

Universal Periodic Review

Fulfillment of the Responsibilities and Commitments in matter of human rights of the persons with disability on Mexico

Introduction

1. The Mexican Coalition for the Rights of People with Disability (COAMEX), collects and frames the experience, infrastructure, human resources and strategic alliance of eight NGO's since 2009. This with the objective of strengthening the social movement of the persons with disabilities and promoting the full exercise of their rights, in agreement with the provisions of the Convention on the rights of Persons with Disabilities (CRPD) of the United Nations.
2. The NGO's that make up the COAMEX are [1]: APAC (Association for Persons with Cerebral Palsy), KADIMA (Judeo Mexican Civil Association for People with Special Needs and/or Disabilities), CLIMA, (Mexican Clinic Autism and Developmental Disorders), CONFE (Mexican National Federation advocating for human rights and inclusion of people with intellectual disabilities and their families), FUNDACION PASO A PASO, LIBRE ACCESO, Mexican Agency Comprehensive Development Sponsor of the Visually Impaired, and Voz Pro Salud Mental.
3. The Coamex submitted to the Committee for the Rights of Persons with Disabilities an Alternative Report on the situation of the rights to health, education and employment of people with disabilities in Mexico 2008-2010, with the aim of providing additional information to the Committee of the CRPD on the implementation of the Convention in Mexico. The report analyzed the articles 24, 25 and 27 of the CRPD (Education, Health and Employment [2]) in relation to five central themes: 1) public policy, 2) budget allocation, 3) accessibility; 4) groups with high levels of marginalization i.e. women, children and indigenous- 5) people with multiple disabilities and Recognition of Legal Capacity (under Article 12).

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4. The COAMEX has also started the process of legislative harmonization, the diffusion of the CRPD and the promotion of proposals of public policies with social leaders and public servants, which has allowed the empowerment of people with disability and the organizations that represent them.
5. In the commitment with the rights of the persons with disability, we presented this report to the Universal Periodic Exam of the Human Rights Council of the UN, to inform about the situation of persons with disabilities in Mexico and how little has been advanced on the implementation of the Convention.

Situation of the rights for the persons with disabilities in Mexico

6. The inclusion of the persons with disabilities in all the aspects of life is an given right and it's recognized by the Mexican Government with the signature and ratification of the CRPD, which came into legal force in Mexico on May 2, 2008, but that still far of its proper implementation.
7. According to the World Report on Disability in 2011 by the World Health Organization and the World Bank, it is estimated that at least the 15% of the world population has some kind of disability, a fact that is far from numbers presented by the official records of the National Institute of Statistics and Geography (INEGI)[3] about the Mexican population. According to them, only a 5.1% of the population has a disability. This numbers are curious considering the situation in Mexico and the relation between disability and poverty that is also mentioned by WHO in its report, assigning the highest rates of disability on the population in the developing countries.
8. Although thanks to the CDPD there is now in Mexico a perspective of social and human rights with regards of people with disabilities there is still within certain instances and institutions of the Federal and State Governments a medical approach that has stopped the advance of a culture in favor of the inclusion of these people.

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It has to be recognized that in the last 15 years there has been structural and legal actions taken by the State in favor of inclusion of persons with disabilities, but these are still far too, insufficient and unarticulated.

9. The lack of an adequate response from the State to this sector of the population is also shown by the records of the National Institute of Social Development (INDESOL), which reports that approximately 17% of the NGO's in Mexico are dedicated to people with disability, and that it is through this sector that the services required are channeled. This shows that is the civil society who since many years has taken a leading role in the promotion of services that respond to the needs of this population ensuring at all times conditions that guarantee the full exercise of their human, political and civil rights.
10. According to official records of the National Council to Prevent Discrimination (CONAPRED), people with disabilities represent, in order of magnitude, the second group that mostly come to this institution to interpose a complaint in matter of infringement of their rights.
11. According to the perception of people with disability, the 66.5% think that their rights are not being respected and they have to deal with problems like: 1) unemployment; 2) discrimination; 3) not being self-sufficient; 4) the lack of governmental assistance and 5) health services. About this last issue, 55.7% of the persons with disability have the perception that health services are not adequate and that they did not have a dignified treatment. [4]
12. The stigma towards the persons with disability and the lack of recognition of their needs is still a situation that prevails on different areas, for example, in the educative context is evident the lack of infrastructure, coaching [5] and specific supports such as Free Text Books on Braille or Large Prints [6]. Another good example is that the National Penitentiary System does not have the minimal conditions to give quality attention with dignity to the persons with disability in the situation of confinement [7].

