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**Proposed Recommendations of the National Human Rights Commission of Mexico (CNDH) for the consideration of the United Nations Human Rights Committee, for the review of the sixth periodic report of Mexico**

**September 2019**

The CNDH, as the National Human Rights Institution autonomous and independent of the Government of Mexico, respectfully suggests to the United Nations Human Rights Committee to address the following recommendations to the Mexican State:

**Ratification of International Instruments**

1. Withdraw reservations and interpretative declarations of articles of the International Covenant on Civil and Political Rights.

2. Ratify the Optional Protocol to the Convention on the Rights of the Child concerning a communications procedure; the Convention to reduce cases of Statelessness, the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance and sign and ratify the Inter-American Convention on the Protection of the Human Rights of Older Persons.

3. Withdraw reservations and interpretative declarations of articles of the International Covenant on Economic, Social and Cultural Rights, American Convention on Human Rights, and the Additional Protocol to the American Convention on Human Rights in the area of ​​Economic, Social and Cultural Rights “Protocol of San Salvador".

**General Victims Law**

4. The strengthening at the national level of the victim legal advice, as well as the permanent training, updating and specialization of the advisors that represent the victims to facilitate their access to the truth, justice and integral reparation.

5. Reform the General Victims Law, and publish, as soon as possible, its Regulations, ensuring the consultation and effective participation of victims as direct beneficiaries.

6. Remove de facto and de jure obstacles that prevent the real and effective access of victims to comprehensive assistance, support and reparation measures provided for in the General Victims Law.

**Equality between women and men**

7. Promote public policies to achieve the substantive equality and non-discrimination that women and girls in Mexico continue to live and generate budgets with a gender perspective.

8. Carry out the immediate and necessary actions that guarantee the rights of girls and boys to a dignified life, survival and development, priority, well-being and a healthy integral development, education, health protection, and the inclusion, participation and play and recreation based on their best interests, as well as implementing their own efforts and before the corresponding instances that allow the establishment of a mechanism that, regardless of their denomination, restores girls and boys, parents and mothers, responsible and workers of child stays the rights that were violated on the occasion of the issuance of the Operational Rules of the Welfare Support Program and the reduction of the budget.

**Violence and discrimination based on sexual orientation or gender identity**

 9. Improve records and other data on violence faced by LGBTI people, as well as implement all measures to prevent and punish all forms of violence against LGBTI people.

10. Adopt legislative and political measures to prevent and combat discrimination against LGBTI people.

11. Undertake an awareness campaign in all states to promote a culture of respect for the human rights of LGBTI people.

12. Recognize the important work of LGBTI defenders, ensure their effective protection against the threats and violence they face due to their work or who they are.

**Violence against women**

13. Ensure that all violent deaths of women, including "accidental" deaths and suicides, are researched with a gender perspective. This requires awareness and ongoing training to public servants responsible for addressing these issues, as well as adequate working conditions to perform their institutional work.

14. Generate strategies to combat the disappearances of women, adolescents and girls at the national, regional, state and municipal levels, which implies coordinated and permanent actions for prevention and immediate and effective search.

15. Reform the General Law on Access to Women to a Life Free of Violence to strengthen the gender alert.

**National Guard**

16. Gradually withdrawing the armed forces from public security tasks requires the State to have a concrete and verifiable, short and medium-term program that transfers the responsibilities they have been assuming to civilians, adopting the respect for rights as a central strategy human, the increase and replication of good practices, the confidence of citizens and the development of skills supported by the professionalization, training and sanitation of public security institutions in the three areas of government.

17. Provide police, ministerial and judicial personnel, with the administrative and operational resources and capabilities necessary to develop effectively and autonomously their powers.

**Sexual and obstetric violence**

18. Guarantees the rights to victims of sexual and obstetric violence, through the training of personnel and that they have sufficient resources to deal with cases received in medical and law enforcement agencies.

**Human rights abuses and violations committed by members of the armed or security forces**

19. Reiterate specific instructions and actions, through circulars or directives, so that the military personnel of the Secretariat of National Defense strictly comply with the National Law on the Use of Force and the Manual on the Use of Force, of common application to the three armed forces, in relation to the duty of preserving the life and integrity of people, and this Institution must be informed about their compliance.

20. The military personnel participating in activities to support the maintenance of order and public security in different regions of the country refrain from conducting investigations on their own and act upon request of express cooperation from the competent authority.

21. Comply strictly with numeral 18.E of the Manual of the Use of Force, of common application to the three armed forces, and the elements of the Secretariat of National Defense must use photographic and video recording cameras and audio recording, to document incidents and interactions with the civilian population, and it is possible to have evidence that the actions of armed forces personnel are respectful of human rights.

22. Implement courses in the field of human rights, directed to the ministerial personnel assigned to the Office of the Special Prosecutor for Organized Crime Investigation of the Office of the Attorney General of the Republic, specifically on the principles and protocols that govern the prevention and effective investigation of extralegal arbitrary or summary executions.

**Serious human rights violations – Iguala Case**

23. Comply with the CNDH Recommendation 15 / VG / 2018 on the “Iguala Case”, which was accepted by the authorities, since compliance would lead to the truth of what happened in Iguala, Guerrero.

24. The 114 bone and dental remains recovered in two criminal scenarios of the case, proposed for genetic analysis by the CNDH, are sent to the University of Innsbruck, Austria, to determine whether or not they correspond to the normalist students of Ayotzinapa missing.

**Enforced disappearences**

25. All the cases of enforced disappearance must be investigated expeditiously, thoroughly and effectively, to bring those responsible to justice and curb this type of behavior.

26. Attending the official visit to Mexico of the UN Committee against Enforced Disappearance in 2020.

27. Materialize the content of the General Law on Enforced Disappearance of Persons, Disappearance Committed by Individuals and the National People Search System.

