

Mexico City, July 9, 2024

## The Interdiction Regime and Human Rights in Mexico

**There are individuals who, due to their mental or psychological condition, require legal assistance to exercise their rights, especially persons with disabilities and the elderly. Previously, the legal regime considered these individuals as "without full capacity," which is incompatible with the human rights recognized by Mexico, making a review of the legislation indispensable.**

Mexico has signed various human rights treaties that recognize the right to full legal capacity, including the Convention on the Rights of Persons with Disabilities (2007), the Inter-American Convention on Protecting the Human Rights of Older Persons (2023), and various UN treaties such as the International Covenant on Civil and Political Rights and CEDAW.

In line with this, in 2021, the Supreme Court of Justice of the Nation, in amparo directo 4/2021, determined that all individuals are equal before the law, enabling them to exercise their rights. Should they need support to make decisions about certain acts to understand their consequences, they may receive assistance as requested from individuals they designate as supports.

Furthermore, with the national implementation of the National Code of Civil and Family Procedures (the "Code"), published in the Official Journal of the Federation on June 7, 2023, and set to be fully implemented by 2027, the interdiction regime will be repealed. This recognizes individuals over 18 years of age as having full legal capacity and the right to make decisions with support.

With the Code's implementation, local congresses across the Republic must harmonize their local legislation to respect the recognition of full legal capacity and independent living, avoiding systems that substitute personal will. They must also provide the means to implement the decision-making support system.

In compliance with the above, on July 4, 2024, the Congress of Mexico City issued a declaration of the Code's validity, establishing a phased implementation from December 1, 2024, to November 15, 2025. Consequently, the Congress of Mexico City must reform local legislation to align with the Code's provisions.

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