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13. For all the above mentioned, it is out most important to well define and label the financial aides in order to take the gradual steps that allow the inclusion of the persons with disability from a perspective of multidisciplinary work that guarantees equal opportunities in the different aspects of development of the person such as: education, employment and social areas. This is why institutions must have provided and labeled resources. An example of this is the National Council for the Development and the Inclusion of the Persons with Disabilities (CONADIS) so that they can accomplish the goals of grater and better benefits and opportunities for this sector of the population according to the principles that the Convention establishes.

Challenges

Global challenges

14. Issues already achieved must be consolidate, meaning the recognition and documentation of the decades of struggle of the persons with disabilities, their families and the organizations that represent them.
15. Device public policies which are including and plural and that define short, medium and long term goals prioritizing the issues that allow the full social inclusion of the persons with disability.
16. Coordinate the three levels of Government in order to develop and implement public policies, with the necessary budget assigned for this purpose.

Specific challenges

17. Promote the harmonization of the Federal and State legislation with the CRPD.
18. Consolidate an information system that provides accurate statistics about the number of persons with disability in Mexico and the services that they have.

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19. Promote and guarantee the training of the civil servants of the Federal Public Administration, the private sector and to the three levels of government, about the rights of the persons with disability.
20. Development of policies, plans, programs and actions that guarantee the universal accessibility in all the areas of the social coexistence, both public and private.
21. Development of policies, plans, programs and actions that guarantee access to a higher level of health and to a complete educative, labor and social inclusion of the persons with disability.
22. Guarantee a global perspective of disability that includes diversity as is observed within the community, for example, women with disability, persons with disability from the indigenous communities, persons with disabilities from the marginalized urban and rural areas and/or migrating population, persons with disability within the LGBTTI community, persons with disability within the homeless population, persons with disability in conditions of confinement, persons with multiple disabilities, among others. It has to be considered that in some of these cases some people can live paradigmatic situations with double or triple violation of essential guarantees.

Significant progress in human rights for people with disabilities in Mexico.

23. In 2006, Mexico encouraged and proposed at the UN, the creation of the Convention on Human Rights of Persons with Disabilities.
24. On May 3, 2008, after signing and ratifying the Optional Protocol, came into force the CRPD in Mexico
25. In February 2011, it was established by decree of President Felipe Calderon Hinojosa that the Ministry of Foreign Affairs should pass the responsibility to the National Human Rights Commission to be in charge of developing the follow up and monitoring mechanism for the implementation of the CRPD.

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26. In 2011, the Mexican State presents a comprehensive initial report on actions taken during the period May 2008 to May 2010 to the UN, under the terms set out in Article 35, paragraph 1 of the CRPD.
27. On May 9, 2011, President Felipe Calderon signed a decree in order to amend Article 1 of Chapter 1 of the Mexican Constitution. Was raised into a constitutional level that any treaty or convention on human rights that: "in the United Mexican States all persons shall enjoy all the rights recognized by the Constitution and international treaties in which Mexico takes part (...)".
28. May 2011, the General Law for the Inclusion of People with Disability was enacted to reform, largely considering the provisions of the CRPD.
29. January 2012, COAMEX delivers the Alternative Report on the situation of the rights to health, employment and education of individuals with disabilities in Mexico from 2008 to 2010, to the Committee of Experts on the Rights of Persons with Disabilities of the UN.
30. May 23, 2012, in the framework of the event "For an Inclusive Mexico" organized by the COAMEX, Enrique Peña Nieto as a presidential candidate, signs seven commitments [8] to persons with disabilities as part of its campaign proposals.
31. August 2012 the COAMEX collaborates with the transition team of Enrique Peña Nieto as elect President in order to define strategies to implement the seven commitments to people with disabilities and the organizations that represent them.
32. September 24, 2012 Enrique Peña Nieto confirms in a second meeting his seven commitments for people with disabilities with NGO's, citing as a key strategy promote from the Federal Government the legislative harmonization progressively with the CRPD creating for this purpose a Special Commission.

