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Summary record of the 3653rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 October 2019, at 3 p.m.

Chair: Mr. Fathalla

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Sixth periodic report of Mexico (CCPR/C/MEX/6; CCPR/C/MEX/QPR/6)

1. *At the invitation of the Chair, the delegation of Mexico took places at the Committee table.*
2. **The Chair** said that he was pleased to note that both men and women were well represented in the delegation. The State party had submitted its report under the simplified reporting procedure in February 2018. The Committee was looking forward to hearing about any developments that had taken place since then.
3. **Ms. Delgado Peralta** (Mexico), noting that there had been a change of government in Mexico since the submission of the report, said that the new Government firmly believed that the only way to build an inclusive and prosperous society was by ensuring full respect for human rights. It had introduced a range of policies to address the challenges that it faced, including policies to combat corruption and to end gender-based violence. It looked forward to engaging in dialogue with the Committee and to receiving the Committee's recommendations, which it would seek to incorporate into the national human rights programme for 2019–2024. Prior to the dialogue, it had held discussions with representatives of various civil society organizations and it would continue to work with those organizations as it sought to fulfil its international obligations.
4. The Constitution had recently been amended to establish that gender parity must be ensured throughout the executive and judicial branches. Gender parity in the national legislature had already been achieved. Affirmative action had been taken to increase the political participation of indigenous persons. The Constitution had been amended to ensure recognition of Afro-Mexican peoples and communities and the National Institute for Indigenous Peoples had been set up in 2018 to address the structural discrimination faced by indigenous and Afro-Mexican persons. The Senate was considering a proposal to criminalize violence based on ethnic, national or social origin, religion, skin colour or language.
5. The right of all persons to marry and to found a family, regardless of sexual orientation, was protected by Supreme Court decision No. 581/2012, which allowed for marriage between persons of the same sex and took precedence over state legislation on the subject. Victims of human rights violations had access to various reparation mechanisms and executive commissions for victim support had been set up at the federal level and in several states. The Government had made public apologies to the victims of various emblematic cases that had been brought to the attention of the Committee. In order to step up the protection of human rights, the federal legislature was considering amending the Constitution to abolish preventive custody (*arraigo*). An amnesty bill that would promote the social reintegration of vulnerable groups was also being discussed.
6. In order to restore peace to communities that had been disrupted by organized crime, the Government had established a National Guard, whose members would be trained to uphold the highest human rights standards, under an agreement with the Office of the United Nations High Commissioner for Human Rights (OHCHR).
7. The Government recognized the importance of the work carried out by human rights defenders and journalists and condemned all attacks on such persons. Steps were being taken to strengthen the National Protection Mechanism for Human Rights Defenders and Journalists in the light of an assessment carried out by OHCHR.
8. One of the greatest challenges facing Mexico was the issue of enforced disappearance and disappearance perpetrated by individuals. In order to address that issue, the Government had reinstated the National Missing Persons System and was working with organizations of families of disappeared persons to set up a special mechanism for the forensic identification of victims' remains. Another major challenge facing Mexico was that of organized crime, which could not be overcome without effective international cooperation. Her Government urged the Committee to issue recommendations on that

subject to countries that supported organized crime by selling weapons or financed it by consuming illegal goods and services.

9. The influx of migrants in irregular situations was a further challenge to be tackled. The High Commissioner for Human Rights had recently commended the Government on its policies for dealing with migrants, which reflected a human rights-based approach. Between 2012 and 2019, Mexico had provided humanitarian aid and other forms of support to over 1,290,000 migrants. The Federal Public Defender Service had assisted almost 2,000 migrants in 2018 and 1,477 migrants in the first half of 2019. The Government was trying to address the structural causes of migration, including through the comprehensive development plan for El Salvador, Guatemala, Honduras and Mexico, which was being implemented with the support of the Economic Commission for Latin America and the Caribbean. It was also committed to combating hate speech against migrants.

