

Delegation from The United Mexican States
Position Paper for the United Nations Human Rights Council

The issues before the United Nations Human Rights Council are: Combating Racism, Racial Discrimination, Xenophobia and Related Intolerances; Business and Human Rights. Recalling the speech of Mexican Secretary of Foreign Affairs, Marcelo Ebrard Casaubon, at the 76th Session of the General Assembly in September 2021, the United Mexican States are strongly committed “to continue fighting hate speech, discrimination, xenophobia, xenophobia, racism, and other related forms of intolerance and violent extremism, including white supremacy.”

I. Combating Racism, Racial Discrimination, Xenophobia and Related Intolerances

Despite made efforts and promises over the past decades, racism, racial discrimination, xenophobia, and related intolerances remain a disturbing reality in every country. Hence, we especially urge for an increased awareness for the historical debt caused by colonialism and conquest, since these are the historical and structural sources of racial discrimination. Mexico advocates a collaborative approach and constructive dialog in the HRC to establish improved action based and multilevel international frameworks. Thus, we established an array of national programmes such as the National Programme of Equality and Non-Discrimination, the National Programme for Indigenous People, and the Programme for Equality between Men and Women among others. Mexico’s efforts on the regional level can be seen through the participation of Mexico City in the Coalition of Latin American and Caribbean cities against Racism, Discrimination and Xenophobia in 2016, keeping in mind that especially cities play a crucial role in combating these human rights violations. Reaffirming those ideas, Mexico is committed to ensure these rights even in the face of setbacks like the current COVID-19 pandemic. Therefore, Mexico is especially focused to protect the groups most vulnerable to racial and related discrimination, which consist of People of African Descent, Indigenous People, and Migrants. Thus, having a special awareness for migration flows, Mexico stands in solidarity with those who seek assistance for humanitarian reasons. As a result, we call for a global sense of responsibility to respect and defend human rights, no matter the migration status. Finally, recalling Mexican Secretary of Foreign Affairs yet again, we wish to reiterate our conviction that combating racism and related intolerances can only be fully effective with the full inclusion and equality of women.

The United Mexican States wish to emphasize its dedication to and the central role of the *Universal Declaration of Human Rights* (1948), upon which all these frameworks and the Human Rights Council (HRC) itself was built. Participating in the fight against racism, we supported the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), the most foundational legal instrument regarding this cause, from the very beginning and signed the treaty once it was open for signature in 1966. Building on the *Vienna Declaration and Programme of Action* (1993), the 2001 World Conference against Racism in Durban, South Africa forms another cornerstone on the international stage with the adoption of its *Durban Declaration of Action* (DDPA). Furthermore, recent developments demonstrate our determination to implement these grand milestones through more specific agreements and more targeted scopes. Namely, HRC resolution 73/262 (2018) and 74/137 (2020), which both carry the title: “A Global Call for Concrete Action for the Total Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action.” On the other hand, aiming for a wholistic scope, the *International Decade for People of African Descent* (2015-2024) was proclaimed by the General Assembly resolution 68/237 (2013) with its main objectives to implement the ICERD and the DDPA. Mexico strongly supports the initiative.

Seeing the problems outlined above, the United Mexican States propose an International Cities Initiative (ICI) following the example of Mexico City and the Coalition of Latin American and Caribbean cities. With a tight focus on People of African Descent, Indigenous People and Migrants, which are the groups most vulnerable to racial discrimination and related intolerances, the proposed ICI will be built upon the pillars of Support and Education. The initiative’s decentralised, small-scale approach increases its efficiency and creates structural and social improvements from the bottom up. If cases of discrimination occur, the ICI will be able to reach affected people through low-threshold support services and information about their rights. Second key component must be education since it serves as a fundamental tool to achieve the ambitious goal of cultural change towards multicultural tolerance and equality. Specifically, ICI’s education offers must

be geared towards women's empowerment and education, since this creates a domino effect on their families and communities. These offers must be shaped in a way that speak to all women, first and foremost black women, indigenous women, and migrant women. Furthermore, people outside of these vulnerable groups also must be addressed in order to raise their awareness and participation in combating racism, racial discrimination, xenophobia and related intolerances.

II. Business and Human Rights

Business and work are a central part of people's lives all around the world and they touch upon a variety of human rights. Mexico is taking measures to introduce a culture of respect to human rights and is committed to advance international business for this cause. However, the outbreak of the COVID-19 pandemic has threatened past progress, while simultaneously exposing existing flaws. Mexico stands up for paying special attention to a gender-perspective, since women suffer disproportionately from inequalities and human rights violations in the work environment. Being aware of this imbalance, Mexico adopted a Feminist Foreign Policy in 2020. Furthermore, within our National Human Rights Programme, we established a dedicated chapter to business and human rights, since the United Mexican States recognize that effective advancements in this sector will serve a multitude of human rights at the same time. Thus, governments and businesses need to embrace their shared responsibility to put people and their inalienable rights at the centre of attention when doing business. Through being part of the *Working Group on Business and Human Rights*, Mexico has made numerous advances through international human rights dialogues, specifically the universal periodic review mechanism and encourages others to do the same. The pandemic has painfully highlighted our international weakness in the business sector, but recovery processes should be utilized as an opportunity to use human rights and gender equality approaches to guide states and businesses. And thus, contributing to achieving the *2030 Agenda for Sustainable Development*.

As the grand foundation for business and human rights stands the UDHR (1948). Acting as successors, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the *International Covenant on Civil and Political Rights* (ICCPR) were adopted in 1966 and build upon the UDHR. The United Mexican States wish to also emphasize the adoption of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) in 1979, which guarantee women's rights to equal treatment at the workplace and social security. By adopting the *2030 Agenda for Sustainable Development* (2015), the United Nations decides to improve upon 17 Sustainable Development Goals (SDGs). Since a multitude of SDGs are in close correlation or directly affected by businesses and work environments, they can only be achieved in symbiosis to the advancement of human rights. In 2011 the *Working Group on Business and Human Rights* was brought to live through resolution 17/4 and kept up with its mandate renewal through the resolution 26/22 (2014), 35/7 (2017) and 44/15 (2020). More than 10 years after their adoption, Mexico emphasizes the dire necessity of effectively implementing the *UN Guiding Principles on Business and Human Rights* (UNGPR), which were unanimously adopted and endorsed in resolution 17/3 (2011). Still forming a crucial cornerstone on this issue, the UNGPR consist of the three pillars Protect, Respect and Remedy. Finally, tending towards one of the three pillars of the UNGPR, resolution 38/13 (2018) *Business and Human Rights: Improving Accountability and Access to Remedy* has been established.

Seeing how it is indispensable to effectively bring together business and human rights without strengthening women's rights, Mexico promotes allocating adequate space in future frameworks for a special gender perspective. This has become even more relevant in the face of the pandemic, since it disproportionately affected women. We therefore stand for the establishment of strong regulatory frameworks and enforcement mechanisms regarding the UNGPR. The pandemic cannot be an excuse to postpone these objectives any longer, but an opportunity to build back better and correct national and international flaws. Mexico urges compliance with international human rights standards from all delegations and stakeholders. Notably, public companies should follow this call since they serve as examples. The United Mexican States strongly reiterate, companies all around the world must respect human rights. They must carry out in due diligence as it is the cornerstone of corporate responsibility to respect human rights. Mexico stresses, it is time to effectively implement due diligence, especially regarding the return and recovery to a new normality after the pandemic.