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33. On October 4, 2012 the Coamex at the request of President Mr. Enrique Peña Nieto proposes a short list to fill the offices of key agencies around the rights of people with disabilities, such as the National Council for Development and Inclusion Persons with Disabilities (CONADIS) and the National Council to Prevent Discrimination (CONAPRED), which shows the interest to collaborate with civil society organizations to jointly make decisions on behalf of this group.
34. On November 30, 2012, while President Felipe Calderon Hinojosa was still in office, is published in the Official Journal of the Federation the Regulation of the General Law for the Inclusion of Persons with Disabilities.

Suggestions to the Mexican Government

35. Harmonize Mexican standards to progressively meet with the provisions of the Convention on Human Rights of Persons with Disabilities.
36. Develop a diagnosis about the situation of people with disabilities, which should give priority to sectors of the population that are characterized by socio-economic difficulties: rural, indigenous and homeless people as well as people in extreme poverty that would allow democratic planning strategies. Among the aspects to be considered in this diagnosis are: the number of people with disabilities that live in the country and where they live; types of disabilities that they have, socioeconomic status, level of education, access to health and work; most pressing needs, and state services available to them.
37. Develop, as part of the National Development Plan, a Master Plan and for Persons with Disabilities, to establish comprehensive policies and budget, according to the CRPD. The plan should set short, medium and long-term goals in order to ensure the continuation over the implementation of their actions through several presidential terms.

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38. Ensuring accessibility of 90% of the facilities of buildings and precincts of the Federal and the State Governments. The Mexican State must make a greater effort for the implementation of universal accessibility for people with disabilities, raising the budget allocation and orchestrating specific plans for monitoring and evaluation of public works, as well as on the requirements of construction or remodeling of existing buildings of both the public and the private sector.
39. With regard to education, conduct a national diagnostic to evaluate, how many children and young people with disabilities benefit from inclusive education in accordance with Article 24 of the CRPD. In addition, how many users still are users of the Special Education System, both in public and private service, and to identify the reasons that prevent them from being part of inclusive education. This diagnosis should be the basis for strategic planning capable of achieving specific actions to improve access and educational achievement of people with disabilities.
40. Harmonize the Federal Labor Law with the CRPD to promote the inclusion of people with disabilities in the labor market. In this regard Mexico's Government should incorporate this effort into their labor policies and raise at least the amount of people with disabilities employed in the public service at all levels and in equal conditions.
41. With regard to health, according to the CRPD it should have a comprehensive approach to disability by promoting their right to the highest attainable standard of health ensuring democratic and strategic planning. This in order to ensure the necessary budget assignments to enable providing a quality service.

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Global Conclusion.

42. It is essential to refocus and strengthen the actions of the executive, legislative and judicial branches to consolidate Public Policy at the all three levels. The needs of civil society should be considered and this includes the participation of the cultural, educational, business, sports, productive and tourism sectors as well as the participation of all Civil Society not only those organizations linked to disability.

Contact details

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NOTES:

- (1) Review appendix 1.
- (2) It must be pointed that the analysis of this rights were prioritized, which in base of our experience we consider that this are the ones that impact the most in the quality of life of the persons with disabilities.
- (3) According to the Census of Population and Housing of 2010.
- (4) Information of the National Survey about Discrimination on Mexico, ENADIS 2010 made by the National Council to Prevent the Discrimination (CONAPRED).
- (5) Information analyzed from the Report of Discrimination on Mexico 2012 made by the National Council to Prevent the Discrimination.
- (6) On October 25 of 2011, the National Commission of the Human Rights (CNDH) emitted a recommendation to the Minister of Public Education for the omission of Free Text Books update in Braille system on primary level for boys and girls whit visual disabilities.
- (7) To know more about information about the persons with disabilities in conditions of confinement it can be consulted the document Abandoned and Missing, Segregation and abuse of children and adults with disability on Mexico, made by the Disability Rights International.
- (8) Review appendix 2.

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APAC, I.A.P. (Association for Persons with Cerebral Palsy). It provides services to people with physical disabilities, especially cerebral palsy from the rehabilitation process to its inclusion in the field of education and employment. It has 52 partner institutions in 25 states of Mexico.