10. **Ms. Abdo Rocholl** said that it would be helpful if the delegation could clarify the information provided in paragraph 3 of the report and give specific examples of court rulings in which the provisions of the Covenant had been invoked. She would appreciate more information on the measures taken to raise awareness of the Covenant, particularly among judges, prosecutors and lawyers at the federal and state levels, and the impact of those measures. She would like to hear more about the specific mandate of the National Victim Support System and the way in which that body interacted with other government bodies and civil society organizations. She would also like to know what measures had been taken to involve civil society and the National Human Rights Commission in the drafting of reports to the human rights treaty bodies, including the report that was currently under consideration.

11. It was not clear whether the legislation that criminalized femicide was applicable throughout the country. She would like to know how many cases of femicide had been reported since that legislation had been introduced and, of those cases, how many had been brought to trial, ruled upon or set aside. She wondered whether the State party had identified risk indicators for femicide and whether comprehensive reparation was provided to victims of violence against women, including the children of direct victims. It would be useful if the delegation could provide updated statistics on violence against women, including information on the number of cases that had resulted in conviction.

12. Although she welcomed the reduction of the period for the issuance of protection orders to women who had reported violence from 24 hours to 8 hours, she wondered why such orders were not issued immediately. She would also like to hear the delegation's comments on the reported use of certain alternative dispute resolution mechanisms that required women victims of domestic violence to go through a process of reconciliation with the perpetrator; such processes would result in the revictimization of the women concerned. She wondered whether the Government had evaluated the impact of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women 2014–2018, in consultation with civil society.

13. It would be helpful if the delegation could provide updated information on the number of cases of violence against women that had been recorded by the National Data and Information Bank on Cases of Violence against Women, as well as on the number of persons who had been subjected to disappearance, disaggregated by gender and by year. She would like to know whether the measures that had been taken to counter violence against women in Ciudad Juárez had proved effective and how they would be built upon. Lastly, she wondered what measures were applied to protect children of women victims of violence, including in situations where the victim was financially dependent on the perpetrator.

14. **Mr. Heyns** said that he welcomed the progress made in addressing some of the concerns that had been raised by the Committee in its previous concluding observations ([CCPR/C/MEX/CO/5](#)). Notable developments included the adoption of the National Human Rights Programme 2014–2018 and the appointment of a commission to investigate the disappearance of 43 students from a college in Ayotzinapa in 2014. The Covenant and other international instruments were often cited in draft legislation and by the national courts. However, some of the concerns previously raised by the Committee had not been

addressed. The legal framework remained inadequate in some respects and was not effectively implemented. The State party continued to suffer from staggering levels of violence: the number of cases of homicide had more than tripled over the course of 12 years. He would like to know what measures would be taken to ensure that perpetrators of violence were held accountable for their acts and that the existing legal framework was properly implemented. He also wished to know when the State party would build the capacity of its police force in order to address the problems associated with the militarization of police functions, which tended to result in lower standards of accountability and increased use of force. In order to increase accountability in police operations and prison management, the Government might consider equipping police officers with body-worn cameras, establishing mechanisms for inspecting prisons and investigating complaints of torture, and developing forensic services that would ensure the proper implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions, among other international instruments.

15. Although the Committee welcomed the fact that amendments made to the Constitution in 2011 had granted recognition to the *pro persona* principle, it wished to know whether any plans were in place to ensure that the said principle would always be applied when a conflict arose between the Constitution and international standards. It was concerned that the increased use of automatic pretrial detention provided for in the constitutional amendments undermined the protection afforded by international law.

16. The Committee would be interested to learn whether laws aimed at protecting victims of violence, including women victims, were effectively implemented in every state in the country and would welcome information on any mechanisms for ensuring that standards on the protection of victims against violence were consistently applied across all states.

17. **Ms. Tigroudja**, noting that the considerable obstacles that victims faced when they attempted to obtain redress and rehabilitation often resulted in their being doubly victimized, said that she would like to know whether any steps had been taken to simplify victims' access to the forms of support and reparation made available by the Victims Act. She also wondered whether the Government was genuinely committed to funding compensation schemes and whether a differentiated approach to the issue of reparation was applied to victims belonging to vulnerable groups, including women and members of indigenous communities.

