported in the CNDH's 2018 Activities Report, which identifies the IMSS as the institution with the highest frequency index with 2,532 complaint files.

²¹³ http://www.cndh.org.mx/sites/all/doc/informes/anuales/2014_Sintesis.pdf

²¹⁴ In addition to high blood pressure, dyslipidemias, coronary heart disease, cerebral vascular disease, osteoarthritis, [as well as different types of] breast, esophagus, colon, endometrium, and kidney cancer. 2016 Report on the Health of Mexicans, https://www.gob.mx/cms/uploads/attachment/file/239410/ISSM_2016.pdf

²¹⁵ http://www.dgcs.unam.mx/boletin/bdoletra/2016_033.html

²¹⁶ INEGI (2017) Disability in Mexico, data as of 2014.

http://conadis-transparencia.org/transparencia_focalizada/La_discapacidad_en_Mexico_datos_al_2014_Version_2017.pdf

²¹⁷ https://www.gob.mx/cms/uploads/attachment/file/11918/Salud_Mental.pdf

²¹⁸ Cf. saludpublica.mx/index.php/spm/article/download/7207/9382

²¹⁹ <https://www.unotv.com/noticias/porta/nacional/detalle/mexico-pais-joven-envejeciendo-poblacion-101444/>

²²⁰ With a health budget of 2% for mental health, of which 80% is mainly for maintenance of psychiatric hospitals and the rest for prevention, detection and rehabilitation services. The majority is for addiction prevention.

²²¹ https://www.gob.mx/cms/uploads/attachment/file/11918/Salud_Mental.pdf

²²² A prevalent case is use of inhalants, especially by "young people who have experienced social and economic marginalization, either because they live or work on the street, are in trouble with the law, or simply live in very poor environments." Revista Ciencia.

https://www.revistaciencia.amc.edu.mx/images/revista/65_1/PDF/Inhalantes.pdf

²²³ WHO, <https://www.who.int/es/news-room/fact-sheets/detail/depression>

²²⁴ Public Health in Mexico, <http://saludpublica.mx/index.php/spm/article/view/7190/9349>

²²⁵ It is observed that the highest suicide rates were among young men aged 20 to 29 and women aged 15 to 19. For people 65 and older, the records show there are 10.5 suicides per 100,000 men and 0.7 in women.

²²⁶ In 2016 there were 6,291 suicides. The highest suicide rate was found in Chihuahua and Yucatan, with 11.4 and 10.2 suicides per 100,000 inhabitants respectively, and the lowest rate in Guerrero, Veracruz, and Oaxaca, with 2.1, 2.5 and 2.9 suicides per 100,000 inhabitants respectively. <https://www.milenio.com/salud/aumentan-casos-de-suicidio-en-ninos-y-medicos>

²²⁷ http://www.beta.inegi.org.mx/contenidos/saladeprensa/aproposito/2018/suicidios2018_Nal.pdf

²²⁸ <https://www.milenio.com/estados/se-disparan-trastornos-psiquiatricos-en-ninos-mexicanos>

²²⁹ https://www.gob.mx/cms/uploads/attachment/file/11918/Salud_Mental.pdf

²³⁰ <http://intrzacatecas.com/2015/04/30/de-cada-100-jovenes-con-discapacidad-adquirida-tres-se-suicidan/>

