

## ADDENDUM

from Coalition Mexico for the Rights of People with Disabilities -COAMEX- for the Committee of the Rights for People with Disabilities from the United Nations towards the support of the Second and Third Periodic Report of Mexico.

The Coalition México for the Rights of People with Disabilities (COAMEX)<sup>1</sup> is a group integrated by five civil society organizations whose objective is to influence public policies of the country in order to ensure that the obligations established in the Convention on the Rights for People with Disabilities (CRPD) are fulfilled.

COAMEX participated in the interactive dialogue with the Committee during the evaluation of the Initial Report of the Mexican State in 2014, and in 2019. The Second Alternative Report (SIA)<sup>2</sup> and two special reports were presented to the Committee, namely, the Special Report on Migration and Disability<sup>3</sup>, and the Report on Special Contents<sup>4</sup> in the framework of the evaluation process of the II and III Combined Reports of Mexico on compliance with the CRPD. This Report presents the areas of concern of Mexican civil society regarding the application of the CRPD in Mexico, with emphasis on the current situation of the rights of persons with disabilities in the context of the COVID19 pandemic.

For the proper redaction of this report, a survey was carried out with different organizations for people with disabilities, requests for public information were made and various official and journalistic sources were consulted.

### I. CONTEXT

In 2018, Mexico held federal elections in which the candidate of the National Regeneration Movement party, Andrés Manuel López Obrador, won the position of presidency of the republic in the 2018-2024 period.

The discourse of "First, the poor" adopted by the current administration has established a welfare vision in the design and implementation of public government policies, focusing on the granting of aid or economic support, leaving aside prevention and care policies with a focus on human rights.

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<sup>1</sup>COAMEX is made up of: Civil Association for People with Special Needs and/or Disabilities, KADIMA, A.C.; Mexican Confederation of Organizations in favor of Persons with Intellectual Disabilities, CONFE, A.C.; Iluminamos de Azul, A.C.; Mexican Organization for the Promotion of the Comprehensive Development of the Visually Impaired, I.A.P.; and Voice for Mental Health, A.C. Likewise, this group represents the strength of at least 130 organizations from all over the country that make up our national networks.

<sup>2</sup> [https://coalicionmexico.org.mx/informes/sia19\\_f.pdf](https://coalicionmexico.org.mx/informes/sia19_f.pdf)

<sup>3</sup> [https://coalicionmexico.org.mx/informes/migrantes19\\_f.pdf](https://coalicionmexico.org.mx/informes/migrantes19_f.pdf)

<sup>4</sup> [https://coalicionmexico.org.mx/informes/ice19\\_f.pdf](https://coalicionmexico.org.mx/informes/ice19_f.pdf)

Likewise, this vision has meant a radical change in the formation and operation of the federal public administration, through a policy of austerity<sup>5</sup> and savings in the operations of the government sector, strongly reducing the operation of various public institutions, most importantly those aimed at guaranteeing and protecting human rights.

Within the first three years of the current government, institutions such as the National Council to Prevent Discrimination, the Executive Secretary of the National System for the Protection of Children and Adolescents, and the National Council for the Development and Inclusion of Persons with Disabilities (CONADIS) remain without having a permanent head person, likewise, institutions in charge of the guarantee and protection of human rights have seen their functioning diminished due to the scarce budget that has been assigned to them, for example, in the Project of Budget of Expenditures of the Federation (PPEF) For 2022, a reduction in resources is contemplated in areas of the Ministry of the Interior focused on generating policies on human mobility, combating discrimination, eradicating violence against women and children's rights.<sup>6</sup>

The president's speech turned out worrisome regarding civil society organizations dedicated to the defense of human rights and to whom he decided not to transfer more resources from the federal budget "with the purpose of definitively ending the intermediation that has given rise to discretion, opacity and corruption"<sup>7</sup>, thereby assuming that all civil society organizations are corrupt, which is undoubtedly false.

In addition, the Income Tax Law was reformed to impose new conditions that place even more obstacles for civil society organizations to receive financing and donations<sup>8</sup>.