18. Although the Committee welcomed the legislative changes adopted in 2017 to tackle the problem of enforced disappearance, it was concerned to note that the implementation of the relevant legislation was hampered by a lack of financial and human resources. She wondered what measures were being taken to ensure that investigative bodies and forensic services had the resources required to carry out their work effectively. She would like to know how many investigations into enforced disappearance were being carried out, how many persons had been located or identified as a result, what measures were being taken to prevent reprisals against persons who reported enforced disappearances or participated in searches, and what punitive measures were taken against those who carried out such reprisals.

19. **Mr. Bulkan** said that he wished to know whether the Mexican Standard on Labour Equality and Non-Discrimination provided for any measures to enforce the right to equal pay for equal work and, if so, whether any specific actions had been taken under the Standard to eliminate the gender pay gap. It would be interesting to learn whether the Government had any plans to review the Standard with a view to making it more effective in achieving its goals.

20. He wondered whether the Government intended to revise the Federal Labour Act to ensure that it applied to domestic workers and, if so, when the revisions in question would be implemented. The Committee would welcome information on any measures taken to address the high unemployment rates and poor living conditions experienced by indigenous women and women of African descent, and on what had been done to address intersecting

forms of discrimination faced by women with disabilities. It would also be interested to hear about any measures taken by the federal judiciary to identify and change institutional practices that adversely affected gender equality within the justice system, the outcomes of such measures and the proportion of women employed at all levels of the judiciary. He would like to know whether any mechanisms had been established to investigate sexual harassment and, if so, whether information on their efficacy was available. The Committee would be particularly interested to learn how many complaints of sexual harassment had been made and what remedies had been provided to victims.

21. He would like to know what action was being taken within the law enforcement and justice sectors to address the alarming levels of violence against lesbian, gay, bisexual, transgender and intersex persons and whether the Government planned to improve its monitoring of homophobic violence so that it could take targeted measures to prevent such acts and punish the perpetrators. The Committee wished to know whether any plans were in place to prevent surgical procedures from being carried out on intersex children before they were old enough to give their free, prior and informed consent and whether steps would be taken to provide counselling and support to such children and their families. It would welcome information on the protocol developed by the Attorney General's Office for investigating offences involving sexual violence and on the training provided to persons responsible for conducting such investigations, including police officers and military personnel. It would like to know whether any plans were in place to include gender identity as a prohibited ground for discrimination in the Constitution and key federal laws. It would welcome updated information on the number of complaints of discrimination made on the basis of sexual orientation or gender identity and the outcome of those complaints. It would be interested to learn whether the México sin Discriminación ("Mexico without Discrimination") portal was still functioning and whether the Government had taken any steps to identify and repeal discriminatory provisions in national law.

22. The delegation should describe the measures taken to prevent and investigate arbitrary detention, excessive use of force, and threats and extortion experienced by lesbian, gay, bisexual, transgender and intersex persons at the hands of law enforcement officers, and should provide information on any steps taken to prevent the abuse of such persons by prison authorities. The Committee would welcome information on any measures taken at the federal and state levels to prevent peers and teachers from bullying students because of their actual or perceived sexual orientation or gender identity. Had teaching staff been given guidelines on how to deal with such bullying and had any teachers been held accountable for engaging in acts of bullying?

23. He wondered what measures had been taken to address the procedural restrictions on access to abortion for victims of rape, what efforts had been made to ensure equal access to abortion in all states and what was being done to combat the disproportionate impact that restrictive abortion laws had on women living in poverty, women with disabilities and members of other vulnerable groups. It would be interesting to know what mechanisms were available to women in states where abortion was not permitted under any circumstances and how many lawful abortions were performed in the State party every year. He wondered how many requests for abortions had been denied, for what reasons, and whether any counselling or financial support was provided to the women concerned.

24. The Committee wished to know what efforts had been made to prevent the misuse of legislation providing that physicians could refuse to carry out an abortion on grounds of conscience and whether women who had been refused an abortion for that reason were put in touch with other physicians, near or within the same medical facility, who were willing to perform the procedure. He wished to know what measures were taken to train the judiciary to make impartial and objective decisions on the right to access abortion services. The Committee would be interested to learn about any measures taken to provide free or subsidized post-abortion care to women who had undergone unsafe abortions, whether the Government intended to review regulations governing the treatment given to women who underwent unlawful abortions or sought post-abortion care following such procedures, and whether health-care staff providing post-abortion care received training in the area of patient confidentiality.