STEP FORWARD

- Amendments to the **General Law on Women's Access to a Life Free of Violence** and to the **General Law on Equality between Women and Men** to punish obstetric violence in order to provide greater protection in medical care during pregnancy²³¹.
- The inclusion in the General Health Law of the obligatory and free application of metabolic and auditory **Neonatal Screening**²³².
- Publication of **NOM-004-SSA3-2012**, which establishes all the criteria for the elaboration, use, management and filing of the clinical file.
- The **2013-2018 Health Sector Program** establishes only 1 objective, 1 strategy, 5 lines of action and no indicators in the area of disability. The main actions are aimed at the prevention and reduction of disabilities.²³³
- CONADIS' **2014-2018 National Program for the Development and Inclusion of Persons with Disabilities** establishes that objective 2 is "to improve the access of persons with disabilities to health services, as well as to specialized health care."²³⁴
- DIF's **Program for the Prevention, Rehabilitation and Social Inclusion of Persons with Disabilities** (2016), aimed at providing comprehensive care for the rehabilitation process in this sector²³⁵.
- Establishment of the request for informed consent of patients in the procedures of hospitalization, outpatient consultation and rehabilitation within the **IMSS's Regulation of Medical Benefits** (2006).
- Through the **National Committee of the IMSS Institutional Program on the Rights of Persons with Disabilities**, actions have been taken to harmonize internal laws and regulations with the CRPD, medical and administrative staff have been trained—in person and through online courses—and awareness and dissemination campaigns on the rights of this group have been promoted. 35 delegation committees have been established in the 32 states, which have institutional work plans to promote specific actions at the state level²³⁶.
- The **Siglo XII Medical Insurance Program**, of the National Commission of Social Protection in Health, in charge of financing universal medical insurance for girls and boys under 5 years of age who are not beneficiaries of any social security institution, with cases registered under "disease codes that translate disability" according to CIE 10, which includes 3 categories of disability: physical, mental and "both."²³⁷
- In the ISSSTE, the creation of the **National Information Campaign "Breaking Barriers," the ABCs of Disability** that seeks to promote the social inclusion of people with disabilities through the right to work, education and health, and raise awareness about the importance of "identifying situations of vulnerability and provide preferential care to individuals, families and social groups at risk [...] in the ISSSTE."²³⁸
- Through a joint project between INR and CEMECE, and with the participation of different SNS servers, **training on the CIF** was advanced for its proper application and implementation, through which 16 variables were developed to define the minimum information to generate statistical information.
- The INR participated in the first Mexico City Sign Language Dictionary, as well as in the publication of several articles and book chapters. The priority in the research "Epidemiology of disability" is to identify and generate information about the epidemiology of disabling conditions and the most frequent disabilities, as well as prevention measures²³⁹.
- The **INSP** promotes a line of research in the area of health and vulnerable groups, with emphasis on migration and health, indigenous population, youth and vulnerability to HIV, the elderly, youth and traffic accidents, poverty and violence²⁴⁰. A volume of the *Revista Salud Pública de México* called *Discapacidad: las múltiples dimensiones* (Disability: multiple dimensions) reports on 20 specific articles on health and disability.
- Adoption of **NOM-025-SSA2-2014**, which establishes standards for the comprehensive operation of psychiatric care facilities in accordance with users' rights. It also states that it is mandatory for the public, social and private sectors and for all activities inherent to the personnel of medical-psychiatric units, as well as for prevention, therapeutic and psychosocial rehabilitation activities, with special emphasis on respecting the human rights and the dignity of users. Additionally, the patient must be informed about and consent to the process of internment in order to continue hospital treatment²⁴¹.
- The **Specific Action Program, Psychiatric Care**²⁴² and the **Specific Action Program, Mental Health**^{243, 244}, 2013-2018, of the SSA, which establishes the strategies and lines of action for the provision of "inclusive" services based on a community and human rights model—though they do not include specific actions and indicators on psychosocial disability.
- 2018 Reform of the **Mexico City Mental Health Act**, which states in article 6 the rights of users and access to the service. Some aspects include free information for patient decision making, confidentiality of personal information, adherence to the right to receive medicines, linkage to education and employment and to be treated with dignity and respect for their human rights.

²³¹ OPINION OF THE COMMISSION FOR GENDER EQUALITY. http://www.senado.gob.mx/comisiones/igualdad_genero/reu/docs/ROT_30_VOTACION_3.pdf

²³² Senate of the Republic, <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/44313-obligatorio-el-tamiz-neonatal-para-cardiopatias-congenitas-graves-o-criticas.html>

²³³ Secretariat of Health, 2013-2018 Sectoral Health Program <https://www.gob.mx/salud/acciones-y-programas/programa-sectorial-de-salud-21469>

²³⁴ <https://www.gob.mx/conadis/es/acciones-y-programas/programa-nacional-para-el-desarrollo-y-la-inclusion-de-las-personas-con-discapacidad-2014-2018-5882>

²³⁵ DIF, <https://www.gob.mx/dif/nacional/acciones-y-programas/centros-de-rehabilitacion>

²³⁶ Handbook on Integration and Functioning of the Committee for the Institutional Program on the Rights of Persons with Disabilities, <http://datos.imss.gob.mx/sites/default/files/reglasOperacion.pdf>

²³⁷ National Commission for Social Protection in Health (2017) <https://www.gob.mx/salud/%7Cseguropopular/acciones-y-programas/que-es-el-seguro-medico-siglo-xxi-smsxxi>

²³⁸ <https://www.gob.mx/issste/acciones-y-programas/programa-atencion-a-personas-con-discapacidad>

²³⁹ General Director's Self-Assessment Report. Luis Guillermo Ibarra Ibarra National Rehabilitation Institute, https://www.inr.gob.mx/Descargas/informes/Informe_Autoevaluacion_2018.pdf

²⁴⁰ <https://www.insp.mx/lineas-de-investigacion/salud-y-grupos-vulnerables/publicaciones.html>

²⁴¹ Although it is mentioned that internment can be indicated by specialists without the consent of the person. http://www.dof.gob.mx/normasOficiales/5805/salud3a11_C/salud3a11_C.html

²⁴² http://www.sap.salud.gob.mx/media/267193/PAE_Atenci%C3%B3n-Psiqui%C3%A1trica.pdf

²⁴³ https://www.gob.mx/cms/uploads/attachment/file/11918/Salud_Mental.pdf

²⁴⁴ Which includes the promotion of mental health and comprehensive care through outpatient care, hospitalization, psychosocial rehabilitation and social reintegration.

- Between 2017 and 2018, State Mental Health Laws have been promoted in states such as Baja California, Baja California Sur, Campeche, State of Mexico, Jalisco, Michoacán, Morelos, Nuevo León, San Luis Potosí, Sinaloa, Sonora, Yucatán and Zacatecas.

