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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Eighth periodic report submitted by Mexico under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2023*, **

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* The present document is being issued without formal editing.
** The annexes to the present document are available on the Committee's website.

Introduction

1. Pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government of Mexico hereby submits to the Committee against Torture its eighth periodic report on measures taken to uphold the rights recognized in the Convention, progress made and situations and difficulties encountered. The report was prepared on the basis of the list of issues drawn up by the Committee.

Issues identified for follow-up in the previous concluding observations

Articles 1 and 4

Amendment of the definition of the offence of torture

2. No amendments have been made to articles 24 and 25 of the General Act on the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the General Act on Torture) since its promulgation on 26 June 2017.[1]

3. Two proposals for the amendment of article 24 of the General Act on Torture were brought before the Senate in 2020. The first proposes an amendment of the definition to expressly include acts of torture committed for the purpose of intimidating, coercing or obtaining information or a confession from a third person.[2] The second contains an amendment of the definition to expressly include acts of torture committed with the aim or for the purpose of obtaining information or a confession from a third person.[3] Both proposals are under review pending the respective decisions.

4. In January 2017, the Supreme Court published a historical study of the fight against torture in the international legal order (entitled *La lucha contra la tortura en el orden internacional*) which, in line with the Convention, defines torture as any act through which a public official or other person acting at the instigation of a public official intentionally inflicts on a person severe pain or suffering, whether physical or mental, for the purpose of obtaining information or a confession from that person or from a third person. The Supreme Court thus recognizes that torture can be inflicted for the purpose of obtaining information from the victim of torture or from a third person.[4]

Article 2

Public statements made by the Mexican authorities

5. The President of Mexico has made public statements about the prohibition of torture on various occasions, within the framework of a cross-cutting policy of full respect for human rights provided for in the 2019–2024 National Development Plan,[5] which states that repression must be eradicated and that no one may be tortured, disappeared or killed by officers of a State security force (see annex 1).

6. In 2019, a public apology was extended to the journalist Lydia Cacho Ribeiro for her arbitrary detention and torture at the hands of various authorities of the State of Puebla, on the basis of the resolution of the United Nations Human Rights Committee.[6] In the same year, the then head of the Ministry of the Interior, Olga Sánchez Cordero, extended public apologies on behalf of the Government of Mexico to Martha Alicia Camacho Loaiza, Miguel Alfonso Millán Camacho and José Manuel Alapizco Lizárraga, victims of the period in history known as the Dirty War.[7]

7. In addition, the Government of Mexico has run campaigns against torture and ill-treatment through which it has highlighted its commitment to the absolute prohibition of all such conduct and made clear that any person who engages in such acts or is complicit in or tolerates their commission, will be held criminally responsible (see annex 2).

National survey of persons deprived of liberty

8. In 2020, the Executive Secretariat of the National Security System and the National Institute of Statistics and Geography signed an agreement providing for the National Information Centre of the Security System to share with the Institute the administrative records of all persons deprived of liberty registered in the National Prison Information Register.[8]

9. Subsequently, the Ministry of the Interior, in coordination with the National Institute of Statistics and Geography, carried out a national survey of persons deprived of liberty with the aim of compiling relevant statistical information on the conditions of trial, sentencing and detention of persons lawfully deprived of liberty in the country's prisons. The results of the survey were published in December 2021.[9]

National Programme for the Prevention and Punishment of Torture

10. In the course of 2018, the Office of the Special Prosecutor for the Investigation of Offences of Torture worked with the Technical Secretariat of the National Law Enforcement Conference to further develop the draft version of the National Programme for the Prevention and Punishment of Torture and Ill-treatment previously formulated.[10]

11. As a consequence of the constitutional amendment that created the Attorney General's Office, the entry into force of the related Organic Act and the declaration of constitutional autonomy published on 20 December, 2018,[11] it was decided that the Ministry of the Interior should assume responsibility for the coordination referred to in article 70 of the General Act on Torture. This decision was based on article 27 (III) and (VII) of the Organic Act on the Federal Public Administration, which stipulate that the Ministry of the Interior is responsible for managing the executive branch's relations with the other branches of the federal Government, the autonomous constitutional bodies, the governments of the federative entities and municipalities and other federal and local authorities, and also for coordinating, in conjunction with civil society organizations, efforts to promote and safeguard human rights.

12. A meeting to discuss the draft National Programme for the Prevention and Punishment of Torture (entitled "Reflections on progress towards a national programme for preventing and punishing torture") was held in April 2019 and was attended by 52 stakeholders. Between April and October of the same year, the Attorney General's Office and the Ministry of the Interior held a number of working meetings.[12] A version of the National Programme for the Prevention and Punishment of Torture was adopted unanimously by the National Law Enforcement Conference on 1 October 2019.[13]

13. This version of the National Programme for the Prevention and Punishment of Torture was referred to the Attorney General's Office for further development in July 2021 and work continued in conjunction with the Directorate General of Legislative Affairs and Regulations and the Coordination of Planning, Development and Institutional Innovation.

14. With a view to finalizing the development of the National Programme for the Prevention and Punishment of Torture and proceeding to its adoption, on 6 April 2022 the Attorney General's Office and the Ministry of the Interior organized a joint meeting in hybrid format in which representatives of the authorities of all three branches and levels of government, national and international organizations working to protect and uphold human rights, educational institutions, civil society organizations[14] and autonomous agencies participated. At this meeting, the Ministry of the Interior and the Attorney General's Office gave a joint account of progress towards the finalization of the National Programme for the Prevention and Punishment of Torture and agreements were concluded.[15]

15. On 31 May 2022, the Technical Secretariat of the National Law Enforcement Conference forwarded the final version of the draft National Programme to the 32 Attorney Generals and Prosecutor Generals of the federative entities for examination.

16. Once the National Programme had garnered general approval, the competent authorities submitted observations and the adjustments made as a result were forwarded to the legal and regulatory office of the Attorney General's Office, which requested their validation by the participating authorities. On 5 August 2022, the chief justice officials of the

federative entities that are members of the National Law Enforcement Conference gave the draft National Programme the green light.[16]

17. The Ministry of the Interior sought validation from officials of the executive and legislative branches at both the federal and local levels. The National Programme for the Prevention and Punishment of Torture has now been approved by 18 agencies of the federal executive branch, the Chamber of Deputies, the country's 32 attorney general's and prosecutor general's offices, the 32 high courts, the Council of the Federal Judiciary and the National Human Rights Commission.

18. In order to involve municipal authorities in matters of public security, the authorities have been in contact with the National Conference of Prison Services, which indicated that, through the National Conference of Municipal Security, it would be able to obtain validation for the draft National Programme for the Prevention and Punishment of Torture from the municipal authorities. The security and health sector authorities are of particular importance to the validation process, which is now under way, since they make up the majority of local-level sectoral authorities in the country's municipalities. The draft is currently under review.

Coordination mechanisms for implementation of the National Programme for the Prevention and Punishment of Torture

19. As soon as the National Programme for the Prevention and Punishment of Torture is launched, the Ministry of the Interior will roll out a plan for coordination with agencies of the federal executive branch, civil society and international organizations in the implementation of the lines of action envisaged under the 2020–2024 National Human Rights Programme,[17] which is coordinated by the Office of the Undersecretary for Human Rights, Population and Migration, in order to firmly establish a cross-cutting, participatory and inter-agency public policy for combating torture.

20. In addition, pursuant to the provisions of article 4 (XII) of the agreement creating the Office of the Special Prosecutor for the Investigation of Offences of Torture and in accordance with the first paragraph of the seventh transitory provision thereof, the Special Prosecutor for the Investigation of Offences of Torture is empowered to propose the bases for guaranteeing nationwide coordination in the design, preparation, implementation and application of the National Programme for the Prevention and Punishment of Torture.

Measures taken to ensure that all detainees are afforded all fundamental safeguards against torture and ill-treatment

21. Article 4 of the Act establishing the Attorney General's Office sets forth the principles that should govern the work of its staff, namely autonomy, legality, objectivity, efficiency, professionalism, honesty, respect for human rights, interculturalism, focus on comprehensive protection for the rights of children and adolescents, due diligence, loyalty, impartiality, specialty and the gender perspective.[18]

22. In addition, Ministry of the Interior Agreement No. A/OIC/002/2022 contains a code of ethics for public servants of the Attorney General's Office and rules of integrity for the administration of justice.[19]

23. Officers of the Federal Criminal Investigation Police operating under the authority of the Attorney General's Office are responsible for reading detainees their rights at the time of arrest, in accordance with the provisions of article 20 (B) of the Constitution and with the national protocol for first responders,[20] which is included in the standardized police report form.[21]

24. Arrests made by officers of the Federal Criminal Investigation Police are carried out in accordance with the permitted levels for use of force and the principles and procedures established in the National Act on the Use of Force.[22]

25. As part of efforts to combat torture and other cruel, inhuman or degrading treatment or punishment, the Federal Public Defender Institute has pursued a set of strategic litigation cases from which jurisdictional criteria for torture-related cases can be derived.[23] See annex 3

for details of actions taken by the Federal Public Defender Institute in relation to the recommendations made by the Committee.

26. The Federal Public Defender Institute's Technical Secretariat for Combating Torture, Cruel and Inhuman Treatment has developed several practical tools for federal public defenders that incorporate a differentiated approach.[24] These include: a protocol for interaction by public defenders with agencies of the Federal Prosecution Service before cases go to trial;[25] guidelines for the work of federal public defenders in cases related to torture and other cruel, inhuman or degrading treatment or punishment;[26] a compendium of case law related to torture and other cruel, inhuman or degrading treatment or punishment;[27] and a practical guide for proper completion of the case report form used to document acts of torture and cruel, inhuman or degrading treatment.[28]

27. The Federal Public Defender Institute provides criminal defence services to all persons under investigation for acts probably constituting a criminal offence, undergoing trial or serving sentences, guaranteeing access to justice, including for Indigenous persons.[29]

Steps taken to strengthen the institutions of the public defender system

28. Article 55 of the 2022 amendment of the General Act on Torture stipulates that the law enforcement authorities must establish specialist prosecutor's offices that have full technical and operational autonomy to hear, investigate and prosecute the criminal offences defined in the Act; that they will be supported by the Public Prosecution Service, the police, expert services and specialized professionals; and that they will be allocated the human, financial and material resources necessary for their efficient operation.

29. The General Act on Torture also includes, in article 65, specific provisions for guaranteeing traceability from the moment of arrest to the time of a detainee's release.

National Act on the Register of Arrests and Detentions

30. The purpose of the 2019 National Act on the Register of Arrests and Detentions is to regulate the use and operation of the national register and establish procedures that guarantee oversight and follow-up of the manner in which arrests and detentions are carried out by the relevant authorities. The register consists of a centralized database containing information on persons arrested in all parts of the country, pursuant to the powers of the authorities involved at each stage of criminal or administrative proceedings before a municipal or civil court,[30] and is managed and operated by the Ministry of Security and Citizen Protection.

31. Use of the register, which is part of the National Security Information System, is intended to prevent violations of detainees' human rights, acts of torture, cruel, inhuman and degrading treatment and enforced disappearances.[31]

32. The Executive Secretariat of the National Security System published guidelines for using, operating and maintaining the national register of arrests and detentions in 2019.[32] In 2022, new guidelines for the use of the national register were published, which provide that the registration process concludes when the detainee is admitted to a prison.[33] This last phase will become operational in the second half of 2023.

Prohibition of preventive custody without charge (arraigo)

33. Regarding the use of preventive custody (*arraigo*), the situation remains as described in the State's seventh periodic report to the Committee.[34] Since the constitutional amendment of 2008, preventive custody has been used only in cases involving organized crime.

34. The Supreme Court's position is that the federal legislature has exclusive authority to legislate on matters related to organized crime and that, accordingly, legislative authority with respect to the use of preventive custody also lies exclusively with the federal legislature. Since the constitutional amendment of 2008, no federative entity has legislative authority in respect of the use of preventive custody.[35]

35. In 2019, a draft decree repealing the eighth paragraph of article 16 of the Constitution with a view to ending the use of preventive custody was presented to the Senate in plenary session. On 31 January and 2 February 2023, motions were entered calling for action to

conclude the legislative process and for deliberation in plenary session. Other proposals have also been submitted, and are currently being examined prior to the respective decisions being taken. See annex 5 for information provided by the Attorney General's Office regarding the decline in the use of preventive custody in the period 2006–2022.