25. The Committee would be grateful for information on the outcomes, at the state and federal levels, of the national strategy to prevent teenage pregnancies. Lastly, he wished to know whether contraceptives were made available by the Ministry of Health and whether measures were being taken to ensure that all citizens, including in rural areas, were aware of how to obtain them.

26. **Mr. Shany** said that he wished to know whether the State party had adopted the Act implementing article 29 of the Constitution and, if not, what was the reason for the delay. In the light of reports indicating that states of emergency had been declared in 33 municipalities in February 2018, and in Mexico City in May 2019, he wished to know how the State party reconciled those reports with its claim that no states of emergency had been declared during the reporting period (CCPR/C/MEX/6, para. 72).

27. The Committee would be interested to hear what measures were being taken to ensure that the National Guard was subject to civilian control and imbued with a human rights culture, whether its establishment was likely to reduce the role of the military in policing and whether resources would be allocated to strengthen the role of ordinary police units. In view of the fact that the military's role in the National Guard was intended to be phased out over time, he wondered when it was expected to become an entirely civilian body and whether staff transferring from the military to the National Guard received training to facilitate that transition. The Committee would welcome information on any progress made under the agreement established between OHCHR and the State party on the training of the National Guard. Lastly, he wondered whether the National Guard had sufficient will and authority to tackle the impunity enjoyed by the military for human rights violations committed during the period of militarized policing.

28. The Committee wished to know whether the criteria governing the use of lethal force in the State party complied with international standards, including those contained in the Committee's general comment No. 36 (2018) on the right to life. He would be interested to learn whether the protocols restricting the use of lethal weapons, mentioned in article 16 of the National Act on the Use of Force, had been issued. The Committee was concerned to note that the Act afforded protection to demonstrators only if they were participating in a demonstration deemed to have a lawful purpose. The Committee would welcome clarification on whether the Act required the security forces to document the use of force or weapons.

29. He would like to know what was being done to investigate allegations that State authorities had committed a number of serious human rights violations, including abuses of persons in detention, arbitrary arrests and extrajudicial killings. It was also unclear why, in 2014, the Ministry of Defence had stopped publishing annual figures on persons killed in clashes with the police or military forces.

30. The Committee was concerned about the limited progress made in ensuring accountability for violations that had occurred during the "Dirty War". In that regard, it would be useful to receive further information on the decision made in 2015 to reclassify files regarding the war that had previously been declassified by order of former President Vicente Fox. He would also be grateful for the State party's comments regarding the impact of President López Obrador's decision to release documents from the archives of the Federal Directorate of Security, issue formal apologies and inaugurate new memorials in efforts to ensure accountability.

31. The Committee would appreciate further information on the number of so-called "self-defence groups" suspected of carrying unregistered weapons. It would be grateful for clarification of the legal framework governing the operation of all groups that exercised de facto authority under the control of the Ministry of Defence and the Federal Police. It would also like to receive information from the State party regarding the state of cooperation between the federal authorities and self-defence groups and the State party's timeline for phasing out such cooperation.

32. **Mr. Santos Pais** said that he would be grateful if the State party could confirm reports that the Senate was considering a proposal to amend article 94 of the Constitution to allow for a reduction in the salaries of civil servants, including judicial officials, as a means of ensuring that no person earned more than the President. If so, he wondered whether such

an amendment could result in officials being charged with corruption or similar offences and denied the right of release from custody. He would welcome the State party's comments on reports of plans to restructure the judicial branch in order to introduce, inter alia, the mandatory rotation of judges and magistrates, as well as so-called "trust evaluations" (*evaluaciones de confianza*) and the appointment of judges by popular vote. He was interested to know whether effective, good-faith consultations had been conducted with officials from the judicial branch and other stakeholders regarding those reforms. Moreover, it would be useful to receive further information on current procedures for the appointment of judges and public prosecutors, transfers between judicial districts and the imposition of disciplinary measures against judges and magistrates. He was also interested to know whether the decisions that flowed from those procedures, particularly disciplinary procedures, could be effectively appealed. He would be grateful for the State party's comments on reports that members of the judicial branch were often accused of corruption or otherwise publicly discredited by members of the executive branch, which had the effect of obstructing the free and independent pursuit of justice. Lastly, he wondered whether the State party could comment on reports that the list of offences for which pretrial detention was automatically applied had recently been enlarged.