RECOMMENDATIONS

- ✓ Define a strategy for the continuity and strengthening of the *Seguro Popular* program, taking into consideration the current policies and the proposals for reorientation of the services promoted by the Federal Government as part of the "austerity policies".
- ✓ Promote the right to the highest attainable standard of health in the SNS.
- ✓ Establish a policy of prevention of diseases that can generate conditions of disability, as well as early attention for registered cases, particularly conditions such as overweight and obesity, diabetes, hypertension, cancer, Parkinson's and HIV. On the other hand, recognize other conditions such as depression and Alzheimer's, as well as comorbid, chronic and catastrophic illnesses.
- ✓ Review health sector budget lines to prioritize high specialty services and psychiatric and mental health services.
- ✓ Guarantee universal and free access to medicines, particularly those that are controlled or have a high cost, recognizing them as part of the support system (particularly for people with psychosocial disabilities or with a diagnosis of mental disorder), in addition to broadening the list of essential medications.
- ✓ Promote a strategy for the decentralization of medical services, especially those of the third level of care through multidisciplinary networking.
- ✓ Generate multidisciplinary and interdisciplinary groups to define a strategy for the assessment, certification and registration of persons with disabilities. The SNS should define their functions and the responsible authorities.
- ✓ Promote a single system of electronic clinical records for free use among the different instances and agencies of the health sector for the comprehensive care of patients and the adequate follow-up of their clinical history and treatment. This allows for the consolidation of an administrative record.
- ✓ Define a strategy to ensure free and informed consent for persons with disabilities—including accessible formats—for all levels and services of the health sector.
- ✓ Promote a mental health rehabilitation and community inclusion program with sufficient, high-quality services.
- ✓ Promote the creation and strengthening of Mental Health services, as well as generate strategies to prevent and treat mental disorders from the first level of health care.

11. RIGHT TO WORK AND EMPLOYMENT (Article 27)

BACKGROUND

In Mexico, 35% of persons with disabilities aged 15 to 59 are economically active, in contrast to 65% of the general population in the same age range²⁴⁵; recent studies indicate that persons with disabilities can earn up to 151% less than persons without disabilities (Solis 2017)²⁴⁶.

From 2012 to 2018, 76 thousand persons with disabilities were employed in a job by the Secretariat of Labor and Social Welfare (STPS); this figure accounts for 2.45% of the total population between the ages of 15 and 59^{247, 248}.

93.1% of people with disabilities who work as public servants mainly have physical or sensory disabilities, unlike workers with intellectual (1%) and "mental"²⁴⁹ (5%) disabilities (STPS, INEGI, 2018)²⁵⁰.

The 2017 ENADIS reported that 30% of people with disabilities in Mexico still face a lack of opportunities to find employment²⁵¹, only 25% of people with disabilities who work have a contract and 27% have medical benefits, in contrast to the national percentages of 40% and 43% respectively²⁵². On the other hand, based on the people surveyed in the 2017 ENIA, 45% of people with disabilities who work have a contract, 54% work in the informal sector. Other forms of work such as self-employment (15%) and temporary hiring (12%) are rare²⁵³.

The people surveyed in the 2017 ENIA believe that those who hire the most people with disabilities are businesses (51%) and civil organizations (41%), and to a lesser extent the government (6%). On the other hand, 72% of civil society organizations, 60% of companies and 42% of government agencies have policies for labor inclusion for people with disabilities²⁵⁴.

STEP FORWARD

- The 2014-2018 National Work and Employment Program for Persons with Disabilities (PNTEPD) coordinated by the STPS and the CONADIS, derived from PND 2013-2018 and PSTyPS 2013-2018. The PNTEPD incorporates 5 specific objectives, 5 strategies, 23 lines of action and 5 indicators on labor inclusion²⁵⁵.
- Formation of the of the PNTEPD Coordinating Committee made up of 15 APF offices and the installation of 5 working groups and 32 State Committees to monitor the program.

²⁴⁵ INEGI. National Survey on Discrimination - ENADIS (2017). Results Report.

²⁴⁶ As quoted in CONAPRED (2018). Factsheet for People with Disabilities. <https://www.conapred.org.mx/userfiles/files/Ficha%20PcD%281%29.pdf>

²⁴⁷ Secretariat of Labor and Social Welfare (2018). Sixth Work Report 2017-2018.

²⁴⁸ Out of a total of 3.1 million people with disabilities in this age range. INEGI. Disability in Mexico. Data as of 2014.

²⁴⁹ This term is used in the official source, which underlines the need to clarify the use of concepts.

²⁵⁰ STPS. Secretariat of Labor and Social Welfare 2017-2018 Work Report.

²⁵¹ <https://www.gob.mx/capacidadesyempleo/articulos/30-de-personas-con-discapacidad-fue-discriminada-al-menos-una-vez-en-los-ultimos-5-anos-encuesta-conapred?idiom=es>

²⁵² CONAPRED (2018). Factsheet for People with Disabilities. <https://www.conapred.org.mx/userfiles/files/Ficha%20PcD%281%29.pdf>

²⁵³ Results Reports for National Survey for the Alternative Report (ENIA) 2017.

²⁵⁴ Results Reports for National Survey for the Alternative Report (ENIA) 2017.

²⁵⁵ Official Journal of the Federation. National Work and Employment Program for Persons with Disabilities. Pages 3 and 4.