Resources and personnel of the national mechanism for the prevention of torture

36. In order to comprehensively guarantee the prevention of torture and other cruel, inhuman or degrading treatment or punishment, article 72 of the General Act on Torture provides for the establishment of a national mechanism for the prevention of torture to assume responsibility for ongoing, systematic monitoring of places of deprivation of liberty throughout the country. Article 73 of the General Act establishes that the national mechanism for the prevention of torture will be attached to the National Human Rights Commission.

37. The national mechanism for the prevention of torture issues recommendations as a result of its monitoring activities and in relation to the investigation of torture and other cruel, inhuman or degrading treatment or punishment.[36]

38. The budget allocated to the national mechanism was progressively increased in the period 2021–2023,[37] taking the total up from $31,364,448 Mexican pesos (Mex$) to Mex$ 34,813,598 in 2023, equivalent to an increase of 10.99 per cent. The mechanism has been allocated a staff of 32 public servants (16 women and 16 men) with multidisciplinary profiles. It is currently going through a restructuring that involves the addition of five new staff members to its workforce with the aim of enhancing procedures.

Obstacles to the mechanism's visits to detention facilities

39. The national mechanism for the prevention of torture conducts follow-up visits to verify compliance with the recommendations made in its visit reports. It also establishes mechanisms for dialogue with the authorities, requests evidence of action taken to ensure compliance and prepares follow-up reports.[38]

40. The main difficulty of a general nature that has arisen in relation to access to places of deprivation of liberty is the delay experienced in obtaining access to certain restricted areas of facilities and gaining entry equipped with devices such as cameras and recording equipment. However, through dialogue and information-sharing, the national mechanism for the prevention of torture has succeeded in gaining access to these places.

41. Among the actions under way in 2023, priority is being given to efforts to improve strategies for collaboration and coordination with the different State institutions that have custody of persons deprived of their liberty, without this having any impact on visits made without prior notification. These efforts have made it possible to avoid incidents with the authorities that might have delayed or impeded access for the mechanism's staff.

Communication between the mechanism and civil society organizations

42. In the course of 2022, the national mechanism for the prevention of torture made efforts to work more closely with national and international civil society organizations (CSOs) whose mission involves safeguarding the human rights of persons deprived of liberty.[39] Likewise, in 2023, the national mechanism has worked with various CSOs to plan visits to facilities in which migrants deprived of liberty are held.

Steps taken to combat gender-based violence pursuant to the Convention

43. There are national model protocols for the primary prevention of violence against women[40] and the comprehensive care and protection of women living with violence,[41] and a comprehensive model protocol for the punishment of violence against women,[42] all of which are implemented through the National System for Prevention, Support, Punishment and the Elimination of Violence against Women, an inter-agency mechanism that coordinates efforts, tools, policies, services and action to guarantee women's right to a violence-free life.

44. In April 2021, amendments to the General Act on Women's Access to a Violence-Free Life[43] were tabled with a view to expediting the response provided through the Gender

Violence against Women Alert system, a mechanism for the protection of women's human rights that is unique in the world.

45. According to the National Commission for the Prevention and Elimination of Violence against Women, the specialized care services available for women victims of gender-based violence have been harmonized and centralized within the Ministry of the Interior as of 2022 and there was an 86 per cent increase in the federal budget allocated for such services between 2017 and 2023.

Nationwide harmonization of the definition of femicide

46. Article 325 of the Federal Criminal Code states that "any person who deprives a woman of her life for reasons of gender commits the criminal offence of femicide". Any person who commits the criminal offence of femicide will be sentenced to a term of imprisonment of between 40 and 60 years and a fine of between 500 and 1,000 day-fine units.[44]

47. The harmonization of the definition of femicide in legislation has been carried out gradually. Currently, the Federal Criminal Code defines femicide as a separate criminal offence against life and bodily integrity that results from femicidal violence and is an offence throughout the country, the aim being to ensure appropriate and specialized oversight that serves to prevent, address, punish and eliminate this criminal phenomenon.

48. In 2020, a resolution was tabled that urged the local congresses to conduct an exhaustive review of their current legislative framework related to femicidal violence and the definition of femicide contained therein with a view to harmonizing the definition and treatment of the offence with the provisions of the General Act on Women's Access to a Violence-Free Life, the Federal Criminal Code and the international treaties to which Mexico is a party. The resolution was unanimously adopted the same year in plenary session of the Permanent Commission of the Congress of Mexico.[45]

49. In compliance with the judgment issued in *González et al. ("Cotton Field") v. Mexico*, in 2022 the National Institute for Women referred the model definition of the offence of femicide to the Chamber of Deputies and the Chamber of Senators of the National Congress.[46] The model definition of the offence of femicide has since been shared with the 32 local congresses, through their presiding officers, and copies have been sent to their political coordination committees (or equivalent) and gender equality, human rights and justice commissions (or equivalent).[47]

50. Since September 2021, through the automated opinion system administered by the Ministry of the Interior, 20 legislative opinions related to the definition and treatment of the offence of femicide have been issued by members of the Senate and the Chamber of Deputies. These opinions are in favour of the incorporation of national and international standards in this area, in accordance with the legislative amendments proposed in the model definition.

Specialized investigation of cases of gender-based violence against women and protocols for action

51. In their work, the federal prosecutors attached to the Office of the Special Prosecutor for the Investigation of Offences of Torture are guided by the provisions of the Constitution, torture-related legislation and the harmonized protocol for the investigation of offences of torture.[48] Thus, as established in these provisions, investigations into offences of torture must be immediate, efficient, exhaustive, professional and impartial, unaffected by stereotypes, free from discrimination and aimed at exploring all possible lines of inquiry that might facilitate the collection of information that serves to shed light on any act that the law establishes as a criminal offence and identify the persons who committed or contributed to the act.[49]

52. The Act establishing the Attorney General's Office also provided for the creation of the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons with a remit to investigate and prosecute federal offences involving acts of gender-based violence against women, acts of violence against children and adolescents and acts involving or related to trafficking in persons.

53. This Special Prosecutor's Office has developed a protocol for prosecutorial, police and expert investigations with a gender perspective into offences of femicide, designed for the use of public prosecutors and the investigative and expert staff of the Attorney General's Office. The protocol provides them with a methodological tool for taking immediate action to investigate and address offences of this kind from a gender perspective, with a focus on safeguarding the human rights of women and girls and with a view to ensuring serious, impartial and effective investigations aimed at clarifying the facts.[50]

54. In 2018, at the first extraordinary plenary assembly of the National Law Enforcement Conference, the member institutions agreed to develop general guidelines that would allow for the application of standardized criteria in the investigation and documentation of offences of femicide and for the classification and collection of reliable data related to such offences. Guidelines for registering and classifying alleged offences of femicide for statistical purposes[51] were published in the same year.

55. In April 2023, a decree amending, adding to and repealing various criminal law provisions was promulgated. Inter alia, the decree introduced amendments to article 325 of the Federal Criminal Code, concerning the offence of femicide, and to article 132 of the National Code of Criminal Procedure, which stipulates that police officers act under the oversight and command of the Public Prosecution Service when investigating offences, adhering strictly to the principles of legality, objectivity, efficiency, professionalism and honesty, applying a gender perspective and ensuring respect for the human rights recognized in the Constitution, the gender perspective having been added to the list of principles cited.[52]

Effective mechanisms for processing and enforcing protection orders

56. The General Act on Women's Access to a Violence-Free Life, the equivalent legislation of the federative entities[53] and the National Code of Criminal Procedure together help to ensure an effective and coordinated response that safeguards the integrity of direct and indirect victims.

57. As regards the processing and enforcement of protection orders issued under the General Act on Women's Access to a Violence-Free Life, at the third ordinary plenary assembly of the National Commission of High Courts of the United Mexican States, held in 2021, the National Institute for Women proposed two strategic pathways, the first aimed at expediting judicial proceedings through the use of mobile justice systems for women and informative hearings and the second at increasing the use of protection orders as a comprehensive and effective mechanism for the protection of women living in situations of violence.

58. In June 2022, the National Commission of High Courts organized a national meeting of gender units at which a working group coordinated by the National Institute for Women met to examine the use of protection orders and a follow-up commission was formed to draft guidelines that lay the bases for their appropriate and expeditious issuance.

Protection and support services for victims of gender-based violence

59. In the period 2017–2023, there was an 86 per cent increase in the federal budget allocated to the principal specialized support programmes for women victims of violence, which translated into an increase of more than 24 per cent in support capacity.

60. In 2017, through the network of local support units funded by the Programme of Support for Women's Organizations in the Federative Entities, 113,000 women received assistance from 387 specialized local support units. By 2022, the number of women receiving assistance had risen to 116,000, with support being provided through 482 specialized units.

61. As regards the women's justice centres programme, in 2017 there were 38 justice centres in operation, with a combined capacity to assist 170,418 women each year.[54] By January 2023, there were 61 centres in operation with a total combined capacity to assist 227,687 women a year.[55]

62. Under the specialized shelter programme for women victims of violence and their children, support was provided to 46 units that cared for a total of 12,107 persons in 2017 and to 66 shelters that cared for a total of 12,525 women in 2022. The total number of

specialized care units operating nationwide rose from 471 to 609, and the number of women assisted each year from 287,000 to 357,000.[56] See annex 4 for statistical information on protection and support services for victims of acts of gender-based violence and the number of gender-based complaints filed in the period 2017–2022, provided by the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Person attached to the Attorney General's Office. For statistical information on the number of complaints of gender-based violence registered by the National Institute of Statistics and Geography, see annex 5.

Mandatory training programmes on the prosecution of cases of gender-based violence

63. See annex 6 for information on mandatory training programmes on the prosecution of gender-based violence for judges, prosecutors and law enforcement officials and on the organization of campaigns to raise public awareness of all forms of violence against women.

Complaints received, investigations conducted, prosecutions brought and convictions secured in cases of trafficking in persons

Protection measures and compensation granted to victims

64. The Anti-Trafficking in Persons Programme run by the National Human Rights Commission has rolled out a comprehensive national anti-trafficking strategy designed to reach both victims and potential victims and entailing: in-person visits to places where possible human rights violations might be detected, including migrant holding centres; holistic action to guarantee the human rights of victims of trafficking; prevention, assistance and protection measures that take a gender-sensitive and intersectional approach; and the design of coordinated strategies and action to enhance the institutional response to victimizing situations related to trafficking in persons.[57]

65. Federal prosecutors, police officers and specialist professionals must avoid unnecessary delays during investigations and must ensure that victims are provided with assistance, care and support from the moment it is needed as well as respect for and the effective exercise of their rights.

66. Updated data provided by the National Institute of Statistics and Geography on the number of complaints received, investigations conducted, prosecutions brought and convictions secured in cases of human trafficking can be consulted in annex 7. Regarding criminal proceedings before the district courts of the federal judiciary, see annex 8 for up-to-date data from the Council of the Federal Judiciary.

67. In the period 2017–2023, the Executive Commission for Victim Support registered 525 victims of the offence of trafficking in persons in the National Register of Victims (see annex 9).[58] From the start of 2017 to January 2023, the Executive Commission awarded a total of Mex$ 13,089,844.29 in compensation to 20 direct and indirect victims of trafficking in persons through the issuance of 17 rulings on reparations, corresponding to reparations for damages granted in response to recommendations made by human rights protection mechanisms.

68. Regarding mechanisms for the identification and referral of victims of trafficking, the National Institute of Migration,[59] working in coordination with the International Organization for Migration, has issued a protocol for locating, identifying and providing support for migrants who are or may be victims of human trafficking in Mexico.[60]

69. One of the aims of this protocol is to raise awareness of trafficking in persons among the staff of the National Institute of Migration by providing them with ongoing training on situations and places in which migration formalities might result in victims and/or potential victims being identified. Such training increases the professionalism of public officials who conduct interviews in administrative immigration proceedings under the Migration Act[61] and its implementing regulations[62] and facilitates implementation of the migrant support strategy, which is designed to ensure due protection and assistance and/or the effective referral of victims of trafficking in persons, in coordination with actors involved in migration matters.

Article 3

Measures taken to ensure that no person is returned to a country in which he or she would be at risk of torture

70. Pursuant to article 2 (7) of the Migration Act, one of the principles that must underpin Mexican migration policy is that of hospitality towards and international solidarity with persons in need of a new place of residence owing to extreme conditions in their country of origin that put their life or ability to coexist peacefully at risk, in accordance with tradition in this area in Mexico, treaties and international law.

71. Accordingly, article 42 of the Migration Act provides that the Ministry of the Interior may authorize the entry of foreign persons requesting refugee status or political asylum without their having to comply with any of the requirements established in the Act.

