

**Intervention of the Delegation of Mexico in the Session on the Challenges in Addressing the  
Demands and Necessities of Minorities in Justice systems**

**8th Forum on Minority Issues**

**Geneva, 25 November 2015**

Thank you Mr. President,

Mexico reinforces what the Special Rapporteur stated, that the obligatory training and education of the agents of public order and judicial functionaries, including the penitentiary personnel, on human rights and the rights of minorities, in particular on the principle of nondiscrimination and cultural competencies, is an essential element of all judicial systems which function properly.

In our country, the Supreme Court of Justice of the Nation (SCJN by its Spanish acronym) has developed an extensive set of activities for promotion and diffusion focused on ensuring that judiciary work is fully embedded in human rights. In particular, it is important to highlight that between 2012 and 2014, the SCJN published eight protocols of action to facilitate judges to fulfil—with strict respect to judicial autonomy and independence—constitutional and conventional obligations in matters of human rights in the ambit of their competences. These protocols establish, among other things, the teaching of justice in cases involving individuals and communities from indigenous peoples; a gender perspective including sexual orientation or gender identity; people with disabilities; and migrant people and those subject to international protection.

In matters of indigenous peoples, which is one of the most active minorities in Mexico, the ‘Protocol of Action for those who teach justice in cases that involve the rights of individuals, communities, and indigenous peoples,’ presents the necessary lineaments of judicial action to thoroughly comply with what is present in our Political Constitution and the international instruments in this matter, among these the Declaration of the United Nations on the Rights of Indigenous Peoples.

It is important to highlight that following the principle of participation in the matters that affect them, this protocol establishes the possibility that any person, including the same peoples and indigenous communities concerned contribute to their improvement.

In our experience, the adoption of these protocols constitute a worthy tool to guarantee the validity of the rights of minorities by the Judicial Power, and because of this we consider that the possible elaboration of similar protocols of action must be incorporated in the final recommendations addressed to the States, stemming from this work.

On the other hand, between the institutional actions tending to guarantee the access to justice of indigenous communities or peoples, the National Commission for the Development of Indigenous

Peoples (CDI) and the Attorney General utilise programs aimed towards contributing to generating the necessary conditions so that indigenous peoples and communities and their members exercise their collective and individual rights established in national and international legislation, promoting mechanisms and procedures for access to justice based on the recognition and respect of cultural diversity.

At the same time, through the Project of Release of Indigenous Prisoners, the CDI assists indigenous individuals who find themselves at the disposition of judicial or administrative authorities or who are involved in matters of a legal character such as penal or penitentiary matters, and are further assisted by interpreters or translators with pertinent cultural and linguistic experience. In the framework of this project, the actualization of the “Diagnostic of the Indigenous Population Deprived of Liberty” has been undertaken, with which the number of indigenous men and women who found themselves imprisoned in the national penitentiary system were identified, in addition to knowing their cultural and socioeconomic characteristics, as well as their judicial situation, which has allowed for the design and execution of strategies focusing on and favoring this population.

Finally, I would like to highlight that the Attorney General of the Republic has implemented since 2010 a Program in the Service of Indigenous Peoples, which has as an objective guaranteeing the constitutional rights of members of the indigenous communities who are subject to federal procedures, with the goal that they be assisted at all times with an interpreter or translator with pertinent cultural experience and certified in their indigenous tongue.

Thank you very much.

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According to the results of said actualization, the indigenous population deprived of liberty is 8,502; which represented 4% of the national penitentiary population. The Administrative Organ for Concerted Prevention and Social Re-adaptation of the Secretary of the Interior registered a national penitentiary population of 239,941 people in the month of September 2012.