The consequences of this decision have resulted to be that various organizations dedicated to the care of people with disabilities, women victims of violence<sup>9</sup>, people in situations of human mobility, among others, have been affected in their operation and in the services they offer to these sectors of the population despite the fact that this is an obligation that should be granted by the State itself. Similarly, the relationship between civil society organizations and the government has been fractured, to which the lack of spaces for consultation and dialogue is added.<sup>10</sup>

<sup>5</sup> GUIDELINES on Republican Austerity of the Federal Public Administration, [https://dof.gob.mx/nota\\_detalle.php?codigo=5600749&fecha=18/09/2020](https://dof.gob.mx/nota_detalle.php?codigo=5600749&fecha=18/09/2020)

<sup>6</sup> <https://www.animalpolitico.com/2021/09/presupuesto-segob-derechos-humanos-mujeres-ninos-refugiados/>

<sup>7</sup> <https://www.proceso.com.mx/reports/2019/3/1/las-osc-se-defienden-ante-amlo-no-todas-somos-corruptas-221016.html>

<sup>8</sup> Additionally, an initiative was presented in June 2021 from the Senate of the Republic to empower the State to "evaluate and register" organizations that receive "financial resources from abroad", with the alleged intention of preventing "said funds from being used to interfere in strictly competent matters of the Mexican State". <https://contralinea.com.mx/la-4t-y-las-organizaciones-de-la-sociedad-civil-la-persistente-contradiccion/>

<sup>9</sup> <https://www.animalpolitico.com/2019/02/gobierno-federal-deja-sin-recursos-publicos-a-refugios-para-mujeres-victimas-de-violencia/>

<sup>10</sup> See Annex 1.

Derived from the above, an institutional and programmatic weakening is observed, an atmosphere of uncertainty prevails regarding the attributions, responsibilities and actions of various government institutions, coupled with flagrant violations of the laws by not complying with what is established therein.

## II. PEOPLE WITH DISABILITIES AND COVID-19 IN MEXICO

People with disabilities and their families have been disproportionately affected by the COVID-19 pandemic; the exclusion, marginalization, and discrimination that they have experienced throughout their lives has been magnified by the absence of programs and public policies that attend to them during this crisis.

For people with disabilities, it can be very difficult to attend to elementary health recommendations such as constant hand washing, social distancing and confinement, since the attention that public institutions have given them has been based on welfare criteria that perpetuate vulnerability, exclusion and dependency.

Some of the health measures that are recommended to contain the pandemic are impossible for many people with disabilities to carry out since they require different types of support to carry out daily activities; for example, it is difficult for them to maintain prolonged isolation.

All the rights of people with disabilities were affected during the contingency, especially their right to health and employment. Unfortunately, there is no data to measure the impact of the pandemic on people with disabilities since there is no disaggregated data on the number of people who fell ill with COVID-19 or the number of deaths.

Additionally, there are people with disabilities institutionalized or deprived of liberty, who may be even more affected by the contingency of COVID-19, so it is necessary that all their rights are guaranteed even in this risky situation.

The impact of COVID-19 on the rights of people with disabilities will be addressed across the board in each of the following sections on urgent care areas.

## III. AREAS OF URGENT ATTENTION BY ARTICLE OF THE CONVENTION

### i. General Obligations (Article 4 CDPD)

Since the beginning of this administration, the general obligations established in the CRPD have been breached, since there is no national policy on the rights of people with disabilities. Although there is a General Law for the

Inclusion of people with Disabilities, to date the National Program for the Development and Inclusion of Persons with Disabilities has not been published, as established in Chapter XI, article 33 of the aforementioned Law.<sup>11</sup>

In the same way, after three years of this administration, a head of the institution in charge of establishing public policies for people with disabilities, the National Council for the Development and Inclusion of people with Disabilities (CONADIS), has not been appointed and on 3 May 2019, through an austerity memorandum, the Presidency of the Republic ordered the elimination of all Deputy General Directions positions, so CONADIS was left without the office manager, and it is unknown how many staff this institution currently has. In addition, the permanence of this dependency is not entirely clear, since the budget allocated to it has been decreasing year after year since 2019.

In the same sense, the possible disappearance of the few institutions for people with disabilities that exist in some states is worrying<sup>12</sup>, as is the case of the Tlaxcalteca Institute for People with Disabilities, which will be absorbed by the Secretary of State Welfare, which will enter the office from January 2022, this decision will affect thousands of people with disabilities in the entity since specialized care and disability perspective will not be provided, presenting a clear setback in the policies aimed at this group.<sup>13</sup>

The measures adopted by the State regarding disability have been limited to the Pension Program for the Welfare of Persons with Permanent Disabilities, through which an amount of 2,620 pesos is granted every two months<sup>14</sup> (approx.129 dollars) to 933,466 beneficiaries - according to the annual goals of the Program<sup>15</sup> -, despite the fact that in Mexico there are 20 million 838 thousand 108 people with disabilities according to the 2020 Census of the National Institute of Statistics and Geography (INEGI).