72. Furthermore, article 63 (I) of the regulations implementing the Migration Act provides that, at points of entry to the country, the immigration authority may, for humanitarian reasons, authorize the entry of foreign persons who do not comply with any of the entry requirements and are seeking refugee status or political asylum or who require the initiation of a statelessness determination procedure.[63]

73. When adjudicating on *amparo* review No. 353/2019, the Supreme Court examined the recommendations of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and the criteria established by the Inter-American Court of Human Rights and concluded that the principle of non-refoulement (whether through expulsion, deportation, return, extradition, rejection at the border or non-admission, etc.) entails ensuring the effective protection of persons requesting refugee status and refugees.[64]

74. Furthermore, in May 2021, the Supreme Court issued a new version of the protocol for adjudicating cases involving migrants and persons subject to international protection in order to provide judges with the necessary tools to face the challenges involved in the protection of migrants with methodological rigor and social sensitivity.[65] Among other subjects, the protocol elaborates on the principle of non-refoulement, indicates the instruments in which it is recognized and explains how it has been understood by international human rights protection bodies.[66]

75. The table below shows the number of refugee applications received by the Commission on Assistance for Refugees in the period 2017–2022:

Year	*Number of asylum applications received*
2017	14 619
2018	29 569
2019	70 314
2020	40 914
2021	129 791
2022	118 478

Source: Commission on Assistance for Refugees.

Access to justice for migrants

76. The Unit for the Investigation of Offences involving Migrants within the Office of the Special Prosecutor for Human Rights of the Attorney General’s Office facilitates access to justice for migrants and their families, investigates and prosecutes offences committed by or against migrants, and manages, coordinates and supervises actions taken with a view to providing redress for the injury caused to victims.

77. The Unit has a protocol for prosecutorial action in the investigation of offences committed by and against migrants in vulnerable situations and those subject to international protection in Mexico, which provides guidelines to facilitate the investigation and

prosecution of offences committed by or against migrants and their families. The Unit also takes steps to repair the injury suffered by victims or offended parties.[67]

78. In addition, on 28 February 2020, a cooperation agreement was signed between the Ministry of the Interior and the Federal Public Defender Institute, the purpose of which is to provide applicants, refugees and beneficiaries of complementary protection with access to legal advice and the necessary support from the Institute during the processing of any procedure before the Commission on Assistance for Refugees, should the individuals wish to receive such assistance.

Effective access to the refugee status determination procedure and compliance with procedural safeguards against refoulement

79. The human right to seek asylum, enshrined in article 11 of the Constitution, may be exercised by any foreign person in Mexico, regardless of his or her migration status. Accordingly, once a foreign person has initiated the refugee status determination procedure, he or she is protected by the principle of non-refoulement. Compliance with procedural safeguards against refoulement is thus guaranteed.

80. In the event that the application for refugee status is successful, pursuant to article 13 of the Refugees, Complementary Protection and Political Asylum Act,[68] the National Institute of Migration will grant the foreign person the status of permanent resident, in accordance with the provisions of article 54 (I) of the Migration Act.

81. The "visitor for humanitarian reasons" cards issued by the National Institute of Migration guarantee foreign nationals in vulnerable situations a regularized stay in the national territory for one year, with the possibility of renewal.[69] This allows foreign persons to continue, if applicable, with their refugee status application and any other procedures that they may have initiated with different government agencies and/or avoid being returned to their countries of origin or residence prior to their arrival in Mexico. These cards automatically grant the holder the right to work, as in the case of temporary residents (see annex 10).

82. The National Institute of Migration also grants children and adolescents a provisional "visitor for humanitarian reasons" document, which allows them to remain in the country while the Federal Office for the Protection of Children and Adolescents assesses whether their life, freedom or safety is in danger.

Identification of persons in situations of vulnerability and the right to seek asylum and to appeal an expulsion decision

83. At the refugee application stage, a needs assessment interview is conducted during which the applicant's vulnerability is assessed and the care he or she requires is determined in accordance with article 20 of the Refugees, Complementary Protection and Political Asylum Act and article 61 of its regulations.[70]

84. In addition, the Refugees, Complementary Protection and Political Asylum Act provides for judicial review, as a means of defence, in the case of a negative decision, and also in cases of cessation, cancellation or revocation of recognition of refugee status and/or the withdrawal of complementary protection, in accordance with articles 25 of the Refugees, Complementary Protection and Political Asylum Act and articles 59 and 60 of its regulations.

85. Individuals can also file an indirect *amparo* application, which is a means of defence through which an expulsion or deportation decision may be challenged in accordance with the provisions of articles 103 and 107 of the Constitution and 107 of the *Amparo* Act.[71]

86. In accordance with articles 15 and 17 of the *Amparo* Act and article 56 of the Organic Act on the Federal Judicial Branch,[72] the application instituting proceedings may be filed at any time before a District *Amparo* Court. If the aggrieved person is unable to file the application, another person may file on his or her behalf even if he or she is a minor. In addition, the online services portal of the Federal Judicial Branch allows online access to district courts and circuit courts throughout the country.[73]

87. Article 63 (I) of the regulations implementing the Migration Act provides that, at points of entry to the national territory, the immigration authority may, for humanitarian reasons, authorize the entry to the national territory of foreign persons who do not comply with any of the entry requirements and are seeking refugee status or political asylum or who require the initiation of a statelessness determination procedure. During their stay in facilities of the National Institute of Migration, foreign persons enjoy the rights set out under article 109 of the Migration Act.

88. In addition, the Commission on Assistance for Refugees ensures that all persons accompanying a foreign migrant have the opportunity to be interviewed individually in order to assess whether they would be eligible to file an independent application.

Asylum applications in cases of torture

89. Pursuant to the provisions of the internal regulations of the Ministry of the Interior,[74] the Migration Policy, Registration and Identification Unit is responsible for compiling, generating and publishing official statistics on international mobility and migration in Mexico based on the administrative records maintained by the National Institute of Migration.[75] Statistical data on foreign persons who have been returned or deported to their country of origin can be consulted on the Unit's website.[76]

90. Article 18 of the Refugees, Complementary Protection and Political Asylum Act establishes that applications for recognition of refugee status are free of charge, while article 20 establishes that, during the application process, the Migration Policy, Registration and Identification Unit:

> "shall take the measures necessary to ensure that institutional assistance is provided for applicants who require special attention, including pregnant women, children and adolescents, older persons, persons with disabilities, persons with a chronic illness, victims of torture or other cruel, inhuman or degrading treatment or punishment, victims of sexual abuse and gender-based violence, victims of trafficking in persons and any other person in a vulnerable situation".

91. For its part, the Commission on Assistance for Refugees is under an obligation to inform applicants and refugees present in the national territory about their rights and obligations.

Reasons for returns, extraditions or expulsions

92. Article 6 of the Refugees, Complementary Protection and Political Asylum Act states that:

> "No applicant or refugee may in any way be refused entry at the border or in any way returned to the territory of another country where his or her life might be in danger for the reasons indicated in article 13 of this Act or when there are reasonable grounds to believe that he or she would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment."

93. Pursuant to article 115 of the Migration Act, the immigration authority is empowered to return foreign persons with an irregular migration status to their country of origin or residence through assisted return or deportation, depending on the particular circumstances of each case.

94. Thus, the national regulations guarantee that decisions in administrative migration proceedings are based on the individual circumstances and legal situation of foreign persons in the national territory, in line with the principles that underpin the migration policy of Mexico set out in article 2 of the Migration Act, in particular the principle of full respect, without discrimination, for the human rights of migrants, nationals and foreign nationals.

95. Consequently, the immigration authority may decide on assisted return or deportation, as provided for in articles 118, 119, 120, 122 and 144 of the Migration Act. Alternatively, it may decide to regularize the foreign person's situation, granting the residence status corresponding to their circumstances pursuant to the grounds for regularization set out in

articles 132, 133 and 134 of the Migration Act, read in conjunction with articles 240 and 241 of its regulations.

96. With regard to expulsions, article 114 of the Migration Act establishes that it is the exclusive responsibility of the head of the Federal Judicial Branch to expel from the national territory any foreign person whose stay is deemed inexpedient, in accordance with the provisions of article 33 of the Constitution.

Mechanisms for monitoring the situation of returned persons in the countries to which they are returned

97. Pursuant to article 20 of the Migration Act, the National Institute of Migration is responsible for: implementing immigration policy, monitoring entries and exits to and from the country; processing, ruling on and carrying out the deportation or assisted return of foreign nationals; and maintaining and updating the National Register of Foreign Nationals, among other responsibilities.

98. Assisted returns involving children and adolescents are carried out in accordance with the decisions taken by the Offices for the Protection of Children and Adolescents within the framework of their rights restitution plans, as indicated in the Migration Act.

Articles 5–9

Legislative and other measures taken to implement article 5 of the Convention

99. Since 28 June 2007, one of the bases of jurisdiction in Mexican criminal courts is the obligation to prosecute or extradite established under the Federal Criminal Code. Article 1 states that the Federal Criminal Code applies throughout Mexico for federal offences; article 2 establishes the Code's applicability to offences committed abroad that produce effects in the national territory; article 3 concerns continuous offences committed abroad that continue to be committed in the national territory; and article 4 refers to offences committed abroad by a Mexican national against Mexicans or foreign nationals, or by a foreign national against Mexicans.

100. Based on these provisions, the Mexican authorities have the power to investigate and prosecute criminal offences committed abroad by foreign nationals and/or against foreign nationals when an international treaty to which Mexico is a party establishes the obligation to extradite or prosecute, as in the case of article 5 (2) of the Convention.

101. Mexico is committed to either extraditing persons wanted for prosecution or prosecuting itself the alleged perpetrators of offences committed abroad by foreign nationals, against foreign nationals, if the persons in question are present in the national territory.

102. The provisions of the Federal Criminal Code apply in those cases where an international treaty to which Mexico is a party establishes the obligation to extradite or prosecute and the wanted person is present in the national territory and cannot be extradited to the requesting State party. This approach ensures that the perpetrators of acts of terrorism or offences for which double criminality applies can be punished, with full respect for their human rights.

Abolishment of the double criminality requirement for offences of torture

103. There are no bills or amending protocols proposing changes to any treaty signed by Mexico that address the possibility of abolishing the double criminality requirement for offences of torture and applying the extradite or prosecute principle when an alleged perpetrator of acts of torture committed abroad is present in the national territory and his or her extradition is not possible.

104. The Government of Mexico maintains an active policy of international cooperation in the area of international extradition, since extradition allows for State action against offenders who cross borders in an attempt to escape the administration of justice.

105. However, in the event that, for whatever reason, extradition proves not to be possible, the Government of Mexico would exercise its jurisdiction based on the provisions of article 5 (2) of the Convention, read in conjunction with article 6 of the Federal Criminal Code, which states that "when an offence is committed for which the Code does not provide but which is covered by a law or an international treaty that is binding in Mexico, the law or treaty shall apply" and also that "when different provisions regulate the same matter, the particular shall take precedence over the general".

Article 10

Training programmes on human rights and the prohibition of torture for public servants

106. Article 60 (II) of the General Act on Torture states that the authorities at all three levels of government, in their respective areas of competence, must coordinate in order to:

> "deliver training, education, refresher-training and continuing professional development programmes for public servants belonging to public security, judicial and police institutions and, especially, for officials of special prosecutors' offices and other authorities involved in investigation, documentation and medical and psychological assessment in cases related to the offences foreseen in this Act".

107. See annex 6 for training programmes on human rights and the prohibition of torture. See annex 11 for the analysis of the Attorney General's Office of training on human rights and torture and training courses for justice officials relevant to cases of torture and ill-treatment.

Article 11

Procedures in place to implement article 11 of the Convention

108. Personnel of the Federal Criminal Investigation Police do not interrogate detainees; rather, they conduct interviews in order to gather identifying data while respecting the rights of the detainee at all times. The Attorney General's Office has conducted interviews with alleged victims of torture and potential witnesses in appropriate settings, with sufficient security and protection measures to safeguard their physical and psychological integrity.

109. Interview techniques, in the case of witnesses, are not coercive; instead, the aim is to establish a relationship of trust between the police officer and the interviewee so that he or she does not feel pressured. Interviews with detainees are based on the principle of presumption of innocence and seek to establish the truth – an approach that ensures respect for constitutional guarantees, thus preventing errors and building confidence in the Attorney General's Office.