- Promotion of a Reform Project to the LGIPD to promote the incorporation of hiring quotas for people with disabilities in the public and private sectors²⁵⁶.
- Publication and entry into force (2016) of Official Mexican Standard NOM-034-STPS-2015, Security conditions for access and development of activities for workers with disabilities in the workplace—promoted by the Coordinating Committee of the PNTEPD.
- Mexican Standard NMX-R-025-SCFI-2015 on Labor Equality and Discrimination—promoted by INMUJERES, STPS and CONAPRED—in order to acknowledge inclusive workplaces that have accessibility measures and people with disabilities in their staff, among other considerations²⁵⁷.
- Analysis of how public agencies record data on disability (STPS and INEGI, 2017) and promotion of a pilot project to standardize the statistical information generated in the Social Inclusion Program PROSPERA based on the CIF²⁵⁸.
- The IMSS's Job Training and Rehabilitation Center (CECART), which provides rehabilitation services and workshops to insured persons who have acquired a disability due to an accident at work or illness, with the objective of training them and reintegrating them into the labor field²⁵⁹.

RECOMMENDATIONS:

- ✓ Harmonize the Income Tax Law with the CRPD, eliminating the use of inappropriate language and limitations on the application of tax reductions.
- ✓ Guarantee the permanence of the PNTEPD, answering to the principle of progression, guaranteeing its application, monitoring and mainstreaming—state and municipal—during the 2019-2024 administration.
- ✓ Guarantee the collection of disaggregated statistical data (according to the CRPD and the CIF) on persons with disabilities (and by priority groups) hired in government agencies.
- ✓ Include indicators about labor inclusion of persons with disabilities in work programs—at national, state and municipal levels—with emphasis on reasonable adjustments in the processes of recruitment, hiring, training and permanence.
- ✓ Strengthen the Labor Linkage Network (STPS) to increase the number of people with disabilities that receive orientation and are placed in formal employment. We suggest guaranteeing the scheduling of job fairs and trainings in all states.
- ✓ Promote affirmative action to increase access to formal employment for women with disabilities, guaranteeing equality of opportunities and non-discrimination.

12. PARTICIPATION IN POLITICAL AND PUBLIC LIFE (Article 29)

BACKGROUND

On election day 2018²⁶⁰, 54.6 million Mexicans²⁶¹ participated, of whom the National Electoral Institute (INE) estimates that 105,092 were people with disabilities²⁶², the majority being motor disabilities, followed by visual disabilities, and there were also reports of some people with hearing disabilities, Down's Syndrome and Parkinson's²⁶³. The following stand out among the support measures most commonly used by this population group: (1) support from a person they trust, (2) use of a special screen, (3) support from a polling site officer, (4) braille template²⁶⁴. 776 people with disabilities participated as polling site officers—elected by lottery—and among the main support measures they received were (1) support from a trusted person; (2) support from another polling site officer; (3) support from Assistant Electoral Trainers²⁶⁵.

In this electoral process 18,229 people ran for election, of which only 0.33% had some disability (61 people²⁶⁶); 19 were federal candidacies, including a governorship, and 42 were local²⁶⁷. As a result of the elections only 19 people with disabilities were elected²⁶⁸.

STEP FORWARD

- Establishment in 2018 of the **Protocol for the Inclusion of Persons with Disabilities as Members of the Board of Directors of Polling Sites**, which includes provisions and guidelines to ensure their participation during the process²⁶⁹.
- Issuance of the INE/CG161/2017 agreement approving this Protocol to guarantee the right of persons with disabilities to participate in the Executive Boards of Polling Sites²⁷⁰.

²⁵⁶ Secretariat of Labor and Social Welfare (2018). Sixth Work Report 2017- 2018.

²⁵⁷ <https://www.gob.mx/inmujeres/acciones-y-programas/norma-mexicana-nmx-r-025-scfi-2015-en-igualdad-laboral-y-no-discriminacion>

²⁵⁸ Secretariat of Labor and Social Welfare (2018). Sixth Work Report 2017- 2018.

²⁵⁹ <http://www.imss.gob.mx/prensa/archivo/201303/030>

²⁶⁰ Federal elections, where the president of the Republic was elected, as well as senators and deputies. Local elections in 30 states for the positions of State Governments, Mexico City Head of Government, Local Congresses, City Councils, Municipal Boards and Mayoralties.

²⁶¹ El Universal, <https://www.eluniversal.com.mx/elecciones-2018/en-2018-asistencia-historica-de-546-millones-las-urnas>

²⁶² In this groups, more women (58,451) than men (46,641) participated. INE, 2018, REPORT ON THE INFORMATION GATHERED FROM THE REGISTRATION FORMS OF PERSONS WITH DISABILITIES WHO VOTED IN THE 2017-2018 FEDERAL ELECTORAL PROCESS.

²⁶³ This information was obtained from INE formats, as well as from the direct observation of polling site officers; 2018, REPORT ON THE INFORMATION GATHERED FROM THE REGISTRATION FORMS OF PERSONS WITH DISABILITIES WHO VOTED IN THE 2017-2018 FEDERAL ELECTORAL PROCESS

²⁶⁴ INE, 2018, REPORT ON THE INFORMATION GATHERED FROM THE REGISTRATION FORMS OF PERSONS WITH DISABILITIES WHO VOTED IN THE 2017-2018 FEDERAL ELECTORAL PROCESS

²⁶⁵ INE, REPORT ON THE INFORMATION GATHERED FROM THE REGISTRATION FORMS OF PERSONS WITH DISABILITIES WHO VOTED IN THE 2017-2018 FEDERAL ELECTORAL PROCESS

²⁶⁶ Of these, 40 people were principal candidates and 21 were alternate candidates. Favela, A. INE, 2018, Implementation of inclusive measures for persons with disabilities and trans persons. 2017-2018 Federal Electoral Process.