33. **Mr. Muhumuza** said that he would like to know more about the situation of the black population in Mexico, including what percentage of the population was black, whether black persons were recognized in society and whether the State party had plans to take affirmative action.

34. **Mr. Quezada Cabrera** said that he was interested to know whether the State party had considered raising the budget for victim assistance in order to increase the recruitment of professional, qualified staff and to allocate the necessary resources for assisting rural indigenous communities. He would also appreciate more detailed information on the status of the criminal investigation into the murder of the journalist María del Sol Cruz Jarquín in 2018.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

35. **Mr. Bárcena Zubieta** (Mexico) said that conflicting holdings decision 293/2011 established that all human rights standards established in international treaties, including the Covenant, had constitutional status. It also established that the case law of the Inter-American Court of Human Rights was binding on the Mexican courts. Following the adoption of that decision, the Supreme Court had increasingly made reference in its judgments to the general comments of the United Nations human rights treaty bodies in order to give substance to the rights enshrined in various international instruments and the Mexican Constitution. According to data from the Judicial Weekly Gazette, 44 opinions of the Supreme Court and 137 decisions issued by collegiate circuit courts referred to or interpreted the Covenant. For example, with regard to the right to equality and non-discrimination, articles 2, 3 and 16 of the Covenant had been interpreted by the courts in support of the conclusion that differential treatment should be considered discriminatory only when it was based on unreasonable and subjective criteria. The Supreme Court had also referenced cases from the Committee's jurisprudence, such as communication No. 488/1992 (*Toonen v. Australia*). With regard to potential restrictions on the application of international human rights law, the courts applied the *pro persona* principle to avoid conflicts between national and international sources of law, which in any event rarely arose. In two cases in 2018, the Supreme Court had faced apparent conflicts between the Constitution and international treaties; in both cases, the Court had opted to apply the rule of international law and its official interpretations.

36. With regard to the Committee's concerns regarding a possible lack of impartiality and independence brought about by proposed reforms to the judicial branch, the president of the Council of the Federal Judiciary had indicated that the justice system needed two types of reform: firstly, internal reform, particularly of the Council itself, with a view to eradicating corruption and nepotism and to promoting gender equality, financial efficiency and access to justice; and secondly, legislative reform, which had to take due account of the opinions of justice officials. According to him, legislative reform should not lead to any modification of the composition of the Supreme Court, the Court's status as a constitutional court should be maintained, and any legislative changes should increase accountability,

procedural efficiency and transparency and further decentralize the administration of justice. Above all, the initiatives proposed were intended to broaden access to justice and clarify the concepts of equality before the law and social justice. They were not perceived by judicial officials as threats to their independence or impartiality. The Council of the Federal Judiciary had already introduced some internal reforms, including changes to the criteria for the placement of judges and anti-corruption measures.

37. **Ms. Saucedo López** said that the Supreme Court had recognized the constitutionality of the criminalization of femicide in state criminal legislation. All cases involving the violent death of a woman, even suicide or accidental death, were approached from a gender perspective to determine whether gender-based discrimination had contributed in any way to the death. With regard to abortion, the Supreme Court had recently considered three cases involving women and girls who had sought to terminate their pregnancy on the grounds that it had resulted from rape or posed risks to their health or that of the fetus, but whose applications had been denied by public medical personnel. In the first two cases, the Court had ruled that the public hospitals in question were obliged to perform the abortions requested because the women concerned were rape victims and therefore excluded from criminal responsibility for the offence of abortion as defined in state criminal legislation. In the third case, the Court had ruled that the denial of access to abortion services in the event of risks to the physical or mental health of the pregnant woman would undermine her future well-being, negatively affect her health and infringe on her right to independence and dignity.