110. Specifically in the area of custody, officers of the Federal Criminal Investigation Police pay special attention to the care of suspected perpetrators, providing them with food and hygiene kits and treating them with dignity. Standardized police reports are used to properly identify and describe the functions of all officers involved in detention and ensure the traceability of the chain of custody.

111. Furthermore, Federal Criminal Investigation Police officers undergo initial and refresher training and evaluation in relation to detention and the interviewing of detainees and witnesses in the context of investigations, focusing on subjects such as the use of force and legitimate self-defence, the arrest and transport of detainees, police investigation and the adversarial criminal justice system.[77]

112. Members of the National Guard engaged in operational activities apply all fundamental safeguards against torture and ill-treatment. All National Guard personnel are given a booklet on rights so that these are fully respected and a greater emphasis is placed on the rights of detainees in order to prevent any cases of torture.

National Act on the Use of Force

113. One of the aims of this Act is to establish the general rules under which members of security institutions may exercise force and use service weapons in the performance of their duties.

114. Measures to ensure the proper identification of members of the Federal Criminal Investigation Police have been adopted in accordance with the Act, which states that the first form of contact between officers and the public is the establishment of a police presence, for which purpose they must identify themselves.

115. A protocol for the use of force by members of the Federal Protection Service[78] was published in 2021 with the aim of setting the parameters and minimum conditions for appropriate use of force by members of the Service in the exercise of their duties, within the framework of respect for the human rights recognized in the Constitution and other applicable laws.

Identification of members of the security forces

116. Public security institutions and autonomous bodies involved in the administration of justice issue their officials with an identity document bearing their name, position, photograph, fingerprint and, where applicable, their rank and registration number in the National Register of Public Security Personnel. Such identity documents include security features that guarantee their authenticity.

117. Under article 42 of the General Act of the National Public Security System,[79] the identity documents of members of public security institutions must bear their name, position, photograph, fingerprint and registration number in the aforementioned National Register. The same article states that all public servants are required to identify themselves, except in the cases provided for by law, so that members of the public can ascertain that they are duly registered.

118. Pursuant to Instruction No. I/01/17 of the Attorney General's Office, on the proper use of the uniform and equipment of the Federal Criminal Investigation Police,[80] in the exercise of their duties officers are required to wear uniforms, carry credentials identifying them as public servants, carry a firearm where appropriate and travel in official vehicles.

119. Army and air force personnel wear uniform and insignia, carry the weapons and use the vehicles of the institution to which they belong openly and in all service activities carried out in fulfilment of their overall mission or any mission entrusted to them by the Supreme Commander of the Armed Forces. In addition, the Ministry of Defence issues them with a document accrediting their military status and staff of the Ministry of Naval Affairs are fully identified by high-security military credentials which they must carry at all times.

Use of the armed forces in public security operations

120. The National Guard is a civilian public security institution attached as a decentralized administrative body to the Ministry of Security and Citizen Protection. Its purpose is to assume the public security responsibilities of the federal Government and, where appropriate, and in accordance with agreements concluded for such purpose, to cooperate on a temporary basis with federative entities or municipalities on public security tasks.[81]

121. Personnel with a military background must pass the National Guard's initial training course, which provides them with knowledge and police training to perform public security tasks.

Improvement of conditions of detention, including reduction of overcrowding in prisons and other detention centres

122. The Ministry of Security and Citizen Protection proposed to the government of Mexico State that persons deprived of their liberty who require special surveillance measures should be transferred from state prisons to a federal prison, thus establishing a framework of cooperation on prison matters and strengthening the governance, security and stability of prisons in Mexico State.[82]

123. Mexico State has also cooperated with the federal judicial authorities by providing reports on the legal situation of persons deprived of their liberty, with the aim of granting them early release and thereby helping to relieve prison overcrowding.[83]

124. For information on the number of pretrial detainees and convicted prisoners reported by the Ministry of Security and Citizen Protection, and on the occupancy rate of all prisons, see annex 12. See annex 8 for up-to-date information from the Council of the Federal Judiciary on the number of pretrial detainees.

Mandatory pretrial detention

125. The Supreme Court has had the opportunity to rule on mandatory pretrial detention on a number of occasions since 2017. In its judgment in *amparo* review No. 26/2021,[84] the Supreme Court examined whether the precautionary measure of mandatory pretrial detention for the offence of rape should be extended to attempted rape. The Court evaluated the content of the legal provisions on pretrial detention and found that extending the application of this measure to a conduct for which it is not envisaged in law would violate the principle of legality.

126. In 2022, the Supreme Court ruled to set aside part of a 2019 amendment that provided for the application of mandatory pretrial detention to three fiscal offences: tax fraud, false billing and smuggling. After ruling on applications for constitutional review No. 130/2019 and No. 136/2019, filed by the National Human Rights Commission and several members of the Senate, the Supreme Court, sitting in plenary, decided to maintain mandatory pretrial detention except for the specified offences.[85]

127. The Supreme Court declared the nullity of the provisions on mandatory pretrial detention contained in article 167 (7) of the National Code of Criminal Procedure and article 5 (XIII) of the National Security Act,[86] with the result that smuggling, tax fraud and false billing will not be treated as a threat to national security.[87]

128. At its ordinary session of 22 June 2022, the Council of the Federal Judiciary, sitting in plenary, decided to consolidate 180 indirect *amparo* proceedings in which the contested act pertained to a court decision on pretrial detention that the applicants considered to be arbitrary or of disproportionate duration. In view of the Supreme Court's decision that mandatory pretrial detention should be reviewed after two years, the findings that emerge from the consolidated case will be of the utmost importance.

Access of persons deprived of liberty to the public health system

129. A decree establishing an interministerial committee for social reintegration and post-criminal services[88] was published in 2019. The committee, which was constituted and held its first session in the same year, is composed of representatives of various authorities, including the Ministry of Health, which has recognized the importance of providing health services to persons deprived of their liberty.[89]

130. In order to have sufficient prison officers and other custodial staff to guarantee security in prisons, the Government is taking steps to recruit and hire people interested in joining the Federal Prison System.

131. Regarding the number of judicial and disciplinary proceedings against prison officials and other custodial personnel, eight complaints and three referrals have been submitted to the internal oversight body. Seven of the complaints and the three referrals are being investigated. One of the complaints was resolved through the alternative dispute resolution mechanism for criminal matters.

Addressing the needs of women and minors in detention

Living conditions of children who live with their mothers in detention centres

132. In 2020, a questionnaire designed to identify needs for the establishment and strengthening of family ties was piloted in Federal Social Rehabilitation Centre No. 16 (Morelos Women's Prison, in the State of Morelos) in order to gather information on the health, education and welfare needs of the children of female prisoners.[90] This Federal Social

Rehabilitation Centre has accommodation for children living with their mothers in prison, a child development centre and recreational areas.[91]

133. In 2021, the questionnaire was used in the 14 Federal Social Rehabilitation Centres for male prisoners, and, in 2022, steps were taken to replicate the programme among adolescents and young adults in the juvenile justice system who have children. A care and follow-up procedure is currently being implemented in all 32 federative entities.[92]

134. In 2018, the Federal Prison System instructed staff in the application of protocols on the admission of children to live with their mothers in prisons, on the stay of children living with their mothers in prisons and on the temporary or definitive departure of such children. These protocols, which were issued by the National Conference of Prison Services, outline the activities to be carried out in each scenario in order to ensure dignified and safe conditions for children staying in prisons.[93]

135. In 2022, in follow-up to the development of these protocols, the National System for the Comprehensive Protection of Children and Adolescents, in cooperation with the legal department of the Autonomous Agency for Prevention and Social Rehabilitation, reviewed the protocols and amended their content from the child rights perspective. They were then submitted for approval by the Ministry of Security and Citizen Protection and subsequent publication by the National Conference of Prison Services, with a view to being shared with the 32 federative entities and thus guaranteeing the rights of children who live with their mothers in prison.

136. Article 36 of the National Criminal Enforcement Act[94] provides that children of women deprived of their liberty born during the latter's detention may remain with their mother in the prison during the postnatal and breastfeeding stages or until the child is three years old, guaranteeing the best interests of the child in each case.

Medical care in federal prisons

137. At least primary care must be provided to persons deprived of their liberty in federal prisons. In the event that a higher level of care is required, the prison authorities must make the corresponding arrangements with the public or private health sector. During admission to federal prison, psychological and physical examination forms are used in which doctors can give a detailed account of any injuries exhibited by persons deprived of their liberty.

138. In 2021, medicines and health supplies for federal prisons were procured through a cooperation agreement signed by the Institute of Health for Well-Being and the United Nations Office for Project Services.[95]

139. The National Conference of Prison Services issued a protocol for the care of LGBTTTIQA+ persons in prisons, and the National Academy of Prison Administration ran a course on this subject to raise awareness among prison staff and provide them with guidelines for the treatment and care of such persons.[96] There is also a national protocol for judicial officials dealing with cases involving sexual orientation or gender identity.[97]

140. The questionnaire used to identify needs for the establishment and strengthening of family ties has enabled Federal Social Rehabilitation Centres to employ medical staff who can provide regular and scheduled care for female prisoners. As a result, women's health campaigns, including Pap smears, colposcopies and consultations with gynaecologists and other specialists, have been carried out.

141. Furthermore, article 9 of the National Criminal Enforcement Act states that one of the rights of persons deprived of their liberty that must be guaranteed is the right to receive food that is nutritious and of sufficient quantity and adequate quality for the protection of their health. Article 76 states that the purpose of medical services is to provide medical care to persons deprived of their liberty, from the time of admission and for the duration of their stay, including by prescribing nutritional diets where necessary in order to ensure that food is varied and balanced.

Solitary confinement measures in exceptional cases

142. Article 16 (VII) of the National Criminal Enforcement Act, which prison staff are required to observe, states that prison directors have an obligation, among others, to ensure that disciplinary sanctions for persons deprived of their liberty who break the rules are applied with respect for their human rights.

143. Article 42 prohibits the imposition of disciplinary measures involving torture and cruel, inhuman or degrading treatment or punishment, the placement of prisoners in dark or unventilated cells and solitary confinement for indefinite periods or periods in excess of 15 consecutive days. It also stipulates that, during solitary confinement, the prison authorities must guarantee a minimum of meaningful human contact at least every 22 hours for the duration of the measure.

144. Temporary solitary confinement cannot be a reason for restricting or preventing communication with defence counsel under the terms of the National Criminal Enforcement Act. Solitary confinement may not be applied to pregnant women and mothers who live with their children in prisons.

145. In November 2021, the Supreme Court issued a new version of the protocol for adjudicating cases of torture and ill-treatment,[98] originally published in 2014. Based on a review of inter-American case law on the subject, current legislation and the precedents established by the Supreme Court itself, the protocol states that prolonged solitary confinement and incommunicado detention constitute cruel and inhumane treatment and violate the person's psychological and emotional integrity and the right to respect for the inherent dignity of the human being.

146. This protocol indicates that prolonged solitary confinement and incommunicado detention are disciplinary measures that must be limited in time and used only as a last resort when it has been shown that there is a need to protect fundamental rights, such as the life and integrity of persons deprived of their liberty, and to safeguard legitimate interests related to the internal security of the prison. They must be applied in accordance with the criteria of proportionality, reasonableness and necessity and the public human rights protection agency must be informed.

147. Article 15 of the National Act on the Comprehensive Juvenile Criminal Justice System prohibits the application of solitary confinement measures to adolescents.[99] In its decision on application for constitutional review No. 8/2015, the Supreme Court ruled on solitary confinement in cases involving children and adolescents, stating that such measures are considered cruel, inhuman or degrading treatment. The Supreme Court has held that separating adolescents from other people can generate serious consequences for their integrity, physical and emotional health and adequate development as children – consequences which undermine their human dignity and can be irreparable.[100]

148. Statistical data on the number of deaths of persons deprived of liberty.

149. Federal prisons have closed-circuit television. Prison staff conduct patrols and rounds and check cells, prisoners and visitors.

150. In the event of the death of a person deprived of liberty, prison staff must preserve the scene of the incident until the chain of custody can be transferred to investigative police officers in accordance with the national protocol for first responders and the chain of custody protocol. In order to prevent deaths, prison staff receive ongoing training on human rights, gender and equality, and other issues.

151. Regarding compensation for the relatives of the deceased, the assistance of the Executive Commission for Victim Support may be requested for the purpose of seeking reparation. For figures on the number of deaths of persons deprived of liberty provided by the National Institute of Statistics and Geography, see annex 13.