²⁶⁷ INE, <https://centralelectoral.ine.mx/2018/10/03/necesario-justo-las-personas-discapacidad-est-en-representadas-cargos-eleccion-popular-consejera-adriana-favela/>

²⁶⁸ 11 as principals and 8 as alternates. INE, <https://centralelectoral.ine.mx/2018/10/03/necesario-justo-las-personas-discapacidad-est-en-representadas-cargos-eleccion-popular-consejera-adriana-favela/>

²⁶⁹ INE, <https://www.ine.mx/wp-content/uploads/2018/06/DECEyEC-Protocolo-Discapacidad.pdf>

- Publication of the study **Action of unconstitutionality 38/2014**, in which the fact of restricting voting to persons with intellectual and psychosocial disabilities was declared unconstitutional²⁷¹.
- Broadcast of "Elections without Discrimination" advertising spots and information bulletin with people with disabilities based on INE and CONAPRED's **Public Action Guide** with the aim of publicizing inclusion actions²⁷².
- Implementation of the **Registration Form for persons with disabilities** in order to keep a record of the persons with disabilities who voted²⁷³.
- Development of the **Voting Drill (2018)** for persons with disabilities, coordinated by INE, TEPJF and CONFE, which aimed to raise awareness about the participation of persons with disabilities in the electoral process²⁷⁴.
- The National Electoral Institute (INE) promoted a pilot test—in the 2018 electoral process—to install ballot boxes in at least one hospital in 31 states; in Mexico City a mobile ballot box was installed to allow people to vote from a hospital bed²⁷⁵. The hope is to spread the initiative for future elections²⁷⁶.
- The INE received the **Zero Project award** for the innovations in the 2018 elections in accessibility for people with disabilities²⁷⁷.
- The TEPJF issued a resolution in the state of Zacatecas to give priority to a person with a disability to occupy the position of local deputy with precedence over the principle of gender parity²⁷⁸.
- Publication of the IECM's **Political and Electoral Rights Booklets** aimed at priority population groups²⁷⁹, including accessible versions in Easy Reading and indigenous languages.

RECOMMENDATIONS

- ✓ Harmonize the **General Law of Electoral Institutions and Procedures** and the **Federal Code of Electoral Institutions and Procedures** with the CRPD to guarantee the right to vote of all persons with disabilities.
- ✓ Implement care protocols for persons with intellectual and psychosocial disabilities in electoral processes.
- ✓ Guarantee the accessibility of processes, materials and facilities, particularly in rural areas, remote communities or hard-to-access locations.
- ✓ Promote more consultation spaces for people with disabilities, their families and the organizations that represent them in order to collectively generate innovative measures for inclusion in political electoral processes.
- ✓ Increase the quotas of people with disabilities for elected positions in political parties.
- ✓ Establish training spaces on electoral political rights for people with disabilities and other priority groups.
- ✓ Disseminate political party agendas and platforms in accessible formats.
- ✓ Raise awareness among people with disabilities and the general population about complaint and reporting processes in cases of violation of electoral political rights.
- ✓ Train polling site officials and representatives—determined by a lottery—on how to assist people with disabilities.

13. PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT (Article 30)

BACKGROUND

The SIC mentions that there are 1,378 museums of which only "33% have infrastructure for people with disabilities"²⁸⁰; 1,996 cultural centers; 675 theaters²⁸¹; 7,106²⁸² cinemas; 191 archaeological zones²⁸³, ²⁸⁴. There is also a record of 7,463 public libraries²⁸⁵, of which—by 2015—there were "100 Braille Rooms²⁸⁶, with the Silent Room in the Central Library in Hidalgo and [...] with the Room of Sign Language Room in the Vasconcelos Library (in Mexico City)²⁸⁷.

Regarding sports, Mexico has the Mexican Olympic Sports Center (CDOM)²⁸⁸ and the Mexican Olympic Committee²⁸⁹ through which support is provided to high-performance athletes and Paralympic athletes. It should be noted that at the London 2012 Paralympic Games, Mexico won 21 medals—6 gold, 4

²⁷⁰ INE, <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/92514/CGex201705-10-ap-2.pdf?sequence=1&isAllowed=y>

²⁷¹ www.diputados.gob.mx/LeyesBiblio/compila/inconst/277inconst_12jun15.doc

²⁷² INE and CONAPRED, Public Action Guide, [https://www.conapred.org.mx/documentos_cedoc/GAPElecciones2017WEB.%20Ax\[2\].pdf](https://www.conapred.org.mx/documentos_cedoc/GAPElecciones2017WEB.%20Ax[2].pdf)

²⁷³ INE, REPORT ON THE INFORMATION GATHERED FROM THE REGISTRATION FORMS OF PERSONS WITH DISABILITIES WHO VOTED IN THE 2017-2018 FEDERAL ELECTORAL PROCESS

²⁷⁴ <http://confe.org/index.php/2018/03/28/si-tienes-discapacidad-en-estas-elecciones-2018-el-ine-garantiza-tu-voto/>

²⁷⁵ On this process, the INE has reported in various public events that it avoided causing any inconvenience to other patients and took care not to put the polling site volunteers at risk in areas or wards of contagious diseases.