It is worrying that in the only actions adopted by the State, the welfare approach prevails, subject to the granting of economic support, and that there are no transversal actions to guarantee the human rights of people with disabilities.

In relation to the rights to the consultation of people with disabilities during this administration, this group has been left out of decision-making, since there is no policy or mechanism for participation as established by the CRPD. In accordance with the General Law for the Inclusion of people with Disabilities, the consultative assembly

<sup>11</sup> [http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPD\\_120718.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LGIPD_120718.pdf)

<sup>12</sup> It should be noted that of the 31 states, only nine have institutions dedicated to the care of people with disabilities: Baja California Sur, Colima, Zacatecas, Guanajuato, Yucatán, State of Mexico, Puebla, Mexico City and Tlaxcala.

<sup>13</sup> <https://www.yotambien.mx/actualidad/borra-la-4t-al-instituto-tlaxcalteca-para-personas-con-discapacidad/>

<sup>14</sup> 70 pesos more than last year

<sup>15</sup> The 2020 Budget had enough resources to support 927,908 people with disabilities. But it was never achieved: in the last registry published by Bienestar (and ratified in the Second Government Report) the total number of people who received this support until May 2020 was 842,261, this is 91% of the goal. Some 85,647 people with disabilities were left without receiving their support, despite having the necessary budget. <https://www.yotambien.mx/notas/presupuesto-2021-discapacidad-recursos/>

of CONADIS is a mechanism for dialogue made for people with disabilities and the organizations that represent them, however it is inoperative, since various organizations have requested its inclusion or renewal as part of this assembly without receiving any response. Moreover, it should be noted that during the COVID-19 crisis, civil society organizations for people with disabilities were never consulted regarding their needs.

It is not omitted to point out that the Committee recommended in 2014 to the Mexican State to establish regular mechanisms to convene consultations with organizations of persons with disabilities and requested information in this regard in the 2019 list of issues, and the State limited itself to providing information on some events carried out, without giving specific information on the established mechanisms, since to the best of our knowledge these do not exist.<sup>16</sup>

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- To create a coordination body whose mandate is to ensure that the different state agencies are responsible for the implementation of the CRPD in accordance with article 4 and article 33(1), second part. This body must have budgetary and management autonomy.<sup>17</sup>
- To establish by law mechanisms to convene regular consultations for people with disabilities and their organizations that represent them, ensuring that their opinions receive adequate consideration.

## ii. Awareness Raising (Article 8 CDPD)

In this regard, it is observed that since the beginning of the present administration, a welfare model has been adopted taking into consideration the care of people with disabilities, leaving aside the implementation of comprehensive public policies, for which it is necessary to develop awareness programs on people with disabilities. As holders of rights these programs must cover the sensitization and awareness of public officials and the population in general, as well as the visibility of people with disabilities as subjects of rights and not as sick people who must be cured, since that this welfare vision perpetuates the stigmas towards this group generating unequal and discriminatory treatment.

Similarly, it is necessary to promote awareness at all educational levels, so that from childhood a change of thinking is generated regarding how people with disabilities and their families are seen. Just as the information received in the educational field is essential, it is also necessary to generate changes in the media so that they use inclusive and non-discriminatory language when referring to people with disabilities and that there be a

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<sup>16</sup> In a survey carried out by COAMEX through the Survey Monkey platform, 47% of people indicated that they do not know of any mechanism for the participation of people with disabilities, their families and organizations, 32.5% indicated that they do know of some mechanism but have not participated in it and only 10% indicated that they had participated in some participation mechanism.

<sup>17</sup> Following the model of Denmark

representation of all disabilities in the media, not only motor disability as the most socially accepted, but also psychosocial disability, as this is one of the most stigmatized.

Therefore, THE COMMITTEE IS REQUESTED TO RECOMMEND THAT THE STATE develop and implement awareness programs, both among public officials and the general population through the inclusion of human rights issues in the study plans. in general, and the human rights of persons with disabilities in particular.

That it urges the Mexican State to abandon the welfare vision and implement comprehensive public policies with a human rights approach aimed at people with disabilities.

### iii. Women with disabilities (article 6 CRPD)

According to the INEGI Census 2020, in Mexico there are 11 million, 111 thousand, 237 women with disabilities which represents 53% of the total number of people with disabilities. Despite this they continue to be invisible and face 3 times more violence than women without disabilities. They are victims of systemic violence that ignores their needs and that by omission violates their human rights.