Findings of the investigations into the deaths that occurred during riots in the State of Nuevo León

152. Regarding the 2016 riot in the state prison of Topo Chico, Monterrey, the Office of the Attorney General of the State of Nuevo León, through the Investigation and Litigation

Unit specializing in cases of homicide and serious injury, opened an investigation file and took various steps and measures to shed light on the events. Six persons deprived of their liberty were prosecuted and convicted of the offence of aggravated homicide. The authorities are still working on the file.

153. In 2021, the Ministry of Security of the State of Nuevo León adopted a decision whereby the public servants Jesús Fernando Domínguez Jaramillo, Gregoria Salazar Robles, Arturo Bernal González, Gerardo Haffid Euresty González and Pedro Muñoz Chicharo were issued with public reprimands.

154. The aforementioned Investigation and Litigation Unit has also opened an investigation file in relation to the 2017 riot in the prison of Cadereyta. This case is currently at the investigation stage, and evidence is still being collected.

155. The Ministry of Security of the State of Nuevo León reported that a decision was taken not to initiate administrative responsibility proceedings, there being no evidence to suggest that officials of the State Ministry of Security engaged in prohibited conduct or failed to act as required in the performance of their duties.

Treatment for drug addiction

156. In 2020, the National Conference of Prison Services approved a national programme for the prevention and treatment of addiction,[101] which is implemented in all federal prisons. The programme provides for the detection of drug use, the prevention and treatment of addiction, and training and research.

157. In the Federal Prison System, outpatient centres for the prevention and treatment of AIDS and sexually transmitted infections[102] provide care for persons with infectious diseases. HIV and hepatitis C tests are carried out as part of the protocol for the admission of persons deprived of their liberty to federal prisons.

158. In respect of suicide prevention, there is a protocol for detection and intervention in cases of suicidal behaviour or suicide risk in persons deprived of their liberty in federal prisons, which establishes criteria for action by the prison authorities and guidelines for the identification of suicide risk within 72 hours of admission. This protocol draws on the observations of the Ministry of Health and the National Human Rights Commission.[103] It is expected that the protocol will be reviewed and updated, with input from the National Council for Mental Health, in 2023.

Asylum-seekers and migrants in an irregular administrative situation who are deprived of liberty

159. The immigration authority does not make arrests but takes foreign nationals who are in the country with an irregular migration status to migrant holding centres or short-stay facilities while their administrative migration proceedings are completed, as foreseen under articles 99 and 100 of the Migration Act.

160. The National Institute of Migration, in conjunction with the Commission on Assistance for Refugees and with technical assistance from the Office of the United Nations High Commissioner for Refugees, runs a programme (entitled *Salidas por Alternativas al Alojamiento*) through which applicants for refugee status housed in the migrant holding centres of the National Institute of Migration may be placed in alternative accommodation. The programme allows foreign nationals subject to administrative migration proceedings who are not in Mexico lawfully and are in a vulnerable situation, to live in shelters run by civil society or in authorized accommodation centres pending the completion of the proceedings. For this purpose, they are granted temporary residence and issued with a provisional visitor's document that gives them permission to carry out paid work for 45 calendar days.

161. In accordance with the Migration Act and the General Act on the Rights of Children and Adolescents[104] and its regulations,[105] since 2021 the Institute has not housed children in migrant holding centres. Instead, children, including those seeking refugee status or asylum, are immediately referred to shelters or social assistance centres run by the National System for the Comprehensive Development of the Family.

162. The administrative migration procedure encompasses the initial application, housing in a migrant holding centre (or a social assistance centre in the case of migrant children and adolescents), assisted return and deportation.

Migrants' rights and access to complaint mechanisms

163. The rights and obligations of migrants are recognized under title 6 of the Migration Act. The National Institute of Migration promotes the exercise of the fundamental rights of migrants in irregular situations housed in migrant holding centres and short-stay facilities.

164. Access to effective complaint mechanisms for persons housed in migrant holding centres is guaranteed by articles 12 and 16 of the agreement setting out the rules for the functioning of the migrant holding centres and short-stay facilities of the National Institute of Migration.[106] In migrant holding centres, three complaints boxes are installed, together with pens and paper, in places where they are accessible and visible to residents, allowing for complaints to be submitted to the National Human Rights Commission, the internal oversight body of the National Institute of Migration and the director of the migrant holding centre.[107]

165. Legal representation for persons housed in migrant holding centres is provided by lawyers from the Legal Assistance Unit of the Federal Public Defender Service. In *amparo* application No. 462/20216,[108] the Supreme Court ruled that access to migrant holding centres for legal counsel must be guaranteed. This has led to action being taken to address the lack of access to rights and services and respond to complaints submitted to the Institute's internal oversight bodies.

Protest at the migrant holding centre in Tenosique, Tabasco

166. The representative office of the National Institute of Migration in Tabasco reported that, as a result of the events that occurred in 2020 during a protest at the migrant holding centre in Tenosique, the Office of the Special Prosecutor for Offences against Migrants of this municipality opened an investigation file, in which it is suggested that the riot was led by a person from Honduras.

167. A file was subsequently opened for the offence of homicide, with arson as an aggravating factor, committed against a male individual. The foreign nationals involved opted for a summary procedure and on 10 September 2020 were sentenced to 13 years and 8 months' imprisonment. On 1 June 2021, in oral proceedings, another foreign national was sentenced to 20 years' imprisonment. This file was transmitted, for lack of jurisdiction, to the State Attorney General's Office so that it might collect additional evidence and determine how to proceed.

Protest at the migrant holding centre in Tapachula, Chiapas

168. In 2021, the office of the National Institute of Migration in Chiapas State opened an investigation file for the probable commission of offences of bodily injury, criminal damage and rebellion at the Siglo XXI migrant holding centre in Tapachula.

169. In this case, the accused were released from custody during the investigation, having been requested to submit to an alternative dispute resolution mechanism in respect of the offence of criminal damage,[109] which was approved by the investigative body. No complaints of bodily injury were submitted by aggrieved parties, and there was no credible evidence of the offence of rebellion. For these reasons, the accused foreign nationals were referred to the Siglo XXI migrant holding centre of the National Institute of Migration, where their migration status was determined. In June 2022, a decision was taken not to bring criminal proceedings.

Persons deprived of their liberty in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities

170. There are six medical facilities that provide psychiatric care services in accordance with articles 38 and 48 of the internal regulations of the Ministry of Health.[110] These are the Fray Bernardino Álvarez, Dr. Juan N. Navarro and Dr. Samuel Ramírez Moreno psychiatric hospitals and the Cuauhtémoc, Iztapalapa and Zacatenco community mental health centres.

Seven persons deprived of their liberty are currently receiving care in the Dr. Juan N. Navarro Children's Psychiatric Hospital and there are 92 such persons in the Dr. Samuel Ramírez Moreno Psychiatric Hospital.

171. The guidelines for the recognition and accreditation of residential addiction treatment facilities have been updated to include general human rights concepts and to identify unacceptable practices that violate human rights.[111]

Measures to prevent torture and ill-treatment in psychiatric hospitals and other institutions

172. In May 2022, the technical secretariat of the National Council for Mental Health of the Ministry of Health launched a system for monitoring conditions in mental health units throughout the country. Under the new system, hospital mental health units in the federative entities were requested to report on steps taken to enhance human rights during the period from January to December 2021.

173. In August 2022, the national mechanism for the prevention of torture conducted monitoring visits to five specialized addiction treatment centres in Coahuila. The visits were carried out jointly with the Office of the Undersecretary for Health Regulation and Promotion of the Ministry of Health of Coahuila State, the National Anti-Addiction Commission and the Coahuila State Anti-Addiction Commission. A total of 125 interviews were held with persons deprived of their liberty in compliance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); forums for interaction and coordination between the federal and state authorities responsible for the monitoring and regulation of places of deprivation of liberty were created; and coordination meetings were held with the competent authorities.

174. In follow-up to reports issued in 2020,[112] the national preventive mechanism conducted eight visits to establishments specializing in the residential care of persons with substance use disorders or addictive behaviours in the States of Aguascalientes, Colima, Hidalgo, Jalisco, Nayarit, Tlaxcala and Querétaro. In addition, 25 visits were conducted to follow up on the prevention measures adopted by psychiatric hospitals.

175. The national preventive mechanism conducted 22 visits in follow-up to monitoring report No.14/2020, on the prevention measures adopted by specialized addiction treatment facilities.

Articles 12 and 13

Allegations of acts of torture, including sexual violence, ill-treatment and excessive use of force

176. Article 73 (XXI) of the Constitution provides that the specific rules for assigning jurisdiction in matters of trafficking in persons, kidnapping, enforced disappearance and torture will be set forth in the general laws established by the Congress of Mexico.

177. Between September 2019 and January 2022, the Federal Public Defender Institute provided support for the submission of more than 5,000 complaints of possible acts of torture or ill-treatment, identifying the various methods used for their commission and taking into account the different repercussions for women survivors of torture of a sexual nature.[113]

178. The Special Prosecutor for the Investigation of Offences of Torture maintains a database of initiated and pending files. Upon receipt of a complaint, once it is determined that the case falls within its jurisdiction the Attorney General's Office is under an obligation to initiate an investigation.

179. With regard to disciplinary proceedings, the Special Prosecutor for the Investigation of Offences of Torture has initiated 86 administrative liability proceedings against officials of the federal Attorney General's Office charged with administrative misconduct in the preparation of case files, of which 83 have already been concluded, with 3 still pending.

180. In addition, according to information drawn from the comprehensive file tracking system by the General Directorate of Judicial Management of the Council of the Federal

Judiciary, from 1 November 2017 to 23 January 2023, 404 persons were prosecuted in the district courts, of whom 5 were convicted, and 153 persons were prosecuted in the Federal Centres for Criminal Justice, of whom 5 were convicted, on charges related to acts of torture (see annex 8).

181. See annex 14 for statistical data on torture complaints provided by the National Institute of Statistics and Geography. See annex 15 for data on victims of torture registered by the Attorney General's Office from 1 January 2018 to 31 May 2022, disaggregated by sex, federative entity, nationality and age.

182. To date, the Office of the Special Prosecutor for Offences against Freedom of Expression has prosecuted 22 cases related to offences of torture and cruel, inhuman or degrading treatment or punishment.[114] It is important to note that, while, under the criminal procedural system in place in the country from 2010 to 2016, criminal cases were based on the prosecutor's preliminary investigation, under the adversarial judicial system in place since 2017, cases are based on an investigation file composed of a broader range of evidence. See annex 4 for a breakdown of investigations that have resulted in criminal proceedings being initiated, by year and by type of offence, issued by the Attorney General's Office.

183. In the case of offences for which the average sentence (i.e. the midpoint between the minimum and maximum term of imprisonment) is less than 5 years, the National Code of Criminal Procedure allows the parties to settle the dispute through a conditional stay of proceedings – an alternative dispute resolution mechanism in which the accused accepts his or her responsibility in the commission of the criminal act, provides comprehensive reparation for the injury caused to the victim and submits to the supervision and the conditions established by the judge.[115] See annex 4 for information on final settlements of cases, sentences handed down and conditional stays of proceedings agreed.

184. Interviews were carried out with 1,280 women deprived of their liberty randomly selected from among the 12,625 women being held nationwide as of November 2021 in the country's 21 women's prisons and 124 mixed prisons (including women in facilities under the jurisdiction of the country's 32 federative entities and one federal centre for women).[116] The survey revealed that, at the time of arrest, when they are brought before the Attorney General's Office, and during preventive custody and their transfer to prison, women are subjected to acts of torture in violation of their human rights. As a result of the survey, 67 recommendations were issued to the various institutions at the three levels of government with responsibility for investigations, the procurement and administration of justice, victim support, the protection of human rights and prisons, which called for action to end sexual torture and guarantee the human rights of women in Mexico.

Sexual torture

185. In 2019, during a series of consultations on equality and security for all (entitled *Diálogos hacia la Igualdad y Seguridad de Todas*), proposals for strengthening the legal framework regulating the alerts system for sexual torture and the various other forms of violence perpetrated against women and girls were put forward that resulted in a bill to amend the relevant law being presented by the Gender Equality Commission of the Chamber of Deputies.[117]

186. In the same year, within the framework of the inter-American justice system, a working group was formally established with a remit to ensure compliance with the judgment of the Inter-American Court of Human Rights in *Women Victims of Sexual Torture in Atenco v. Mexico*. The working group reiterated the State's commitment to complying with all orders issued with a view to guaranteeing full reparation for the damage suffered by the victims of the 2006 police operation and non-repetition of the events.