²⁷⁶ <https://www.elsoldemexico.com.mx/analisis/voto-en-hospitales-mas-inclusion-mas-democracia-1675474.html>

²⁷⁷ <https://centralectoral.ine.mx/2019/02/21/recibe-ine-premio-zero-project-2019-innovaciones-accesibilidad-personas-discapacidad-elecciones-2017-2018/>

²⁷⁸ <https://te.gob.mx/front/bulletins/detail/3395/0>

²⁷⁹ Aimed at young people, women, people with disabilities, the elderly and LGBTTTI people.

²⁸⁰ http://www.beta.inegi.org.mx/contenidos/saladeprensa/boletines/2018/EstSociodem/EstMuseos2018_07.pdf

²⁸¹ <https://sic.cultura.gob.mx/index.php?table=teatro>

²⁸² <http://canacine.org.mx/informacion-de-la-industria/estadisticas/>

²⁸³ https://sic.cultura.gob.mx/lista.php?table=zona_arqueologica&disciplina=&estado_id=

²⁸⁴ There is no disaggregated information for these about accessibility conditions or services for people with disabilities.

²⁸⁵ This is the distribution: Baja California (92), Mexico City (398), State of Mexico (671), Guanajuato (192), Jalisco (82), Nuevo León (314), Yucatán (160) and Zacatecas (240)

²⁸⁶ Braille rooms have a collection of Braille books as well as services such as "voice readings, audio recordings of text, Braille printing, conversion of text to audio through scanners, loan of audiobooks and tapes, computers with Internet access configured with talking software and image amplifiers, as well as guidance and support for users".

²⁸⁷ <https://www.gob.mx/cultura/prensa/mas-de-100-bibliotecas-dan-espacio-a-personas-con-capacidades-diferentes>

²⁸⁸ <https://www.gob.mx/cultura/prensa/mas-de-100-bibliotecas-dan-espacio-a-personas-con-capacidades-diferentes>

²⁸⁹ <http://www.com.org.mx/cdom/>

silver and 11 bronze—and 15 medals in Rio de Janeiro 2016—4 gold, 2 silver and 9 bronze²⁹⁰. It should be noted that only 35% of Paralympic athletes have any financial support from the federal government through the FODEPAR fund²⁹¹. In 2016, Paralympic sport received 10.7 million pesos annually from the federal government (for athletes and their coaches); for Olympic sport the figure was around 17,660,438 pesos—not counting coaches—which shows the clear difference.

STEP FORWARD

- The **Secretariat of Culture** was created in 2015. It is "responsible for the promotion and dissemination of artistic and cultural expressions, as well as the promotion of the country's presence abroad"²⁹². During 2019 it offers activities aimed at people with disabilities and for raising awareness among the general public about the challenges of living with a disability²⁹³.
- The **Network of Museums for the Attention to People with Disabilities**, where "more than 45 venues in Mexico City, Guanajuato, Querétaro, Oaxaca and Sonora are registered, and which work to foster a culture of inclusion of people with disabilities in different spheres of life"²⁹⁴.
- The National Fund for Culture and the Arts (FONCA) holds working tables in which they raise the topic of "inclusion, gender quotas, including systems for people with disabilities and taking into account indigenous languages"²⁹⁵ for their calls that address social compensation.
- The state of Campeche is the first to have accessibility measures for people with disabilities²⁹⁶ in its four archaeological sites²⁹⁷.
- Publication of "Accessible Tourism: A guide to culture, hotels, restaurants, routes and entertainment for all" by the Mexico City government²⁹⁸.
- The support provided through the CONADE's Social Comptroller's Office Program for "school sports, performance sports, high-performance sports, sports and disability, sports and cross-cutting, sports and regulations, social sports, professional sports, sports infrastructure and training in sports."²⁹⁹
- The initiative proposed by the Chamber of Deputies, which seeks to include the Mexican Paralympic Committee in the Law of Physical Culture and Sport, "within the corresponding legal framework [...] as an organism of public utility, composed of national federations that promote any of the adapted modalities of sport according to the type of disability."³⁰⁰
- The approval and ratification of the Marrakech Treaty in 2015, which entered into effect in 2016. It allows for the reproduction and distribution of published works in accessible format for the blind or visually impaired.
- The joint work of WIPO, NHRC, CONADIS, INDAUTOR and civil society organizations for the application of the Marrakech Treaty criteria, with the production of books in accessible formats.
- In February 2018, the Santillana Publishing House (private sector) and civil society organizations signed an agreement to publish 150 works of children's and young people's literature in accessible formats.
- In Mexico City there are five libraries with public rooms for people with visual, hearing or motor disabilities³⁰¹. According to the Secretariat of Culture, there are 102 libraries classified as inclusive at the national level, with an average of three spaces per entity.

RECOMMENDATIONS

- ✓ Guarantee the inclusion of people with disabilities in recreational spaces.
- ✓ Create a methodology to gather information about the accessibility of theaters, museums, archaeological sites, cinemas, entertainment venues and libraries.
- ✓ Update and enhance existing information about adapted sports in Mexico and the support provided to Paralympic athletes.
- ✓ Distribute supporting materials for athletes and artists with disabilities in accessible formats.
- ✓ Strengthen the work carried out as a result of the Marrakech Treaty, including support for people with different disabilities, and increasing the creation of materials in accessible formats.
- ✓ Carry out actions to renovate and reopen the National Paralympic Center in the city of Irapuato.
- ✓ Create a link between public and private entities for the development of inclusive and accessible recreational and cultural spaces.
- ✓ Include strategies for the attention of priority groups in the Tourism Sector Program and other plans and programs, as well as a specific budget line.

