

acts of racial discrimination; the inadequacies of measures taken in the area of human rights education for public authorities and agents who are in regular contact with vulnerable sectors in society, especially the security forces and prison personnel; the absence of laws guaranteeing the opportunity for indigenous peoples to enjoy bilingual and bicultural education; and, the continuing unsettled situation in Chiapas.

The Committee recommended that the government, *inter alia*:

- ▶ provide in the next report detailed information on the situation of indigenous groups living in Mexico;
- ▶ develop a programme of sensitization on human rights for public authorities;
- ▶ accelerate legislative reforms currently under way to ensure conformity with article 4 of the Convention (racist organizations and incitement to racial violence);
- ▶ take the necessary measures to allow indigenous representatives to stand for election and have access to public office;
- ▶ take all appropriate measures to ensure equal and impartial treatment before the law, particularly with regard to indigenous peoples, including through the use of indigenous languages;
- ▶ undertake systematic measures to investigate violations of the human rights of indigenous and vulnerable populations, take effective preventive measures and ensure that victims have access to compensation;
- ▶ establish equitable solutions to problems related to land ownership and distribution;
- ▶ provide in the next report information on the number of complaints, decisions taken and compensation provided related to acts of racial discrimination; and,
- ▶ take the necessary steps to ensure multicultural education for all.

Discrimination against Women

Signed: 17 July 1980; ratified: 23 March 1981.

Mexico's third and fourth periodic reports have been submitted as one document (CEDAW/C/MEX/3-4) which is pending for consideration at the Committee's January 1998 session; the fifth periodic report is due 3 September 1998.

Torture

Signed: 18 March 1985; ratified: 23 January 1986.

Mexico's fourth periodic report is due 25 June 2000.

Mexico's third periodic report (CAT/C/34/Add.2) was considered at the Committee's April 1997 session. The report prepared by the government contains information on, *inter alia*: constitutional, legal, administrative and judicial measures related to the provisions of the Convention; the activities of the National Human Rights Commission and the establishment of provincial human rights commissions; the Federal Act to Prevent and Punish Torture; state liability; the Federal Code of Penal Procedure; regulations and codes of ethics related to the conduct of federal authorities; the Directorate-General of Human Rights Protection; regulations affecting the treatment of aliens and extradition; statistical data on complaints of torture received and actions taken; measures related to the protection of persons detained or imprisoned;

criminal procedures against those accused of torture; human rights education and training for police, security forces, other public authorities and the armed forces; rules of evidence; and compensation for victims of torture and/or ill-treatment.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4) welcomed, *inter alia*: efforts to improve the legal status of torture victims; new legislative provisions on restitution, compensation and rehabilitation for victims of human rights violations (January 1994); the granting of compulsory effect to the recommendations of the National Human Rights Commission; projects and activities for human rights education and training which focus on a wide range of public activities in which human rights violations may occur; and efforts made to strengthen respect for human rights by public servants and society in general.

Factors and difficulties hindering application of the Convention were noted as including: the fragility of the culture of respect for guarantees of the rights of individuals; insufficient awareness on the part of the various authorities of the importance of punishing torture harshly and in accordance with the law; the restriction on the powers of the National Human Rights Commission, whose recommendations the law specifically states to be "non-binding" and of a non-compulsory nature for the authorities or public services to which they are addressed; and, the fact that the Commission is not empowered to institute legal proceedings in order to conduct investigations of complaints it makes.

Subjects of concern identified by the Committee, included: that, despite the legal and administrative measures taken to eradicate torture, the practice continues to be systematic, particularly with regard to the federal and local judicial police and by members of the armed forces, the latter on the pretext of combatting subversives; the wide gap between the extensive legal and administrative framework established in order to put an end to torture and ill-treatment and the actual situation as revealed in information received; the continuing impunity of torturers; that the authorities responsible for the administration of justice continue to admit confessions and statements made under torture as evidence during trials, despite legal provisions explicitly declaring them inadmissible; that only two convictions based on the Federal Act to Prevent and Punish Torture and five for homicide resulting from torture were handed down between June 1990 and May 1996; the failure by the authority responsible for criminal investigation to investigate reports of torture promptly and impartially; and, in consequence of the above, the denial of the right of victims to take legal action to claim compensation for the violation of their rights.

The Committee recommended that the government, *inter alia*:

- ▶ implement effective procedures for monitoring compliance with the duties and prohibitions of public officials and bodies responsible for the administration of justice and law enforcement;
- ▶ give the public human rights commissions the necessary jurisdiction to prosecute cases of serious human rights violations, including complaints of torture;
- ▶ strengthen training and dissemination programmes intended particularly for law enforcement officials and health professionals and include in them issues related to the prohibition of torture;