During the health contingency due to COVID 19, there has been a notable increase in murders of women, calls for help related to violence and openings of criminal investigations for family violence.<sup>18</sup> However due to the lack of disaggregation of the data it is unknown how many of these women have a disability or have acquired a condition of disability as a result of the violence suffered. It should not be omitted to point out that the Committee made a recommendation to the Mexican State on the collection and systematization of data on women and girls with an intersectional approach in 2014.

In this regard, public policies and institutional responses to violence against women with disabilities in Mexico have not been sufficient either before or during the COVID-19 pandemic. For example, most shelters and other services for survivors of violence are inaccessible to people with disabilities<sup>19</sup>, including the 44 Justice Centers for Women<sup>20</sup>. Likewise, women with disabilities who survive acts of violence face serious obstacles in accessing services and justice due to the inaccessibility of information and communications.<sup>21</sup>

<sup>18</sup> Regarding lethal violence against women, the total of women murdered in April 2020 meant, on average, 11.2 women murdered per day, the total of calls related to sexual, family and violence against women, in April 2020, translates to an average of 143 calls per hour ye, the records of March 2020 represent the highest rate of opening criminal investigations for family violence since the crime began to be registered at the national level in 2015.  
<https://equis.org.mx/wp-content/uploads/2020/08/informe-dospandemiasmexico.pdf>

<sup>19</sup> According to data from an official study by the National Institute for Women, 80% of shelters for victims of domestic violence are not fully accessible to women with disabilities.

<sup>20</sup> <https://www.gob.mx/conavim/acciones-y-programas/centros-de-justicia-para-las-mujeres>

<sup>21</sup> <https://www.hrw.org/es/news/2021/02/15/mexico-debe-establecer-protecciones-para-las-mujeres-con-discapacidad>

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Reform the General Law on Women's Access to a Life Free of Violence so that the concept of accessibility is included from the perspective of universal design and reasonable adjustment in order to guarantee adequate care for women and girls who are victims of violence.
- That INMUJERES have a transversal intersectional human rights policy that takes into account the specific needs of women with disabilities.

#### **iv. Girls, boys, and teenagers with disabilities (article 7 CRPD)**

Regarding the situation of children and adolescents with disabilities, according to the INEGI 2020 Census, in Mexico there are an estimated 2.61 million people between 0 and 17 years of age with disabilities. This represents 6.8% of the population in this age range, 1.23 million of these children and adolescents were women, while the remaining 1.38 million were men.

As is the case with women with disabilities, there is a lack of disaggregated information, actions, and policies to care for children and adolescents with disabilities in rural, remote, hard-to-reach areas, and indigenous communities, in addition to the migrant population.

There is a lack of policies to address the development of children and adolescents with disabilities in an early comprehensive and free manner, considering rehabilitation services in the community.

In this regard, it is appropriate to mention that the Committee on the Rights of the Child (in its Final Observations of 2015) recommended that the Mexican State ensure that all children with disabilities effectively exercise their right to health and rehabilitation services and are enrolled in school and not become victims of violence and exploitation and urged him to establish a disaggregated data system on children with disabilities, which to date has not been established.

It should be noted that children and adolescents have been the last to be considered within the National Vaccination Program against COVID-19, in fact to date no information has been provided regarding the vaccination process for children under 15 years of age even though face-to-face classes have been reactivated and children and adolescents are more exposed.

Likewise, the state of defenselessness in which children and adolescents with cancer have been left as a result of the shortage of oncological drugs in the country is extremely worrying. According to groups of mothers and fathers, 20 hospitals at the federal level and 15 state health centers register between a 70 and 90% shortage of chemotherapy drugs. There is a shortage of at least 39 key drugs to treat infantile cancer, that is appreciated

mainly in the southeast of the country. This shortage has caused the death of 1,600 NN and has harmed the more than 19,000 child patients who are treated in public hospitals.<sup>22</sup>

Therefore, children with cancer are more vulnerable to acquiring a disability, whether physical or psychosocial, so the Mexican State is not acting with due diligence to prevent the acquisition of disability.

Similarly, it is worrying that girls are sold and given in marriage in several states of the republic. For example, in Guerrero, according to civil organizations, about 300 thousand girls have been victims of this practice<sup>23</sup>. This practice is tolerated by the community and state authorities under the pretext that it is about indigenous uses and customs<sup>24</sup>.