187. In 2020, the mechanism for monitoring cases of sexual torture committed against women, set up in 2015, agreed to establish an expert working group to conduct a diagnostic review of the incidence and nature of sexual torture and formulate public policy proposals. The working group met for the first time the following year.[118]

188. Proposed guidelines on the operation and organization of the expert working group for civil society organizations were shared in 2021. The guidelines provide for the review to

encompass all women involved in criminal proceedings who are subjected to sexual torture, including transgender women. Consultations with civil society organizations have continued throughout the process and their comments have been duly considered and taken into account.

189. As part of the drive to strengthen the mechanism, a nationwide diagnostic review of the incidence and nature of sexual torture perpetrated against women deprived of their liberty in Mexico was carried out in 2022, as ordered in the judgment of the Inter-American Court of Human Rights. From October to December 2021, interviews were conducted with 1,280 women deprived of their liberty in 66 prisons across the country, representing 10.1 per cent of all women prisoners. A total of 100 public servants were involved in these activities, conducting a day of interviews in order to learn about the situations in which the use of sexual torture is most frequent and the methods most frequently used. Women victims of sexual torture from San Salvador Atenco contributed to the review, as a measure of reparation for the women covered by the judgment.[119]

190. Also in 2022, the proposed guidelines for the organization and operation of the mechanism for monitoring cases of sexual torture committed against women were adopted. The mechanism's remit is to provide comprehensive support for women survivors of sexual torture and to contribute evidence that helps to secure a positive outcome in criminal proceedings and thus ensure that victims can exercise their rights in full, particularly their rights to freedom and personal integrity, access to justice and full reparation for injury.[120]

191. In November 2022, the first two releases of Tzotzil Indigenous women took place in Chiapas State and, on 27 January 2023, a woman from Guerrero was released from a prison in Morelos State. In both cases, it was proven that the women had been subjected to sexual torture during the judicial process.

192. In April 2023, the mechanism held its first ordinary meeting.[121] Under the agreements concluded at this meeting, the member institutions[122] reiterated their commitment to monitoring cases, complying with the recommendations issued as a result of the review and contributing to the development of a national campaign against sexual torture.

Training provided to personnel of the Office of the Special Prosecutor for the Investigation of Offences of Torture

193. In 2017, the XXXVIII Plenary Assembly of the National Law Enforcement Conference adopted the harmonized protocol on the investigation of offences of torture.[123] In February 2018, the Technical Secretariat of the National Law Enforcement Conference published a summary of the protocol. The protocol provides that all investigations of torture and ill-treatment must follow a differentiated and specialized approach. This means that, in the application of the protocol, federal prosecutors, police officers and experts must recognize the existence of population groups with particular characteristics, or with greater vulnerability owing to their age, gender, sexual preference or orientation, ethnicity, disability status or other reasons, who require special care tailored to their particular circumstances and degree of vulnerability should they suffer injury. The protocol empowers the authorities to offer, within the scope of their respective competencies, special guarantees and protection measures to those groups exposed to a greater risk of violation of their rights.

194. The Office of the Special Prosecutor for the Investigation of Offences of Torture conducts ongoing training for all of its substantive staff. From October 2021 to September 2022, several blocks of courses were scheduled exclusively for this Office.

National register of cases of torture

195. The national register of cases of torture is a research and statistical information tool that includes data on all cases in which torture and other cruel, inhuman or degrading treatment or punishment have been reported and investigated, including data on the number of victims.[124]

196. In 2021, guidelines on the operation of the national register of cases of torture were published which establish that the Criminal Investigation Agency of the Attorney General's Office, through the National Centre for Planning, Analysis and Information for Combating Criminality and in coordination with the General Directorate of Information and

Communication Technologies or an administrative unit acting in its place, will operate and manage the register and may issue any technical annexes required for its efficient use.[125]

197. In April 2022, the National Centre for Planning, Analysis and Information for Combating Criminality published a technical annex to the guidelines,[126] which were sent by the Technical Secretariat of the National Law Enforcement Conference to the heads of the prosecutors' offices and attorney general's offices of the federative entities.

198. In May 2022, the Technical Secretariat of the National Law Enforcement Conference requested the heads of the National Law Enforcement Conference member institutions to designate focal points for the operation of the register and send confidentiality agreements to these focal points.[127] In June of the same year, the National Law Enforcement Conference asked the heads of its member institutions to appoint a technical liaison officer for the installation of the repository and other technological resources necessary for the operation of the new mechanism for uploading information to the register.[128] The Technical Secretariat of the National Law Enforcement Conference also arranged individualized training and support sessions for the law enforcement institutions of the 32 federative entities, which were carried out by the National Centre for Planning, Analysis and Information for Combating Criminality of the Attorney General's Office, in order to consolidate the new mechanisms for uploading information to the register.

199. The 32 local law enforcement agencies of the federative entities, through their special prosecutors for offences of torture or special prosecutors for human rights, and the Office of the Special Prosecutor for the Investigation of Offences of Torture, are responsible for providing information to the register[129] on a monthly basis.

200. The register is currently made up of the databases of 27 law enforcement authorities (out of a total of 34). Data are being added from the National Human Rights Commission, the Executive Commission for Victim Support and their counterparts in the federative entities as well as information on cases before international agencies for the protection of human rights. The register's database includes records of offences of torture and other cruel, inhuman and degrading treatment or punishment committed from 1 January 2018 onwards.

201. The Federal Public Defender Institute brought two *amparo* lawsuits alleging a lack of diligence in investigations before different courts, which resulted in conflicting holdings decision No. 31/2021, handed down by the First Chamber of the Supreme Court, establishing an obligation to record victims in the register.[130] In addition, through an indirect *amparo*[131] lawsuit filed by a victim of torture represented by the Federal Public Defender Institute, the Court ordered the establishment of a special prosecutor's office with the necessary budget and resources in Colima State.

Independent forensic science and forensic medicine institutes

202. The harmonized protocol on the investigation of offences of torture establishes that, in their interventions, health professionals must adhere to the guidelines set forth in the Istanbul Protocol.

203. The Ministry of Defence's coordinating office for expert services and forensic sciences conducts physical and psychological examinations in accordance with the Istanbul Protocol.

204. In 2020, an office for the management of matters of particular importance was established by the head of the General Office for the Coordination of Expert Witness Services of the Attorney General's Office. This new office assists with the processing of requests from the various authorities and the appointment of the forensic medical, psychological and photography experts commissioned by the states of the Republic to carry out examinations of alleged victims of torture. Once the professionals involved have issued their opinion, their report is sent for review by the medical and psychological experts in charge of verifying methodology and compliance with the guidelines established in the Istanbul Protocol.

205. The unit of the Federal Public Defender Institute responsible for strategic human rights litigation has officers who carry out medical examinations based on the Istanbul Protocol.[132] The opinions they issue reflect the information obtained through examination of

the person concerned and from a deductive and analytical reading of the set of medical documents available on the person's history and medical background.

Specialized psychological medical opinion

206. Following on from the training provided for personnel involved in the preparation of specialized medical and psychological reports, a dedicated unit responsible for registering and following up on these reports was created. This unit is in charge of organizing and overseeing ongoing improvements in conjunction with the heads of the General Directorates of Forensic Pathology and Forensic Science Laboratories and under the supervision and with the approval of the head of the General Office for the Coordination of Expert Witness Services of the Criminal Investigation Agency.

207. In order for the experts to be able to issue specialized psychological and medical opinions, and thus contribute to the prompt administration of justice, they must be provided with the required documentary evidence and access prior to the examinations taking place. The psychological and medical findings set forth in the specialized psychological and medical report are based on the Istanbul Protocol.

208. In September 2022, a course on the preparation of specialized psychological and medical reports on possible cases of torture and other cruel, inhuman or degrading treatment or punishment was run for 11 forensic medicine experts and 9 forensic psychology experts assigned to the central office of the General Office for the Coordination of Expert Witness Services, 30 forensic medicine experts, and 21 forensic psychology experts assigned to the General Office for the Coordination of Expert Witness Services in various states of the country.

209. As of January 2023, some 2,067 medical and psychological opinions that are in accordance with the Istanbul Protocol have been issued by the forensic science department of the Federal Public Defender Institute.

Reports alleging a lack of diligence in the investigation of cases of enforced disappearance

210. The Technical Secretariat of the National Law Enforcement Conference refers to: the report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the International Convention for the Protection of All Persons from Enforced Disappearance;[133] the initial activity report of the Special Mechanism for Forensic Identification;[134] and a report on acts of torture and ill-treatment in Aguascalientes between 2010 and 2014 entitled *Hasta perder el sentido* (To the point of losing consciousness).[135]

211. In its ruling in *amparo* review No. 51/2020, the Supreme Court maintained that enforced disappearance subjects the relatives of the disappeared person to acts comparable to torture and cruel and inhuman treatment in that, in addition to not knowing the whereabouts and fate of their loved one, they are forced to make independent search and investigation efforts and even face various institutional obstacles.[136] The Supreme Court also recognized that this suffering is exacerbated by the inadequate and untimely institutional response in terms of efforts to locate victims of enforced disappearance.

212. The Office of the Special Prosecutor for Internal Affairs of the Attorney General's Office has a general directorate responsible for handling offences committed by public servants of the institution. Thus, upon learning of any unlawful act committed by a public servant of the Attorney General's Office in the performance of his or her duties, as provided in the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System, federal prosecutors open an investigation file and arrange for investigative action necessary and sufficient to establish the facts or, if appropriate, an analysis to determine the complexity of the case.[137] See annex 16 for statistics provided by the National Institute of Statistics and Geography on the number of cases of enforced disappearance pending resolution.

Federal response to unidentified human remains

213. During the period from 1 January 2017 to 31 December 2022, the Attorney General's Office reported the exhumation of 187 sites with a concentration of human remains, of which 170 are pending identification.

214. With respect to unidentified human remains, the General Office for the Coordination of Expert Witness Services has indicated that the Federal Forensic Medicine Centre is holding 820 pieces of biological evidence, catalogued as corpses, fragments and skeletal remains, all of which have undergone multidisciplinary analysis. However, it has not yet been possible to fully identify them.

215. There are currently 23,562 genetic profiles from unidentified human remains in the Combined DNA Index System Genetics Database of the General Office for the Coordination of Expert Witness Services.

Cases of migrants who disappeared in San Fernando, Cadereyta and Camargo

216. With respect to the cases in San Fernando, Cadereyta and Camargo, the Criminal Investigation Unit for Offences involving Migrants of the Attorney General's Office has reported that there are 39 human remains that have not yet been identified. Details of the cases related to the bodies recovered following the massacres in San Fernando, Tamaulipas in 2010 and 2011 and Cadereyta, Nuevo León in 2012 are given below.

Case	*Year*	*Total number of bodies*	*Identified bodies*	*Bodies to be identified*
San Fernando I	2010	72	63	9
San Fernando II	2011	195	139	56
Cadereyta	2012	49	19	30

Source: Attorney General's Office.

Operation of the National Missing Persons System

217. Since the establishment of the National Missing Persons System in March 2019, its human resources have been increased; it now has 89 staff members, of whom 52 per cent are women and 48 per cent are men. There are currently 32 local search commissions in place, which have been granted federal subsidies of more than Mex$ 800 million to cover search activities and strengthen their forensic capacities. Ongoing search efforts coordinated with those of associations and relatives of missing persons have been encouraged.[138]

218. In 2022, the National Congress adopted a decree amending and adding to various provisions of the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System in order to provide for the establishment of a national centre for the identification of human remains. The purpose of the centre is to strengthen the efforts of the National Search Commission to ensure effective and accurate searches for missing persons and dignified treatment of unidentified bodies and human remains.[139]

National Register of Missing and Disappeared Persons

219. The National Register of Missing and Disappeared Persons is a tool provided for in the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System that is administrated and coordinated by the National Search Commission.[140] The Register includes the historical records contained in the former national register of missing and disappeared persons, the databases of which were last updated by the Executive Secretariat of the National Security System, with information up to 30 April 2018. This information was then standardized by the National Search Commission and used to populate the new register.

220. Since 2019, the National Search Commission has been formulating, designing, developing and implementing a technical strategy for the incorporation of information into the National Register of Missing and Disappeared Persons that allows for coordination

between federal and state authorities and ensures the availability and consistency of data on disappeared and missing persons.

National Centre for the Identification of Human Remains

221. The amendments to the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System adopted in 2022 provided for the creation of a national centre for the identification of human remains with a remit to provide an effective, technical and scientific response to the number of unidentified human remains found over the years.[141] The centre is attached to the National Search Commission.