CLIMA, A.C. (Mexican Clinic for people with Autism and Developmental Disorders).- It was founded in 1990. It is integrated by specialists and families of people with autism spectrum disorders (ASD) and operates through a national network of NGO's in order to promote the welfare of people with ASD and their families through specialized programs and actions focusing on Human Rights to contribute to their social inclusion.

CONFE, A.C. (Mexican National Federation advocating for human rights and inclusion of people with intellectual disabilities and their families). Founded in 1978, it currently has a national social network of 114 NGO's located in 29 states of the Mexican Republic, and a National Job Training Centre for people with intellectual disabilities that promotes their full inclusion to open employment. It offers various services to this population and develops advocacy actions for the transformation of the country in the framework of the Convention on the Rights of Persons with Disabilities.

FUNDACIÓN PASO A PASO, A.C. Promotes solutions that change the lives of people with disabilities in indigenous communities. It advocates for public policies, social integration, social care and education. Among its primary objectives is to empower people with disabilities in indigenous communities on their human rights seeking equal opportunities and inclusion in society.

KADIMA, A.C. (Civil Association of the Mexican Jewish community for People with Special Needs and / or Disabilities). Its main purpose is to promote inclusion and active participation of children, youth and adults with special needs and / or disabilities in five different areas: family, education, employment, community and society. Its objectives are focused primarily on defending equity, equality of treatment and opportunity, respect for differences and the free expression of diversity.

LIBRE ACCESO, A.C. It is dedicated to promote universal accessibility (not only physical for people with motor disabilities) in all types of private and public facilities, as well as advising officials in all three levels of government. It has been active for over 20 years and its president, Federico Fleischmann, was honored with the National Human Rights Award in 2011.

ORGANISMO PROMOTOR DEL DESARROLLO INTEGRAL DE LOS DISCAPACITADOS VISUALES, I.A.P. (Mexican Agency Comprehensive Development Sponsor of the Visually Impaired). They provide services to people with visual disabilities and training in the use of tools such as Braille, orientation and mobility support, printed materials and audio Braille text.

VOZ PRO SALUD MENTAL, AC. An organization that raises awareness for the integration of persons with psychosocial disabilities. It is composed of active members, relatives and professionals in the area of mental health. They work to improve the quality of life, providing decent, equitable and effective care to guarantee the human rights of people who have a neuropsychiatric condition through psychoeducation and full inclusion of persons with psychosocial disabilities.

It should be pointed out that COAMEX fosters collaborative work with other organizations, so it has the support of 241 organizations that are part of our national network.

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ANNEX 2
Seven commitments to people with disabilities.

Commitments publicly signed on May 23, 2012 by the then presidential candidate, Enrique Peña Nieto during his election campaign in the framework of the event "For an Inclusive Mexico" organized by the Coalition for the Rights of Persons with Disabilities (COAMEX).

1. Harmonize Mexican standards to meet, progressively, with the provisions of the Convention on Human Rights of Persons with Disabilities.
2. Adapt public school facilities and training teachers to integrate children with disabilities into the teaching-learning process.
3. Increase the funding of Public Transport Accessibility for People with Disabilities and monitor its proper implementation.
4. Support the purchase of equipment, lenses, prosthesis, hearing aids, wheelchairs and orthopedic shoes for children with disabilities.
5. Strengthen and promote benefits and incentives to companies when they hire people with disabilities.
6. Provide laptops with Internet accessibility to students with disabilities who attend public school 5th and 6th year of primary school.
7. Promote respect and inclusion of people with disabilities based on programs conducted jointly with civil society organizations.

It should be pointed out that besides the seven-abovementioned promises, Enrique Peña Nieto asked the COAMEX to participate actively in the definition of the leaders of the National Council to Prevent Discrimination (CONAPRED) and the National Council for Development and Inclusion of Persons with Disabilities (CONADIS). After having ratified this provision in the meeting held with NGOs of and for people with disabilities on September 24, 2012 and in his capacity as Elected President, he asked our organizations to propose three candidates for each office to facilitate decisions in this regard.

As a result of this process and as suggested by COAMEX, Ricardo Bucio Mujica was confirmed as head of CONAPRED and Jesus Toledano Landeros was elected as the new leader of CONADIS.

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