The girls are left in absolute vulnerability. Their new family enslaves them with domestic and agricultural tasks, and sometimes "the in-laws sexually abuse them", causing serious psychological problems that can trigger psychosocial disability<sup>25</sup>.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Establish a disaggregated data collection system on children with disabilities, which includes information on those who live in institutions, those who are victims of violence, and children who do not attend school.
- Guarantee the supply of medicine for girls and boys with cancer and other conditions that may imply disability in relation to environmental barriers, in particular attitudinal barriers.
- That SIPINNA has a cross-sectional human rights policy that takes into account the specific needs of children and adolescents with disabilities.

#### v. Accessibility (article 9 CRPD)

In this regard, it is necessary to develop and execute a National Accessibility Program in close consultation with organizations of and for people with disabilities, which to date does not exist. In accordance with the principles of universal design, establishing specific measures to adapt products, programs and services related to the physical and architectural environment, transportation systems, communication and information mechanisms, including all information and communication technologies.

<sup>22</sup> <https://elpais.com/mexico/sociedad/2021-06-17/el-desabasto-de-medicamentos-oncologicos-para-ninos-en-mexico-un-asunto-pendiente-por-mas-de-955-dias.html>

<sup>23</sup> <https://www.elfinanciero.com.mx/estados/2021/10/31/venta-de-ninas-en-guerrero-una-excepcion-autoridades-locales-y-ong-tienen-otros-datos/>

<sup>24</sup> <https://www.eluniversal.com.mx/estados/el-infierno-de-las-ninas-vendidas-en-guerrero>

<sup>25</sup> <https://www.elsoldemexico.com.mx/mexico/sociedad/no-quiero-que-me-vendas-el-drama-de-la-venta-de-ninas-indigenas-en-guerrero-6748476.html>

In this regard, during the COVID19 contingency there was a lack of access to information for all sectors of disability, and the facilities to carry out vaccination are also not accessible. In this regard, it is necessary to guarantee the availability of technology, supplies and training for people with disabilities in the use of technology and to guarantee this access - in remote, rural, indigenous, and poor communities- mainly in situations of risk or crisis. like the COVID-19 pandemic.

Therefore, it is necessary to promote a comprehensive strategy so that all events and public activities are inclusive, considering physical accessibility and information in accessible formats.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Promptly adopt a national accessibility plan applicable to the physical environment, transportation, information and communications, including information and communication systems, technologies, and other services including facilities open to the public or for public use.
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#### **vi. Human Mobility (article 18 CRPD)**

According to the Disability and Human Mobility Report 2021<sup>26</sup>, the risks during the displacement of people in a situation of human mobility increase when people travel without documentation, forcing them to use irregular border crossings which exposes them to theft, abuse, violence or extortion by criminal groups along the route and people with disabilities suffer from double discrimination due to their disability status and their nationality in transit and host countries.

This report shows the lack of data and disaggregated information on refugees, displaced persons and migrants with disabilities with the disaggregation of variables, in this regard there is no information from the National Migration Institute or the Mexican Commission for Refugee Assistance on the number of migrants, refugees or asylum seekers, asylees or asylum seekers with disabilities.

Application processes stopped during the pandemic, some processes migrated to internet portals which are not accessible. Asylum or refugee applicants were in a state of special defenselessness, as they did not have any job or economic support, so they did not even have access to the Internet to obtain information on procedures and services.

Likewise, although according to the information provided by the State to the Committee, it is the obligation of the Immigration Stations to take the pertinent measures so that the stay of persons with disabilities in public or private institutions that can provide them with adequate care is privileged, knowledge that the personnel of these

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<sup>26</sup> UNHCR-RIADIS Disability and Human Mobility Report 2021: Regional study on the situation of refugees, displaced persons and migrants with disabilities in Latin America. April 2021. <https://www.acnur.org/60f887544>

Stations seldom channel migrants to the corresponding institutions and force them to remain in their facilities, which lack accessible spaces, since only 15% of the Migratory Stations have facilities accessible to persons disabled.<sup>27</sup>

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Collect and systematize data on people with disabilities in a situation of human mobility and issue protocols for standardized care for this sector of the population.

### **vii. Inclusion in the community (article 19 CRPD)**

The inclusion of people with disabilities in the community must begin with their deinstitutionalization, which is not just about closing down large residential institutions, but is about the entire process of putting inclusion and respect for human rights at the center of all political actions aimed at people with disabilities, from birth to old age.