38. With regard to gender parity in the federal justice system, 688 of the total magistrate positions were occupied by men, 155 were occupied by women and 72 were vacant. There were 616 judge positions, of which 447 were occupied by men, 134 were occupied by women and 35 were vacant. The current president of the Supreme Court and of the Council of the Federal Judiciary was taking urgent measures to reduce gender inequality, including the organization of two women-only competitive recruitment examinations, for the appointment of district judges and circuit magistrates, respectively.

39. **Mr. Mastache Mondragón** (Mexico) said that there were currently 27,331 persons registered in the National Victims Registry. Between January 2015 and August 2019, the Executive Commission for Victim Support had issued 466 decisions on comprehensive reparation in favour of 2,287 victims, who were granted a total of 149 million Mexican pesos (Mex\$) in compensation. As of March 2019, the Federal Legal Advisory Service had a total of 15,929 cases on file, which were being processed by legal advisers throughout the country. The Forensic Unit of the Executive Commission for Victim Support had set up and provided support to 34 search committees in open country areas in 2018 and 13 in 2019. The Executive Commission for Victim Support was providing support to seven victims' groups and addressing 49 cases at the federal level. There was a lack of coordinated policy on victim assistance in Mexico, which had led to the differential treatment of victims at the local and federal levels. A comprehensive national programme was needed to establish clear standards on reparations. There was also a need for increased material and human resources at the local and federal levels to keep up with the high workload of the Executive Commission. The law was unclear when it came to victims of serious human rights violations. Moreover, in view of the high number of cases, there were not enough lawyers able to provide counsel to victims of human rights violations in court proceedings. The Federal Government was currently conducting several audits of victim support procedures and the Executive Commission's use of public resources. The head of the Executive Commission had recently resigned, and a new head would soon be appointed by the Senate, after which a comprehensive review of the Executive Commission would be conducted.

40. Under the General Act on Women's Access to a Life Free of Violence, Mexico had three mechanisms to combat gender-based violence. The National System to Prevent, Address, Punish and Eradicate Violence against Women coordinated national policy among the three branches of government. The Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women was the policy document for efforts in that area and was updated every six years, in accordance with the National Development Plan and on the basis of broad consultations with a range of stakeholders across the country. The Gender Violence against Women Alert system was an emergency mechanism for dealing

with serious violence and femicide. Between July 2015 and September 2019, there had been 20 declarations of alert related to femicide in 410 municipalities across 18 states. Progress had been made in expanding the national network of Women's Justice Centres, of which there were now 44 across 27 of the 32 federative entities. The centres had provided comprehensive support to almost 93,000 women, including indigenous women, to date. There had been a proposal to implement the Amber Alert and Alba Protocol for searches in all states. Various legislative initiatives were being considered in relation to femicide, sexual abuse and the prohibition of child marriage. The Government recognized the need to conduct an in-depth review of the relevant instruments and public policies to deal with gender-based violence as effectively as possible.

41. **Ms. Quintana Osuna** (Mexico) said that the issue of enforced disappearance, and indeed disappearance in general, was the Government's number one priority. Accordingly, the Government was taking a series of measures in line with its constitutional and treaty obligations to address the problem. The first step had been the re-establishment in March 2019 of the national search system – whose budget of Mex\$ 400 million for 2019 was expected to be increased to Mex\$ 600 million in 2020 – to search for and locate missing persons nationwide. The system comprised the National Search Commission, local search commissions, prosecutor's offices, security institutions and other authorities. Since its re-establishment, the country's federative entities had made major progress in setting up local search commissions: 28 out of 32 had now done so. Of course, it was not enough simply to establish the commissions; they must also be allocated sufficient human and material resources to operate effectively. To that end, the governors of the federative entities had been reminded to plan suitable budgets for the commissions in 2020.

