



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: YH/follow-up/Mexico/61

22 September 2015

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined seventh and eighth periodic reports of Mexico at the Committee's fifty-second session, held in July 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MEX/CO/7-8). You may recall that in the concluding observations, the Committee requested Mexico to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 19 and in paragraph 33 of the concluding observations.

The Committee welcomes the follow-up report received with an eight-month delay in March 2015 (CEDAW/C/MEX/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its sixty-first session, held in July 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations that the State party “develop a consistent official registry of forced disappearances in order to be able to assess the magnitude of the phenomenon and adopt appropriate policies”: The State party indicated that, on 30 May 2013, the National Conference of Attorneys General created working groups within each attorney general's or prosecutor's office of the federal states to carry out a procedure to review, purge and update their registries in order to transfer said information to a national database. The State party further mentioned that information from the National Registry of Data on Missing Persons is being constantly purged and updated and is accessible to the public. It further mentioned that the data are disaggregated by sex, nationality, ethnic group, individual features, disability, federal states, as well as by the place or date where the disappearance was recorded. However, according to information received by the committee, there is lack of a unified register or database of disappeared persons. The Committee welcomes the establishment of the National Registry of Data on Missing Persons. However, it considers that the State party failed to adopt appropriate policies. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

His Excellency
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Regarding the recommendation that the State party “review local penal codes in order to define forced disappearances as a crime”: The State party mentioned that the crime of forced disappearance of persons is defined in article 215-A of the Federal Penal Code, and that 24 of the 32 federal states currently define the said offence in their penal codes. However, according to information received by the Committee, the definition contained in the Federal Penal Code and a number of local penal codes is not in line with international standards. Moreover, it is indicated that enforced disappearance is not codified as an autonomous offence in all local criminal codes. Moreover, the State party indicated that the Congress is currently reviewing various initiatives that aim to reform the Constitution so that the Congress will be empowered to issue a general law on forced disappearance of persons in order to have nationwide standardization of the offence. The Committee acknowledges the steps taken by the State party to review local penal codes to bring forced disappearances in line with international standards. It considers that the recommendation **has been partially implemented.**

Regarding the recommendation that the State party “simplify the existing procedures to activate the Alba Protocol and the Amber Alert, with a view to launching the search of disappeared women and girls without delay”: The State party indicated the steps taken to strengthen and increase the efficiency of the Alba Protocol in Chihuahua and the city of Ciudad Juarez. Three phases are described under the Protocol. The Office of Prosecutor initiates the search with police agencies and, if no results are obtained, implements phase two. One of the most significant changes in phase one is that the report is transmitted immediately to the personnel of the Prosecutor’s Office and the police so that the search can get under way without delay. The State party also mentioned that it has been promoting the Amber Alert by establishing a very rapid procedure for activating alert, for which reason it is a successful and simple system readily accessible to the citizenry, with an immediate response. An official Mexico AMBER alert site was created, as well as a new mobile application that will enable citizens to request activation of an alert via cellular phone. Nevertheless, according to information received by the committee, the State party has not adopted specific measures to simplify the procedures to activate Alba Protocol and the Amber Alert since 2012. Moreover, the search of disappeared persons is so far not designed to find persons alive, but rather to locate mortal remains, while an effective urgent action would require a significant paradigm shift. The Committee acknowledges the measures taken by the State party to simplify the existing procedures to activate the Alba Protocol and the Amber Alert. However, it remains concerned about the alleged lack of efficiency and accessibility of these mechanisms of search. The Committee considers that the recommendation **has been partially implemented.**

Regarding the recommendation that the State party “standardize police protocols of search”: The State party mentioned that, in view of shaping a comprehensive national policy for investigation and search for missing or un-located persons, a cooperation agreement was signed between the Interior Department and the International Committee of the Red Cross (ICRC) to, inter alia, coordinate standardization and strengthening of the process of information-gathering about disappeared persons through the country’s forensic services. The State party indicated that work is under way on consolidating a unified national registry based on the Ante Mortem and Post Mortem protocol of forensic processing and identification, and on implementing a standardized instrument for the practice of post-mortem examinations that will facilitate adequate investigation of each case, in order to be able to issue a quality medical report. According to information received by the Committee, civil society organizations and associations of victims have not been duly involved, both by the Attorney General and the ICRC, in the design of searching strategies. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented.**