²⁸⁹ It is available for training and preparation of Mexican athletes; however, it is not mentioned that it can be used by people with any type of disability. <http://www.com.org.mx/que-es-el-com/>

²⁹⁰ <https://www.animalpolitico.com/2016/09/balance-mexico-paralimpicos-rio-medallas/>

²⁹¹ <https://www.eleconomista.com.mx/deportes/Paralimpicos-menos-dinero-mas-sonrisas-20160914-0041.html>

²⁹² <https://www.gob.mx/cultura/que-hacemos>

²⁹³ <https://centrorrbano.com/2019/07/04/secretaria-de-cultura-ofrece-actividades-para-personas-con-discapacidad/>

²⁹⁴ They include the following: ramps, wheelchairs loans, elevators, tactile guides, Braille plates, guided tours with Mexican Sign Language (LSM) interpreters, audiovisual material, interactive games, workshops to train the senses, videos with LSM, subtitles, audio, tactile room, etc. <http://redmuseospod.blogspot.com/>

²⁹⁵ <http://www.cronica.com.mx/notas/2019/1113732.html>

²⁹⁶ <https://www.milenio.com/cultura/museos-en-campeche-del-inah-los-primeros-100-accesibles>

²⁹⁷ (1) Soledad Bastion, (2) San Miguel Fort, (3) San José el Alto Fort and (4) Hecelchakán Royal Road.

²⁹⁸ <https://turismo.cdmx.gob.mx/storage/app/media/Turismo%20Accesible/TURISMO%20ACCESIBLE%20ESPANOL%20CDMX.pdf>

²⁹⁹ <http://contraloriasocial.conade.gob.mx/programa.html>

³⁰⁰ <http://www.diputados.gob.mx/servicios/datorele/cmprvs/iniciativas/LIX/inic/374/2.htm>

³⁰¹ These are the libraries: (1) México José Vasconcelos at Balderas, (2) José Vasconcelos at Buenavista, (3) Batallón de San Patricio in the Álvaro Obregón municipality, (4) Manuel Gutiérrez Nájera in the Miguel Hidalgo municipality and (5) Narciso Bassols in the Gustavo A. Madero municipality. They are considered inclusive because they have material in Braille, illustrations in Mexican sign language, audiobooks, ramps, tactile guides, adaptations to facilitate mobility, computers, talking scanners and image amplifiers.

BACKGROUND

Since 2014, there have been four national surveys that include the subject of disability and are approved with the CIF and the GW: The 2014 and 2016 National Household Income and Expenditure Survey (ENIGH), which estimates the number of households in poverty where people with disabilities live; the 2015 and 2016 National Household Survey (ENH) with questions about people's health, including the use of technological aids; the 2015 National Survey of Children and Women (ENIM), which identifies disability in the children population, and the 2014 and 2018 National Survey of Demographic Dynamics (ENADID), which identifies disabilities and is a benchmark for statistics on persons with disabilities. The publication of the 2017 results of the National Survey on Discrimination (ENADIS), widely referenced in this report, is also acknowledged.

In 2017, the National Digital Strategy Coordination (CEDN) of the Office of the President of the Republic and the (National Institute of Statistics and Geography) INEGI developed an open-source platform to present advances in the monitoring and follow-up of SDG. At the time of its launch, the platform had 25 indicators with data from 1994 to the present for most of them. The data can be disaggregated by state, gender and age, among other variables. The platform also makes it possible to visualize the data in the form of maps, tables and graphs, as well as to download them for reuse and exploitation³⁰².

The 2020 Census started a debate between the INEGI and civil society organizations because the question on disability is not included in the Basic Questionnaire, which would jeopardize the collection of updated statistical information^{303, 304}.

STEP FORWARD

- In 2016 the INEGI publishes the document **Disability in Mexico, data as of 2014** based on the 2014 ENADID figures.
- In 2017 the **ENADIS** was carried out. Its objective was to recognize the scale of discrimination and its diverse manifestations in daily life, deepening the knowledge about who discriminates, in what areas of life the problem occurs most frequently and the socio-cultural factors related to it³⁰⁵.
- The **2018 ENADID** was applied, so it is expected that a document will be drafted similar to the one from 2014 where the subject of disability will be explored in depth.
- In July 2018, the **General Health Law and the General Population Law** were reformed through the LGIPD, establishing the issuance of a certificate of disability by medical professionals. Additionally, the INEGI will guarantee the collection of data and statistics about the population with disability, which will be made public and which shall be submitted to all levels of government in disaggregated format. The purpose shall be to formulate plans, programs and policies. At the same time, the National Information System on Disability will be developed, as well as a National Registry of Population with Disability as part of it.
- **National Health Institute (INSP) and National Pediatrics Institute (INP) research** on topics of disability.