222. Resources are allocated to the National Search Commission through two budget lines, namely P026, assigned to the determination, execution and follow-up of action to search for missing and unaccounted for persons and U008, assigned to subsidies for actions to search for missing and unaccounted for persons. In the period 2018–2023, the following resources were allocated to these budget lines:

Budget lines	*2018*	*2019 Mex$*	*2020 Mex$*	*2021 Mex$*	*2022 Mex$*	*2023 Mex$*
PO26	No budget allocated	193 215 472	262 820 050	138 455 052	143 645 776	285 813 541
U008	No budget allocated	207 576 512	457 576 512	581 941 510	603 781 613	811 421 430
Total	**No budget**	**400 791 984**	**720 396 562**	**720 396 562**	**747 427 389**	**1 097 234 971**

Source: National Search Commission.[142]

Information management system and statistics in the AMPM database

223. In 2013, the then Counsel General's Office and the International Committee of the Red Cross entered into a collaboration agreement for the licensing and use of software related to ante-mortem/post-mortem (AMPM) databases through which a computer system was acquired to manage information on missing persons and human remains and facilitate their identification through archiving, standardization, report preparation, searches, forensic data analysis and basic automated matching of ante-mortem and post-mortem data. The licence also allows all federative entities to use the software.[143]

224. The work necessary for the nationwide implementation of the information management system and the AMPM database was carried out with respect for human rights and the provisions of various legal instruments.

225. In 2018, the National Law Enforcement Conference adopted a report on the nationwide implementation of the information management system and the AMPM database with a view to continuing the training of public servants, setting up the system in the entities not yet using it and consolidating the state-level databases already being maintained.[144]

National Forensic Databank and the National Register of Unidentified and Unclaimed Deceased Persons

226. In August 2018, the National Law Enforcement Conference, meeting in plenary, adopted the technological guidelines for the National Forensic Databank and the National Register of Unidentified and Unclaimed Deceased Persons[145] provided for in the General Act on Enforced Disappearance of Persons, Disappearance Perpetrated by Individuals and the National Missing Persons System. A summary of the technological guidelines[146] was published in the same year.[147]

227. On 22 December 2022, the National Law Enforcement Conference approved and signed the general agreement for cooperation in the use of the National Forensic Databank, the National Register of Unidentified and Unclaimed Deceased Persons, the National

Register of Mass Graves and Clandestine Graves and the National Genetic Information Database.

228. In April 2023, the Attorney General's Office issued guidelines No. L/001/2022 for the implementation and operation of the National Forensic Databank, the Federal Forensic Register, the National Register of Unidentified and Unclaimed Deceased Persons, the National Register of Mass Graves and Clandestine Graves and the National Genetic Information Database.[148]

229. The Attorney General's Office organizes round-table discussions with all of the law enforcement agencies of the federative entities to ensure the coordination necessary for the implementation of the National Forensic Databank, the identification of persons, human remains and corpses and the investigation of offences of enforced disappearance and disappearance of persons committed by private individuals.

230. The National Genetic Information Database is still being rolled out: the public prosecution services of the states of Chihuahua, Yucatán, Chiapas, Puebla and Guanajuato are already connected to it, as are the laboratories of the Attorney General's Office.[149]

Special Mechanism for Forensic Identification

231. The Special Mechanism for Forensic Identification[150] has collaborated proactively in the design and implementation of the national strategy for forensic identification, drawing on resources provided by the federal Government and working in coordination and cooperation with the National Missing Persons System.[151] To date, three framework collaboration agreements have been signed between the Special Mechanism and the public prosecution service.[152]

232. According to the National Law Enforcement Conference, the Special Mechanism for Forensic Identification must have legal personality in order to be able to conclude the agreements and other legal instruments necessary to establish the framework for cooperation. It is for each individual law enforcement institution to decide independently for itself the form of cooperation it wishes to establish with the Special Mechanism.

Article 14

Measures of reparation and compensation provided to victims of torture or their families

233. The Special Prosecutor for the Investigation of Offences of Torture works in coordination on an ongoing basis with the Executive Commission for Victim Support, which is the authority responsible for providing medical, psychological and legal support to possible victims, as established under the General Victims Act, thus providing the best possible assistance to victims of torture.

234. Whenever judicial officials learn of an offence of torture or ill-treatment and report the need for protective measures for the victim, such measures are applied immediately in line with the provisions of the National Code of Criminal Procedure.

Compensation to direct and indirect victims

235. From 2017 to January 2023, the Executive Commission for Victim Support awarded a total of Mex$ 226,206,308.40 to 255 direct and indirect victims of torture, issuing 111 rulings on reparations. Of these, 97 relate to reparations arising from the recommendations of human rights protection mechanisms and 9 arose from requests for subsidiary compensation in line with article 67 of the General Victims Act. According to the National Register of Victims, from 2017 to 2023, the Executive Commission for Victim Support recognized victim status in 769 cases (see annex 9).

Care and support services

236. In the period 2018–2022, in terms of care and support services, 337 victims received 3,347 multidisciplinary services. Of these, 2,479 involved action in the area of social work, 557 involved psychological care and 311 were referral services or medical care.

237. The Federal Legal Advisory Service is providing legal representation in 5,269 cases of torture. It registered 365 of these cases in 2017, 540 in 2018, 673 in 2019, 574 in 2020, 1,275 in 2021, 1,723 in 2022 and 119 cases in January 2023.

Article 15

Inadmissibility of evidence obtained through torture

238. According to article 20 (IX) (a) of the Constitution, any evidence obtained in violation of fundamental rights is to be deemed null and void. Similarly, article 50 of the General Act on Torture establishes that any evidence obtained directly as a result of acts of torture or other violations of human or fundamental rights, and any evidence obtained by legal means but derived from such acts, lacks probative value and must be excluded or declared null and void.

239. In its judgment in direct *amparo* review No. 5723/2021, the Supreme Court stated that the rules governing admissibility of evidence derive from the precedence accorded to fundamental rights in the constitutional order and their inviolable nature. The inclusion of evidence obtained through torture would inevitably necessitate judicial review, since the fruit of inclusion would be a violation of a *jus cogens* right.[153]

240. In direct *amparo* review No. 807/2020, the Supreme Court heard a case in which two persons had been found guilty of involvement in organized crime following their arrest in an operation carried out by members of the armed forces. During the *amparo* proceedings, they claimed to have suffered torture at the time of their arrest and when making their statement before the public prosecutor.[154] During its consideration of the facts, referring to doctrine related to the rules on admissibility of evidence, the Supreme Court concluded that the statement before the public prosecutor, which had been obtained under torture, should be excluded since it constituted a violation of human rights. For this reason, the Court referred the case back to the collegiate circuit court so that it could order a review of the proceedings and a diligent investigation could be carried out.

241. Similarly, in direct *amparo* review No. 5757/2021, the Supreme Court stated that the process of obtaining, giving and admitting evidence must not under any circumstances undermine the enjoyment and exercise of human rights, so highlighting the need to uphold the right of defendants to a fair trial and an adequate defence.[155]

242. No evidence that is unlawful or has been obtained as a result of a violation of rights should be admitted, and, if it has been, it should be struck from the record. On this understanding, any evidence obtained directly or indirectly through torture should be found inadmissible, including statements, confessions and any incriminating information disclosed as a result thereof.

243. The Supreme Court decided to grant *amparo* so that the collegiate court could issue a new ruling that took account of the constitutional doctrine concerning how courts should deal with allegations of torture.

Presidential decision ordering the review of cases where persons have been prosecuted and/or sentenced on the basis of evidence obtained by force or torture.

244. Under a presidential decision issued in 2021, the Ministry of the Interior and the Ministry of Security and Citizen Protection, through the Autonomous Agency for Prevention and Social Rehabilitation, were given instructions for managing requests for the early release of convicted prisoners and identifying cases in which persons were being held in pretrial detention and/or had been victims of torture, pursuant to the applicable legal provisions. The decision outlined the actions to be taken by the relevant authorities in order to proceed with early releases.[156]

245. In accordance with the rules of operation of the Standing Committee for Follow-up on the Early Release of Convicted Persons and Changes to Interim Measures, and in order to identify cases in which persons were being held in pretrial detention and/or had been victims of torture, the Autonomous Agency for Prevention and Social Rehabilitation has been tasked with providing, within the scope of its competence, the Ministry of the Interior and the Ministry of Security and Citizen Protection with the information they may require and/or anything else that may be necessary to fulfil the aims of the decision.[157]

Investigation into the death of Emmanuel Alejandro Blas Patiño

246. Regarding progress made in the investigation into the death of Emmanuel Alejandro Blas Patiño, it is reported that, in 2014, the Office of the Attorney General of the State of Morelos conducted appropriate investigations into the alleged homicide of Mr. Blas Patiño. The branch office of the federal Attorney General's Office in Morelos also initiated an investigation.

247. In 2020, the Directorate General for Complaints and Investigations of the Ministry of the Public Service informed the Office of the Attorney General of the State of Morelos that administrative proceedings had been initiated on the basis of a complaint filed by the investigator attached to the special unit of the National Human Rights Commission established to deal with the Iguala mass kidnapping case. The complaint related to the alleged conduct of public servants of the Ministry of Naval Affairs in events linked to the incident that occurred on 26 October 2014 in Morelos.

248. In 2021, the Office of the Attorney General of the State of Morelos sent a report to the assistant prosecutor attached to the Special Investigation and Litigation Unit for the Ayotzinapa case, since the means, time and place of the events bore a close resemblance to those established in the preliminary investigation conducted by the Unit. As a result, the legal case of Mr. Blas Patiño has become part of this preliminary investigation, which remains in process.

Article 16

Ensuring the safety and safeguarding the physical integrity of journalists and human rights defenders

249. The National Protection Mechanism for Human Rights Defenders and Journalists is a specialized institution dedicated to the protection of journalists and attached to the Ministry of the Interior.[158]

250. Currently, the Mechanism is assisting 2,059 people, including 581 journalists (153 women and 428 men), 1,099 human rights defenders (609 women and 490 men) and 379 indirect victims (214 women and 165 men). It has also registered a total of 72 cases involving 263 environmental defenders, of whom 199 are direct beneficiaries of protection (65 women and 134 men) and 64 are indirect beneficiaries (37 women and 27 men). Please refer to annex 17 for further information on complaints of acts of violence and intimidation against journalists and human rights defenders reported by the National Institute of Statistics and Geography.

251. Work is under way to create a national prevention and protection system for human rights defenders and journalists, based on the General Act for the Prevention of Violence against and the Protection of Human Rights Defenders and Journalists, which will comprise a national prevention model, a national register of violence and a national protection protocol.[159]

Regulatory instruments of the federative entities

252. According to the Directorate General for the Protection of Human Rights Defenders of the Office of the Under-Secretary for Human Rights, Population and Migration of the Ministry of the Interior, as of January 2023, the following 27 federative entities had established at least one set of specialized regulations providing for the protection of either human rights defenders or journalists, or the two groups together, which have enabled new

initiatives in the field of protection of human rights defenders or journalists, in the field of governance (within state secretariats of government and in the field of prosecution (prosecutors and attorney generals' offices): Baja California, Campeche, Chiapas, Chihuahua, Mexico City, Coahuila, Colima, Durango, Mexico State,[160] Guanajuato, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, Tlaxcala, Veracruz and Zacatecas.

253. The remaining five states, namely Aguascalientes, Baja California Sur, Querétaro, Tabasco and Yucatán, do not yet have a set of specialized regulations providing for the protection of human rights defenders or journalists or specialized agencies for their protection.

Investigations into offences against journalists and human rights defenders

254. The main function of the Office of the Special Prosecutor for Offences against Freedom of Expression is to investigate and prosecute offences committed with the intention of restricting, influencing or undermining the freedom of expression of journalists.[161] Its responsibilities include implementing the victim protection measures provided for in article 137 of the National Code of Criminal Procedure.

255. The Office maintains close contact with the National Protection Mechanism for Human Rights Defenders and Journalists, requesting information on those aspects of investigations into complaints filed by beneficiaries of protection that might exacerbate or reduce the risk to which they are exposed. Within the framework of this constant correspondence and flow of information, the Office has participated in 110 regular meetings of the governing board of the Mechanism.