The Committee recommends that, in relation to paragraph 19 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Eliminate inconsistencies in the National Registry of Data on Missing Persons and ensure the systematic collection of sex-disaggregated data in order to be able to assess the magnitude of the phenomenon and adopt appropriate gender-sensitive policies;
- 2) Review all local penal codes in order to define forced disappearances as a crime;
- 3) Simplify the existing procedures to activate the Alba Protocol and the Amber Alert, with a view to launching the search of disappeared women and girls without delay; and
- 4) Standardize police protocols of search.

Regarding the recommendation made in **paragraph 33** of the concluding observations that the State party “harmonize the federal and state legislations relating to abortion with a view to eliminating the obstacles faced by women seeking legal abortions and also to extend access to legal abortion in the light of the constitutional human rights reform and the Committee’s general recommendation No. 24 (1999)”: The State party mentioned that Mexico is a federal republic whose 32 federal states are free and sovereign as regards their internal legal order, so that each defines its public policies and programmes and conducts its own legislative process. The Federal Penal Code provides that there can be no punishment for abortion caused by a pregnant woman through carelessness, when the pregnant woman or the product of conception run a risk of death in the judgment of the attending doctor, or when the pregnancy is the result of rape. However, the State party indicated that federal entities shall have the power to legislate about matters not exclusively reserved to the Federation. The State party recognized the challenge of carrying out actions to harmonize criminal and health legislation at the federal and state levels in accordance with the constitutional human rights reform of June 2011 and the international treaties to which Mexico is party. In this regard, it stressed the efforts exerted to identify pending issues in the legislative domain through the “assessment of legislative work in the field of human rights of women during the 61st session of the legislature – challenges and pending issues”. The Committee notes as positive the efforts made to identify advances and pending legislative issues in relation to women’s rights. However, it considers that the State party failed to harmonize the federal and state legislations relating to abortion with a view to eliminating the obstacles faced by women seeking legal abortions and also to extend access to legal abortion in the light of the constitutional human rights reform and the Committee’s general recommendation No. 24. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “inform medical care providers and social workers that the local constitutional amendments have not repealed the grounds for legal abortion and also inform them of their responsibilities”: The State party mentioned that, in December 2013, the National Centre for Gender Equity and Reproductive Health of the Department of Health disseminated to the federal states the concluding observations of the Committee on the Elimination of Discrimination against Women. Moreover, from July 2012 to December 2014, the Department of Health, in collaboration with state health authorities, trained 8,575 doctors of public institutions of the National Health System on the obligation to guarantee application of standard NOM-046-SSA2-2005, Domestic and sexual violence against women – guidelines for prevention and care in the federal states with respect to prophylaxis, emergency contraception in case of rape, sexually transmitted infections and medical abortion. Furthermore, in September 2013, the Department of Health conducted an International Seminar on Gender Equality and Gender Perspective in Health addressing 200 professionals and students in health domains and dealing, inter alia, with topics of sexual and reproductive health and rights. The Committee welcomes the dissemination of its concluding observations to the federal states and the training provided to doctors on medical abortion in case of domestic and sexual violence.

However, it considers that the State party failed to inform social workers that the local constitutional amendments have not repealed the grounds for legal abortion and also inform them of their responsibilities. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 26 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

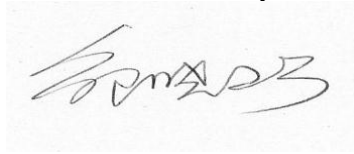
1) Harmonize the federal and state legislations relating to abortion with a view to eliminating the obstacles faced by women seeking legal abortions and also to extend access to legal abortion in the light of the constitutional human rights reform and the Committee's general recommendation No. 24 (1999); and

2) Inform medical care providers and social workers that the local constitutional amendments have not repealed the grounds for legal abortion and also inform them of their responsibilities.

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

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

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women