Likewise, people who due to their situation must enter an institution to receive treatment must be treated according to a model of inclusion and not be abandoned. Part of the treatment they receive must be aimed at their inclusion again in the community.

On the other hand, during the confinement due to the COVID-19 pandemic, people with disabilities were the first to enter and are the last to leave it, since there is no plan for the reincorporation of this group into daily activities.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Develop a comprehensive strategy for the economic and social reintegration of people with post-pandemic disabilities.

### **viii. Education (article 24 CRPD)**

Although in educational matters there are programs for the Attention of Federal Schools of Higher Secondary Education with students with disabilities (PAPFEMS), the other educational levels are left aside and instead of allocating a budget to implement an inclusive education system, as the Committee has recommended, the State continues to allocate resources to strengthen Special Education Services, which contravenes the provisions of the CRPD.

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<sup>27</sup> CNDH, Special Report. Situation of Immigration Stations in Mexico, Towards a New Alternative Model to Detention, 2019.  
<https://www.cndh.org.mx/sites/default/files/documentos/2019-11/Informe-Estaciones-Migratorias-2019-RE.pdf>

In this regard, it is necessary to take into account that 80% of children and adults with disabilities do not attend school, in the age range of 15 years and over, 45% have completed primary school; 23% have no schooling, and only 7% have higher education, however, given the challenges caused by the pandemic, in distance education it is not yet clear what the universal strategy for its inclusion would be.<sup>28</sup>

On the other hand, the educational gap between people with and without disabilities increased during the COVID-19 contingency, since distance education programs were not accessible or adequate to guarantee participation and meet learning needs. leaving girls, boys, adolescents and youth with disabilities in a situation of exclusion in the educational environment<sup>29</sup>. For example, in Mexico City particularly this is reflected within the increase of in school dropouts, in the reduction of budgets for institutions, or in the closure of programs that serve this population - situations that have worsened with the current administration. -.

In addition, a large part of the student body with disabilities lives in homes in a situation of poverty, which has caused them to face barriers to access technology and connectivity for virtual education, and therefore, they run the risk of being further behind in education. It is necessary for the government to develop a digital inclusion program so that no one is left behind

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Raise awareness, train, inform, include, transform and professionalize all the people in the country's educational centers in order to guarantee a Support System for Inclusive Education for girls, boys, adolescents and adults with disabilities and develop an Accessibility Program for the Infrastructure of Basic, Middle, and Higher Education Institutions.
- Harmonize the General Education Law with the Convention on the Rights of People with Disabilities.

#### ix. Health (article 25 CRPD)

Access to health is one of the greatest challenges faced by people with disabilities. According to data from civil organizations, 1 in 5 people with disabilities do not have access to health services. Meeting the needs of a person with any disability is complicated because they do not resemble each other and each one has particular needs, environments, difficulties and situations that surround them<sup>30</sup>.

<sup>28</sup> <https://www.cronica.com.mx/opinion/rezago-educativo-peor-barrera-personas-discapacidad.html>

<sup>29</sup> <https://www.animalpolitico.com/capital-plural/covid-19-aumento-de-brechas-en-el-acceso-a-la-educacion-para-ninas-ninos-adolescentes-y-juventudes-con-discapacidad/>

<sup>30</sup> <https://www.milenio.com/opinion/victor-andrade-carmona/red-global/salud-en-discapacidad>

During the COVID-19 contingency, the care and attention of people with disabilities fell largely on families and organizations that provide them with service and support, since due to the confinement and care of people sick with COVID- 19, many of the regular medical services were suspended as not essential at the time.

Likewise, at the beginning of the pandemic there was a lack of information for people with disabilities in accessible formats, and although practical and accessible recommendations to take care of your health and your rights in times of coronavirus were issued later in accessible formats and aimed at different people with disabilities, the reality is that the dissemination of these materials have been practically nil. They are only found on the official government portal on coronavirus<sup>31</sup>, so only those who have access to the internet can consult them, leaving people with disabilities of rural communities and poor areas without the access to that information

Similarly, the issuance of the Guide for the protection of the health of people with disabilities in the context of COVID-19 is recognized, however it is unknown if it has been applied by health personnel and if they have the proper training due to the fact that there is no disaggregated data on the number of recovered patients and deaths from COVID-19.

Likewise, it is extremely worrying that the Mexican State (although during the planning of the National Vaccination Program) did take people with disabilities as a priority group, in practice no actions were ever carried out in this regard, which increased the disproportionate burden that the system has dropped on people with disabilities and their families since the start of the pandemic: by suspending, canceling and postponing medical appointments, medical studies and therapies that have deteriorated the already precarious health condition of many people after almost two years disabled<sup>32</sup>.