42. When it came to statistics on disappeared persons, it should be noted that the authorities treated victims as people, not merely numbers, and accorded them the respect they deserved. For the first time, the Government was in a position to provide official figures on the number of clandestine graves found in the country. Between 2006 and September 2019, more than 3,000 clandestine graves, containing approximately 5,000 bodies, had been found. The figure cited of 40,000 disappeared persons in Mexico dated from April 2018. A new register of disappeared persons, with updated figures, would be made public in the coming days. Based on international best practice, it would contain as much information as possible on each disappeared person, including age, sex and other identifying features, allowing a differentiated approach to searches. According to statistics that had yet to be updated, women accounted for 26 per cent of all disappeared persons, and 45 per cent of those women were between the ages of 15 and 26. Data could be entered in the register not only by the search authorities and prosecutor's offices, but also by victims' families and civil society organizations, regardless of whether a formal criminal complaint had been filed.

43. Following the first national forensic assessment carried out by the National Search Commission, the Prosecutor General's Office and the Office of the Under-Secretary for Human Rights of the Ministry of the Interior with a view to identifying all the problems and shortcomings in relation to human and material resources in that area, a number of important steps were being taken. It was clear that forensic services and institutes needed to be strengthened, and the federal Government was making efforts to allocate the necessary resources for that purpose. Given the scale of the work ahead – there were at least 37,000 unidentified bodies to be dealt with – and in response to demands from victims' families, it had decided to create an extraordinary forensic mechanism, with the support of international organizations, including OHCHR.

44. It was true that ensuring the security of persons engaged in search operations was a challenge. While the situation remained dangerous, at least victims' families could now count on institutional support in carrying out searches, which had not been the case for many years. Security personnel, including members of the National Guard and the federal and state police forces, accompanied all search operations.

45. The Government was taking steps to deal with the many issues arising as a result of the serious human rights violations in the form of disappearances that had taken place in Mexico. The national search system faced the unique challenge of having to search not only

for persons who had disappeared very recently, but also those who had disappeared more than 40 years earlier during the “Dirty War”.

46. **Mr. Mastache Mandragón** (Mexico) said that the Government had not declared a state of emergency following the earthquakes that had hit the states of Oaxaca and Chiapas in 2017 or the cyclones in other parts of the country, although that would have been permissible by law.

47. **Mr. Ballinas Valdés** (Mexico), responding to the questions on the possible continued involvement of military personnel in public security activities, said that the Government had made respect for human rights one of its priorities, but it was important to bear in mind the challenges posed by the strong presence of heavily armed transnational organized criminal groups in the country. The National Guard, which had been established through a constitutional amendment in order to tackle organized crime and guarantee the rights to life, liberty and security, among other Covenant rights, was under civilian command; it would initially be made up of members of the federal police, military police and naval police and later opened up to young people between 18 and 30 years of age. It operated with full respect for the human rights recognized in the Constitution and international treaties ratified by Mexico. The law governing the National Guard had been discussed broadly, with the participation of international organizations.

48. **Mr. Trujillo Sánchez** (Mexico) said that the involvement of the armed forces in public security activities was temporary in nature and intended to provide support to the civil authorities. In terms of human rights training for military personnel, the Ministry of Defence had set up the Human Rights Directorate in 2008, the Observatory for Gender Equality in the Mexican Armed Forces and Air Force in 2011 and the Training Centre on Human Rights and Gender Equality in November 2018. With that infrastructure and the use of appropriate technology, more than 2 million military officials had received training on human rights, international humanitarian law, the use of force and gender equity between 2013 and October 2019. Those training efforts had yielded results, as illustrated by a clear downward trend in the number of complaints of human rights violations committed by members of the armed forces, from 7,441 between 2006 and 2012 to 3,126 between 2012 and 2018 and finally 345 for 2019. Additional details would be provided in writing.

49. **Mr. Aguilar Palma** (Mexico) said that there was no conflict between the state of emergency and the Geneva Conventions and Protocols thereto. In 2006, the then President had mistakenly referred to Mexico as being engaged in a “war against drug trafficking”, which had given the wrong impression of the situation. In view of the context of violence in Mexico, the armed forces were involved in ensuring public security, in accordance with article 89 of the Constitution. Under the National Development Plan 2019–2024, they would continue to provide public security support for five years. A range of preventive measures was in place to control the use of force and prevent human rights violations. The University of the Mexican Army and Air Force also provided human rights training at all levels.

The meeting rose at 6.05 p.m.