**Torture**

28. The implementation of training courses on respect for human rights, focused on the prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment, of arbitrary detentions and illegal searches and arbitrary executions.

29. The implementation of training and training courses of the “Istanbul Protocol” to all medical experts and psychologists of the prosecutor's offices and public bodies that protect human rights.

30. Comply fully with the General Law to Prevent, Investigate and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

**Corporal punishment of children and adolescents.**

31. Adopt the necessary legislative measures, at the federal and local levels, to prohibit corporal punishment against children and adolescents.

32. Carry out training and training programs on the use of force in working with children and adolescents, aimed at public servants, in particular teachers, doctors, security and social assistance centers.

33. Develop programs to disseminate the criteria and standards contained in General Comment number 8 (The right of the child to protection against corporal punishment and other forms of cruel or degrading punishment) of the Committee on the Rights of the Child.

34. Implement awareness programs aimed at fathers, mothers, and caregivers about the effects of corporal punishment and other cruel, inhuman or degrading treatment on children and adolescents.

35. Strengthen social policies to prevent the incorporation of children and adolescents into armed groups of organized crime.

**Migrant people**

36. Carry out actions to protect the human rights of migrants of Mexican nationality in the United States of America, through the strengthening of the consular network that includes effective legal advice and representation before immigration and jurisdictional instances in that country.

37. Recognize the existence of internal forced displacement (IFD), making a diagnosis to determine the population that is in that situation, also, that is discussed, and where appropriate, a General Law on IFD, allowing to give comprehensive attention to IFD victims guaranteeing unrestricted respect for their human rights.

38. Establish public policies that guarantee attention to large migratory flows, with special emphasis on groups of people in vulnerable situations, as well as applicants for the recognition of refugee status; Therefore, it is also necessary to strengthen the institutions responsible for executing immigration policy and the recognition of refugee status.

39. Combat corruption and impunity in the processes of care for people in the context of migration, refugees and displaced persons.

40. Carry out campaigns to promote, disseminate and protect the human rights of Mexicans living in the United States of America, as well as those of the nationals who return to the country.

41. Strengthen a migration policy with a human rights approach.

**Conditions of Internment**

42. Redouble efforts to address crime prevention and justice aspects for adolescents.

43. Work solidly in a post-prison system, in accordance with national regulations and international standards.

44. Address specially the issue of women in prison, in which their daughters and sons are also upset, all in accordance with the United Nations Rules for the Treatment of Inmates and Non-Private Measures of Freedom for Women Criminals (Bangkok Rules).

45. Strengthen the work that allows the wider application and dissemination of the United Nations Minimum Rules on Non-Deprived Freedom Measures (Tokyo Rules).

46. ​​Strengthen the work that allows the wider application and dissemination of the United Nations Rules for the Treatment of Inmates (Nelson Mandela Rules).

**Trafficking in Persons**

47. Address the content of the Recommendations and pronouncements issued by the National Human Rights Commission and other national and international organizations for the protection and defense of human rights in matters of trafficking in persons, including all its facets and modalities.

48. Ensure that the National Program to Prevent, Punish and Eradicate Crimes in Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes 2019-2024 has objectives, enforcement measures, operational indicators, for all crimes related to trafficking in persons indicated in the General Law, that establish effective mechanisms for inter-institutional linking and coordination that are oriented to the planning and implementation of a State Policy.

49. Specify the National Information System on Victims of Trafficking in Persons (SINTRA), which began work since 2014. and ensure the complete registration of data necessary for the identification and treatment of people according to their circumstances.

50. Materialize the construction of the Protection and Assistance Fund for Victims of Crimes in Trafficking in Persons, provided for in the General Law to Prevent, Punish and Eradicate Crimes in Trafficking in Persons and for the Protection and Assistance to Victims of these Crimes.

**Birth Registration**

51. Adopt the necessary legislative measures, at the federal and local levels, to ensure the free issuance of the first birth registration certificate.

52. Carry out training programs on the right to identity of children and adolescents aimed at public servants, particularly legislators and decision makers.

53. Implement awareness programs aimed at fathers, mothers, and caregivers about the benefits of registering the births of their daughters and sons.

**Freedom of expression and association**

54. Recognize the importance of the work of human rights defenders and the free exercise of freedom of expression and journalism.

55. Repeal the criminal types of slander, insults and defamation that criminalize the free exercise of freedom of expression, in the entities whose criminal laws are still in force.

56. Fight impunity on the issue of murders of journalists and civil rights defenders, through the capture and prosecution of those responsible.

57. Establish a public policy to prevent attacks against human rights defenders and journalists.

58. Instruct security forces on respect for human rights defenders and journalists.

59. Strengthen the independence and autonomy of the National Human Rights Commission and the state commissions by providing them with the necessary resources for their work, and providing greater resources for their operation.

60. Consolidate and strengthen the democratic election process of the President of the National Human Rights Commission.

**Prior consultation**

61. Promote actions so that the institutions of the three government orders guarantee prior consultations with indigenous peoples on policies, economic or development projects that affect them, in accordance with the provisions of ILO Convention No. 169 and favor the formulation of a law that regulates the right to prior consultation.

62. Promote and monitor the right to prior, free, informed, culturally appropriate and good faith consultation of Indigenous Peoples, especially before granting licenses to carry out economic activities in the territories that they have traditionally owned, occupied or used.

63. Establish, in consultation with the indigenous peoples themselves, effective, adequate and legally binding action protocols that fully guarantee the respect of this right, or, where appropriate, apply existing ones, taking into account cultural characteristics, and uses and customs of each people and in accordance with the Convention on indigenous and tribal peoples