Therefore, derived from the implementation of the new Health Institute for Welfare, which will replace Popular Insurance, the people who were attended by this service were left completely defenseless, without three years of this new government having implemented some other policy to replace it.

On the other hand, it is necessary for the State to take measures regarding the effects on the mental health of all people as a consequence of the pandemic, since due to the impact of the health emergency, Mexico occupies the first position among the OECD countries with the higher levels of anxiety and in cases of depression, the largest increase was recorded among all economies measured.<sup>33</sup>

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31 <https://coronavirus.gob.mx/informacion-accesible/#>

32 <https://www.animalpolitico.com/2021/06/personas-discapacidad-batalla-vacuna-covid-salud/>

33 <https://www.eleconomista.com.mx/capitalhumano/Pandemia-triplico-las-afectaciones-a-la-salud-mental-ansiedad-y-depresion-a-la-alza-20211007-0109.html>

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Reactivate all essential services, medical appointments, medical studies and therapies for people with disabilities, as well as ensure that all people with disabilities receive the COVID-19 vaccine.

**x. Work (article 27 CRPD)**

In relation to the right to work of people with disabilities in Mexico, the publication of the National Work and Employment Program for People with Disabilities 2021-2024 is recognized, however, it has not yet been launched. In addition, as a result of the COVID-19 pandemic, many people with disabilities lost their jobs, either due to dismissal, engaging in informal commerce, business closures, or another reason, unfortunately this sector was the first to which companies applied these cuts<sup>34</sup>.

Additionally, it is necessary for the State to implement actions not only for the labor inclusion of people with disabilities, but also to guarantee their right to decent work and all that this implies, such as the right of association, the right to social protection, etc... According to data from civil society, 70% of people with disabilities who are employed work informally, so if they become infected with COVID-19, they must bear the costs of the disease<sup>35</sup>.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Develop a strategy for reincorporating people with disabilities into the workplace and implement the National Work and Employment Program for People with Disabilities 2021-2024.

**xi. Political and Public life (article 29 CRPD)**

The affirmative measure implemented by the National Electoral Institute (INE) in the last election is recognized, by requesting that political parties nominate people with disabilities, however it is necessary that the call be disseminated in a timely manner, in society in general. and in the disability community.

In addition, it is considered important to take into account the barriers faced by candidates with disabilities when carrying out their campaign actions, since inequalities were reported in the support received by political parties, compared to other candidates.

<sup>34</sup> According to the Impact Report of the COVID-19 pandemic on people with intellectual disabilities and their families in Latin America 2021, 31% of those who had a job lost it either due to dismissal, business closures or another reason. <https://www.animalpolitico.com/2021/08/covid-personas-discapacidad-intelectual-sin-empleo/>

<sup>35</sup> <https://www.forbes.com.mx/empleo-discapacidades-potencial-para-tu-empresa/>

Por lo que es preciso realizar un diagnóstico de las barreras que imposibilitan o dificultan el ejercicio del derecho al voto y a la participación en la vida política y pública de acuerdo con las diferentes necesidades de apoyo para cada tipo de discapacidad.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Implement an educational program at the federal and state levels that covers from childhood, to create a civic culture and participation in people with and without disabilities, through which the right to vote and to be voted is guaranteed in equal conditions.

## **xii. Cultural life and sport (article 30 CRPD)**

Regarding the participation of people with disabilities in sports during the Tokyo 2020 Paralympic Games, Mexico won 22 medals -including seven gold-, however, not all people with disabilities in Mexico have access to adequate facilities for people with disabilities. Finding accessible sports facilities in Mexico is extremely difficult.

Regarding the Marrakesh Treaty, although the Mexican State signed and ratified this international instrument between 2014 and 2015 respectively, and harmonized the Federal Copyright Law, its provisions still need to be promoted and disseminated, particularly among its beneficiaries.