256. Cooperation between different institutions ensures that measures are effective and prevents duplication of effort and overlap. In 2018, at the fortieth plenary assembly of the National Law Enforcement Conference, the heads of the law enforcement institutions of the federative entities adopted a harmonized protocol for the investigation of offences against freedom of expression. This regulatory instrument, which governs all prosecutors' offices in the country, establishes minimum rules for criminal investigations and sets the bases for institutional cooperation between prosecutors' offices and the Mechanism.[162]

257. In terms of measures ordered directly by the Office of the Special Prosecutor under article 127 of the National Code of Criminal Procedure, from 2010 to 2022 a total of 555 protection measures were ordered in respect of journalists. These included 10 different types of measure, most commonly the initiation of contact with response forces close to the victim and the implementation of police checks at their homes.

258. For its part, the National Centre for Planning, Analysis and Information for Combating Criminality attached to the Criminal Investigation Agency assists in the analysis of strategic information by contributing intelligence findings and strategic reports that serve to strengthen investigations and identifying trends and modus operandi that help to clarify the facts, locate probable perpetrators, prevent offences and ensure the safety of victims and vulnerable groups.

Harmonizing national and state-level legislation in order to allow voluntary termination of pregnancy

259. Victims of sexual violence have the right to voluntary termination of pregnancy. In Mexico, this right is guaranteed under the General Victims Act, which establishes the criteria governing eligibility, which include rape and any other conduct that affects a person's physical or mental integrity (arts. 30 and 35).[163]

260. Mexican Official Standard No. 046, which concerns domestic and sexual violence and violence against women, recognizes that health-care providers in the public, social and private sectors (which together constitute the national health system) must provide immediate legal terminations of pregnancy, without a requirement to file a complaint before the authorities.[164]

261. In October 2021, a bill promoted by female senators from various parliamentary groups which proposed amending, adding to and repealing a number of provisions of the General Act on Women's Access to a Violence-Free Life, the General Health Act and the

Federal Criminal Code was brought before the Senate of the Republic in plenary session, where it is currently under consideration.[165]

262. The Supreme Court has developed a body of jurisprudence in relation to abortion rights. In its decision in *amparo* review No. 438/2020, the Court ruled that article 181 of the Criminal Code of Chiapas State, penalizing the termination of pregnancy, was unconstitutional because, by limiting the practice of rape-related abortion, it violated women's right to mental and psychological health.[166] In its judgment, the Supreme Court pointed out the negative impact that this rule had on victims of sexual violence in that, by denying them control over their most personal and intimate decisions and over basic bodily functions, it constituted an intrusion into the most personal and intimate aspects of their private lives.

263. In 2021, the Supreme Court set a major precedent by declaring that classifying abortion as a criminal offence (as in the legislation of Coahuila State) was unconstitutional on the basis that the absolute criminalization of voluntary termination of pregnancy violated the right to reproductive autonomy. The Court recognized that women and other persons able to gestate have the right to decide freely what to do with their bodies and to build their identity and destiny autonomously and free of imposition.[167]

264. The Supreme Court also pointed out that, rather than reconciling the right to decide enjoyed by women and other persons able to gestate with the aims of the Constitution, the punitive framework designed by the state legislature annulled this right entirely, establishing a mechanism that did not serve its intended purpose (to restrict the practice of abortion) and instead had harmful effects. These effects include endangering the life and integrity of women and persons able to gestate, criminalizing poverty and disregarding less harmful guardianship options that could be implemented in cooperation with the pregnant woman and that take account of the private sphere in which the unique bond between the woman and the product of the conception is forged. For this reason, the Court ruled that the provision was invalid.

265. In 2022, a decision on the adoption of urgent actions for the benefit of women in pretrial detention and women incarcerated for having committed abortion-related offences was issued.[168] The decision was published in the light of a judgment issued by the Supreme Court and with the purpose of urging various authorities, in the context of application for constitutional review No. 148/2017, to adopt and implement urgent measures, reforms, amendments and/or repeals in respect of the regressive provisions still contained in the legislation of the country's federative entities.

266. The above-mentioned application for constitutional review also called for concerted action to allow women facing trial or a prison sentence for committing this offence to pursue legal remedies that might enable them to secure prompt release, in accordance with the criteria of the Supreme Court.

267. In its judgment in *amparo* review No. 438/2020, the Supreme Court examined the facts surrounding the lack of medical attention accorded to a woman seeking to terminate a pregnancy resulting from rape. In view of the adverse effects for pregnant women to which refusing medical care can lead, the Supreme Court ruled that such treatment was cruel and inhumane and comparable to torture and, on this basis, instructed the competent authority to order appropriate measures of reparation. The Court noted that, in such cases, judges have an obligation to consider whether refusing medical care constitutes an act of victimization comparable to torture that might give the affected party the right to obtain fair compensation.[169]

268. In May 2022, the Supreme Court established that public health-care institutions must provide abortion services without the need for any judicial or ministerial authorization, in accordance with legal norms for the protection of victims' rights.[170]

269. The Ministry of Health's National Centre for Gender Equity and Reproductive Health proposes national policies on sexual and reproductive health and seeks to guarantee and expand the availability of safe abortion. There are 105 safe abortion clinics spread across all the country's federative entities.

270. As of March 2023, 11 federative entities had incorporated abortion rights into their legislation: Baja California Norte, Baja California Sur, Coahuila, Colima, Guerrero, Hidalgo, Mexico City, Oaxaca, Quintana Roo, Sinaloa and Veracruz. Although at present not all states have made the legislative amendments necessary to provide for legal abortion in their legislation, nowhere in Mexico can voluntary termination of pregnancy be treated as a criminal offence.

Elimination of criminal penalties for women and girls who undergo abortions and for the medical providers who provide abortion assistance

271. In Mexico, abortion services are legal only in the circumstances established in the criminal codes of the country's 32 federative entities. The only circumstance under which abortion is legally permitted throughout the country is in cases where the pregnancy is the result of rape.

272. From 2019 to 2022, the National Institute for Women sent expert advisory opinions on abortion to the 26 local congresses of the federative entities where abortion remained illegal with a view to fostering legislative debate, taking into consideration national and international standards on women's human rights, to eliminating the regulatory barriers that hinder access to safe abortion and all provisions that criminalize women who voluntarily terminate a pregnancy and to ensuring that women can make decisions about their sexuality, reproduction and life plans in a free, autonomous and informed manner.

273. Since September 2021, the judgment unanimously adopted by the Supreme Court sitting in plenary in application for constitutional review No. 148/2017, concerning the repeal of regulatory provisions criminalizing women and other persons able to gestate who voluntarily choose to terminate a pregnancy, has been taken into account.

274. The opinions also make reference to application for constitutional review No. 54/2018, in which the Supreme Court ruled that under no circumstances may conscientious objection result in a refusal of health services to persons attending health facilities and, similarly, that an absence of sufficient non-objecting personnel may not be considered a valid reason for refusing or postponing services when such a decision might carry a risk for the person's health or exacerbate existing risk, might be damaging to their health or might give rise to other sequelae or forms of incapacitation.[171]

275. Repeated statements of the Supreme Court to the effect that the federative entities do not have the competence to define the origin of human life, the concept of a "person" and the ownership of human rights, since such issues are in the exclusive domain of the Constitution, and that granting the status of personhood to an embryo or fetus – and adopting measures to this effect – violates the right to reproductive autonomy of women and other persons able to gestate, have also been taken into account since, although the product of gestation deserves to be the subject of increasing protection as the pregnancy progresses, this fact is not grounds to disregard the right to reproductive freedom and, in particular, the right to terminate a pregnancy in certain circumstances.

Combating and preventing violence based on sexual orientation or gender identity

276. Of the 32 federative entities, 18 have recognized the right to gender identity through amendments to their civil codes, family codes, laws or civil registry regulations, or through the issuance of local administrative regulations.

277. In 2017, the National Law Enforcement Conference adopted a protocol for the action of prosecution service personnel nationwide dealing with cases involving sexual orientation or gender identity.[172]

278. In *amparo* review No. 1317/2017, the Supreme Court warned that the civil regulations governing the Civil Registry of Veracruz State did not establish a procedure that guaranteed the issuance of a birth certificate following a reassignment procedure to resolve sex-gender identity discordance, thereby indirectly discriminating against persons wishing to undergo reassignment.[173]

279. Similarly, in its ruling on *amparo* review No. 807/2019, the Supreme Court recognized the existence of different types of families, which might have either a

heterosexual or same-sex couple at their centre, and that the nature of the couple should not be a reason to treat them differently in terms of their rights to choose whether to have children, to use assisted reproduction techniques and to have custody and guardianship. The Supreme Court also determined that all complaints of family violence must be addressed, regardless of the composition of the family.[174]

280. The main advances in public policy for combating discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics achieved by the federal administration and some of the autonomous constitutional bodies between 2016 and 2021 are detailed in a report published by the National Council for the Prevention of Discrimination.[175]

281. Additionally, the National Programme for Equality and Non-Discrimination 2021–2024[176] envisages 35 specific lines of action that serve to combat discrimination based on sexual orientation, gender identity and expression and sexual characteristics.[177]

282. In 2022, the Senate approved amendments to the General Health Act and the Federal Criminal Code that prohibit and establish as criminal offences practices described as conversion therapies. Under the amendments, federative entities are required to take steps to bring their regulations into line with these standards.[178]

283. In 2022, the Supreme Court issued a protocol for adjudicating from the perspective of sexual orientation, gender identity and expression and sexual characteristics that describes the evolution of the corresponding concepts in national legislation and case law, international standards arising from the inter-American human rights system and the observations and reports of the universal human rights system.[179]

284. Between 2017 and 2023, 414 complaints related to alleged acts of discrimination based on sexual orientation and gender identity were registered by the National Council for the Prevention of Discrimination. Of these, 285 were complaints against individuals and 129 were complaints concerning acts attributed to federal public servants and/or federal public authorities.

Other issues

Steps taken during the coronavirus disease (COVID-19) pandemic to ensure compliance with obligations under the Convention

285. Within the framework for cooperation in strengthening medical provision during the COVID-19 pandemic, 14 public servants were hired in collaboration with the Health for Well-Being Institute and were assigned to federal prisons.

286. As a result of its efforts to monitor infections, deaths, detention conditions and other factors in the context of the COVID-19 pandemic, the Federal Public Defender Service filed more than 13 applications for indirect *amparo* on the basis of a lack of adequate medical care for persons deprived of their liberty in federal prisons. Two favourable judgments have been obtained,[180] ordering the prison authorities to implement various actions in favour of persons deprived of their liberty.

287. In January 2023, 807 women received booster doses against COVID-19 as a result of a vaccination campaign conducted in Women's Federal Social Rehabilitation Centre No. 16 (CPS Femenil Morelos) in Morelos State, and seven child vaccination programmes were completed.

288. Recognizing the risk of vulnerable groups' encountering discrimination in the care they receive, the Ministry of Health published general guidelines for the mitigation and prevention of COVID-19 in psychiatric hospitals with the aim of promoting mental health care and mitigating and preventing infections in psychiatric hospitals during the COVID-19 pandemic. The guidelines call for ongoing provision of inclusive, non-discriminatory, age-sensitive care with an intercultural and gender perspective and in full respect of the human rights of all persons.[181]

Measures taken to respond to threats of terrorism

289. There are no acts of national or international terrorism to report in Mexico. However, preventive measures are being taken to identify and, if necessary, deal with incidents, even though no such incident has materialized to date. These measures include international cooperation and information exchange; the submission of reports on compliance with international obligations and guidelines issued by the Security Council and General Assembly of the United Nations and other international or regional bodies and organizations to which Mexico belongs; inter-institutional cooperation, in accordance with the area of responsibility of each government agency, to address national terrorism in a preventive manner; and training for agencies working in this area.

290. Mexico fully complies with its international obligations and commitments in the fight against terrorism, respecting at all times the national implementation of human rights and, as a consequence, complying with the provisions of the Convention, as provided for in existing frameworks and, explicitly, in the Constitution.

291. The number of terrorism offences included in the criminal convictions handed down by courts of first instance as at the end of the year, disaggregated by system and sex of the convicted person, can be consulted in annex 17.

Legislative, administrative, judicial or other measures taken to implement the provisions of the Convention or the Committee's recommendations

292. The purpose of the diagnostic report on the extent of legislative harmonization in relation to the prevention, investigation and punishment of torture and other cruel, inhuman or degrading treatment or punishment published in February 2023 was to review the progress that each of the federative entities of the Republic of Mexico has made with respect to their compliance with transitional articles 3 and 6 of the General Act on Torture, which refer to progress towards harmonizing their regulatory frameworks on torture and other cruel, inhuman or degrading treatment or punishment and the creation of specialized prosecutors.[182]