RECOMMENDATIONS

- ✓ Promote a comprehensive national strategy to compile disaggregated and geo-referenced statistical data on the status of persons with disabilities.
- ✓ Promote administrative registration and interinstitutional work that contributes to generating a national register of persons with disabilities, as well as official figures by type of disability. The result of this action should be the promotion of public policies that allow for the effective inclusion of this sector of the population in society.
- ✓ Create a multidisciplinary committee to analyze the collection of statistical data on disability and the creation of the National Registry with the participation of the INEGI, CONAPO, SSA, DIF, Secretariat of Wellbeing (formerly SEDESOL) and the SEP, among others.
- ✓ Guarantee the inclusion of persons with disabilities, both in the elaboration of and in the carrying out of the 2020 National Population and Housing Census, taking into consideration the methodology established in the CIF and in the recommendations of the GW on disability statistics.
- ✓ Make visible in surveys, censuses and any statistical compilation disaggregated information that includes people with disabilities (including the least visible disabilities such as intellectual, psychosocial and multiple).
- ✓ Promote a platform within the framework of the 2030 Agenda that contributes to the construction and disaggregation of indicators that include people with disabilities.

³⁰² <https://datos.gob.mx/blog/datos-abiertos-indicadores-y-visualizaciones-conforman-plataforma-de-la-agenda-2030>

³⁰³ <https://noticieros.televisa.com/ultimas-noticias/denuncian-que-censo-2020-deja-fuera-personas-discapacidad/>

³⁰⁴ <https://www.animalpolitico.com/2019/04/inegi-incluire-preguntas-discapacidad-censo/>

³⁰⁵ It is important to mention that this survey includes the study of highly discriminated populations: women, children, adolescents, the elderly, indigenous people, people of African descent, people with disabilities, paid domestic workers and people of sexual minorities.

BACKGROUND

The National Human Rights Commission (CNDH), as part of the CRPD's Independent National Monitoring Mechanism, has three fundamental obligations: promotion, protection, and oversight of the CRPD³⁰⁶. In addition, the Independent National Monitoring Mechanism, together with state commissions, conducts training, generates legal advice, legislative analysis, public policy evaluation and does oversight, promotion and dissemination of the rights of persons with disabilities.

The CNDH set up the Technical Consultation Committee of the CNDH's Independent National Monitoring Mechanism, made up of civil society organizations and experts in the field of disability. According to the Federation Expenditure Budget (PEF) for fiscal years 2014 and 2019, the mechanism had 7,140,900 pesos³⁰⁷ and 16,376,330 pesos³⁰⁸, respectively.

STEP FORWARD

- On December 3, 2015, the CNDH was established as the **Convention's National Monitoring Mechanism**. On June 17, 2016, the CNDH signed a General Collaboration Agreement with the 31 public human rights organizations to create and implement the Independent National Monitoring Mechanism. In the case of Coahuila, Jalisco and Mexico City, the mechanism was designed and installed independently. Currently, there are 20 monitoring mechanisms in place.
- On June 2016, the CNDH presented the **Platform for Tracking the Harmonization of Human Rights Standards**, through which they monitor the progress of harmonization of and modification to different legal instruments—at the federal and state levels—according to the provisions of international human rights systems. This has made it possible to diagnose the legal scaffolding that would give full life to the constitutional reform in this area.
- Presentation of the **CNDH Special Report** on the state of human rights of persons with disabilities in the country's states.

RECOMMENDATIONS

- ✓ Ensure that the CNDH and the 32 state's human rights bodies—as an independent mechanism for monitoring the CRPD—define the structure, goals, indicators, and resources of the mechanism for their work.
- ✓ Ensure the participation of persons with disabilities and civil society organizations in this mechanism and in the follow-up process of the implementation of the CRPD.
- ✓ Install follow-up mechanisms in the states that do not yet have them.
- ✓ Undertake visits to state disability commissions and conduct audits of the resources received by the CNDH mechanism in order to optimize resources.
- ✓ Generate a strategy and define indicators to monitor and evaluate public policies on disability and thus ensure that the impact is measured.
- ✓ The mechanism has to define compliance indicators for the 2030 Agenda and the CRPD.
- ✓ Mainstream the disability component in all areas and offices of the CNDH, as well as in other mechanisms for monitoring things such as torture, migration and forced disappearance, among others.

³⁰⁶ <https://mecanismo-dis-capacidad.cndh.org.mx/Main/Antecedentes>

³⁰⁷ https://www.transparenciapresupuestaria.gob.mx/work/models/PTP/Presupuesto/DecretosPEF/Decreto_PEF_2014.pdf

³⁰⁸ https://www.ppef.hacienda.gob.mx/work/models/PPEF2019/paquete/egresos/Proyecto_Decreto.pdf

(1)
Percentage of the population between 2010 - 2014 in a situation of multidimensional poverty by specific groups at the national level

Indicators for the Sustainable Development Goals (SDG) –
 National Council for the Evaluation of Social Development Policy - CONEVAL (2015).
<https://datos.gob.mx/busca/dataset/indicadores-de-los-objetivos-de-desarrollo-sostenible-ods>

	Year	Total population (millions of people)	Population in multidimensional poverty (millions of people)	Percentage
National	2014	119.9	55.3	46.2
Rural	2014	27.8	17	61.1
Urban	2014	92.1	38.4	41.7
Women	2014	61.5	28.5	46.3
Men	2014	58.4	26.8	46
Young population (15 to 24)	2014	8.5	3.6	42.7
Young population (25 to 29)	2014	8.5	3.6	42.7
Population under 18	2014	39.8	21.4	53.9
Population over 65	2014	9.1	4.2	45.9
Indigenous population	2014	11.9	8.7	73.2
Population with disabilities	2014	7.7	4.1	54.1