As of February 2021, Mexico has an authorized entity for the production of works in accessible formats; With this, our country has begun the cross-border exchange of works with other nations. However, it is necessary to work on the standardization of adaptation criteria for the production of works at a national level in order to ensure their quality, accessibility, and functionality. Among these criteria, the adaptation of accessible formats in indigenous languages should be considered.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Close consultation with the population with disabilities, their families, and organizations, to standardize the criteria for the production of accessible formats at the national level and develop a program to promote reading in said formats.
- Homologize article 44 of the Regulations of the Federal Copyright Law with the provisions of the Marrakesh Treaty and the Convention on the Rights of People with Disabilities, in order to consider all persons with disabilities; Establish present and future accessible formats and eradicate pejorative terminology contrary to the provisions of the Treaty and the Convention itself.
- Increase the number of authorized entities with the endorsement of the Mexican State for the production of accessible formats, as well as training authorized entities for the use of ISBN in said formats.
- Accompaniment to authorized entities for the effective protection of the right to read in accordance with the provisions of the Marrakesh Treaty.

**xiii. Statistical data (article 31 CRPD)**

The willingness of the INEGI to maintain the short set of questions of the Washington Group on Disability Statistics (WG) in the expanded questionnaire of the 2020 CENSUS is recognized. According to the 2020 Census, in Mexico there are 20,838,108 people with disabilities, a figure that represents 16.5% of the population. This figure results from the sum of the 6 million 179 thousand 890 (4.9%) who were identified as people with disabilities, plus the 13 million 934 thousand 448 (11.1%) who said they had some difficulty performing daily activities (walking, seeing, hearing, self-care, speaking or communicating, and remembering or concentrating), and the 723,770 (0.6%) with some "mental problem or condition", the latter, a term that allows the current measurement to be equated with that of the 2010 Census, in the one that spoke of people with "mental limitation".

However, the above is not enough to have statistics that allow the Government to generate care based on hard data of the type of disability that occurs most in Mexico, so it is urgent to have a National Registry of Persons with Disabilities, in order to provide follow-up to the development of the person with disabilities and access to support and services of the State.

In this regard, in 2018 reforms were made to three laws, the General Law for the Inclusion in the Development of People with Disabilities, the General Health Law, and the General Population Law in order to give way to the creation of the National Registry of people with Disabilities, a task that would be in charge of CONAPO and CONADIS; However, to date, this registry does not exist and its status is unknown.

Finally, it is necessary to have a cross-cutting strategy for data collection that makes it possible to include the disability perspective in all the statistical exercises carried out by the State, regardless of the specific theme, and it is essential that all public institutions get involved together with the INEGI in the generation of statistics with a disability perspective.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Disseminate data and statistical analysis on disability and establish the National Registry of Persons with Disabilities as soon as possible.

**xiv. Application and follow-up of the convention (article 33 CRPD)**

Mexico has the Independent National Monitoring Mechanism of the Convention on the Rights of People with Disabilities coordinated by the National Human Rights Commission (CNDH), however its structure and operation are unknown, and although resources have been designated for its operation, no documents have been published on its website since 2017.

Likewise, the Report sent by that human rights body to the Committee was reviewed and it is worrying that the actions reported as part of the Independent Mechanism - training activities, legal advice, legislative analysis, evaluation of public policies, supervision, promotion and dissemination of the rights of persons with disabilities – are activities derived from the powers of the CNDH. This institution does not carry out actions of the Mechanism, whose main objective should be to monitor compliance with the CRPD and the recommendations issued by the Committee.

It is worth mentioning that a request for public information was made to the CNDH about the operation of the Independent Mechanism, however no response was received.

Therefore, **THE COMMITTEE IS REQUESTED TO RECOMMEND TO THE STATE** the following:

- Guarantee the functioning of the National Monitoring Mechanism of the Convention on the Rights of People with Disabilities, coordinated by the CNDH, with the participation of people with disabilities and their representative organizations.

#### IV. CONCLUSIONS

All things considered, COAMEX asks the Committee to make a strong and urgent call to the Mexican State to comply with each and every one of its obligations derived from the CRPD, since to date the medical care vision prevails towards the issue of people who have a disability, generating a greater number of barriers in their physical and social environment, especially for women, girls, boys and adolescents, and people in a situation of human mobility.

Likewise, it is urgent that the Mexican State fulfill the obligations established in article 4 of the CRPD, since the human rights of persons with disabilities cannot be guaranteed if there is no national policy and an implementing and coordinating entity that ensure the mainstreaming of the disability perspective in all government actions and guarantee the establishment of effective and accessible consultation mechanisms for people with disabilities, their families and representative organizations, so that they can give their opinion in advance about the public policies that they affect them and these allow them a full development.

Finally, it is urgent to generate a transversal policy on the inclusion of people with disabilities through the definition of the National Program and guarantee a budget to promote a comprehensive and Intersectoral strategy based on the principles of human rights and not only with the granting of economic support. .