

**Joint report presented by Mexican civil society
organizations on the occasion of the second Universal
Periodic Review of Mexico**

4 March, 2013

List of Organizations

- Acción Urgente para Defensores de los Derechos Humanos (ACUDDEH)
- Asistencia Legal por los Derechos Humanos, A.C. (ASILEGAL)
- Casa de los Derechos de los Periodistas
- Católicas por el Derecho a Decidir
- Centro de Derechos Humanos de la Montaña "Tlachinollan"
- Centro de Derechos Humanos de las Mujeres (CEDHEM)
- Centro de Derechos Humanos Fray Bartolomé de las Casas, A.C.
- Centro de Derechos Humanos Fray Francisco de Vitoria OP A.C.
- Centro de Derechos Humanos Fray Juan de Larios
- Centro de Derechos Humanos Fray Matias de Cordova
- Centro de Derechos Humanos Miguel Agustín Pro Juárez A. C.
- Centro Mexicano de Derecho Ambiental (CEMDA)
- Colectivo contra la Tortura y la Impunidad
- Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos (CMDPDH)
- Comité de Defensa Integral de Derechos Humanos Gobixha A.C.
- Comité de Derechos Humanos de Tabasco A. C. (CODEHUTAB)
- Comunicación e Información de la Mujer A.C. (CIMAC)
- DECA Equipo Pueblo A.C.
- Documenta A.C.
- Equis: Justicia para las Mujeres
- Espolea, A.C.
- Espacio de Coordinación de Organizaciones Civiles sobre Derechos Económicos, Sociales y Culturales (Espacio DESC)
- Frontera con Justicia
- FUNDAR, Centro de Análisis e Investigación
- Grupo de Información en Reproducción Elegida (GIRE)
- Iniciativas para la Identidad y la Inclusión, A.C. (INICIA)
- Instituto de Derechos Humanos Ignacio Ellacuría S. J. Universidad Iberoamericana Puebla
- Instituto Mexicano de Derechos Humanos y Democracia (IMDHD)
- Observatorio Ciudadano Nacional del Femicidio (OCNF)
- Red Nacional de Resistencia Civil contra las altas tarifas de la energía eléctrica
- Red Nacional de Organismos Civiles de Derechos Humanos, "Todos los Derechos para Todos y Todas" (REDTDT)
- Red por los Derechos de la Infancia en México (REDIM)
- SMR Scalabrinianas. Misión para Migrantes y Refugiados

Glossary

C169. Convention 169 of the International Labor Organization

CGI. General Coordination Unit of Investigation

CJM. Military Code of Justice

CNDH. National Human Rights Commission

ESCR. Economic, Social and Cultural Rights

FEADLE. Special Prosecutor's Office for Crimes against Freedom of Expression

FEMOSPP. Special Prosecutor's Office on Social and Political Movements of the Past

FEVIMTRA. Special Prosecutor's Office on Crimes of Violence against Women and Human Trafficking

HRDs. Human Rights Defenders

INM. National Migration Institute

LGAMVLV. General Law of Access for Women to a Life Free of Violence

OACNUDH. Office in Mexico of the UN High Commissioner for Human Rights

OCNF. National Citizen Observatory on Femicide

ILO. International Labor Organization

PGR. Federal Attorney General's Office

ICESCR. International Covenant on Economic, Social and Cultural Rights

SCJN. Supreme Court of Justice

SEDENA. Ministry of National Defense

SEGOB. Ministry of the Interior

SSP. Ministry of Public Security

UPR. Universal Periodic Review

1. The period that covers the review of the second UPR cycle for Mexico has taken place in a context of generalized violence. Security policies based on the militarization of public spaces have been implemented, resulting in an exponential increase in human rights violations. It is impossible to ignore the numbers relating to the humanitarian emergency that has occurred in recent years in Mexico, which range between 60,000 to almost 100,000 persons killed, as well as 25,000 disappeared and missing persons, hundreds of thousands of displaced persons, journalists and human rights defenders killed and persecuted, etc.¹ In short, Mexico has seen a worsening situation in human rights.
2. Mexico has not complied with its international human rights obligations. In the context of the UPR, the Mexican State has not created any inclusive mechanism to follow up on the recommendations received. In the same way, there has been no change in the recommendations that were not accepted from the first UPR concerning military jurisdiction, *arraigo* detention and transitional justice. In relation to crimes of the past, these remain in impunity, after the majority of the investigations opened under the Femospp were transferred to the CGI.²
3. Furthermore, the Mexican State has been subject to five rulings from the Inter-American Court of Human Rights during this period under review, in five emblematic cases that are representative of the structural causes of human rights violations in Mexico. Nevertheless, to date the Mexican State has not fully complied with these sentences.³

I. Legislative harmonization

4. Despite the step forward that was taken with the constitutional reform on human rights of June 2011, the necessary secondary laws have not been passed, nor have state-level constitutions been harmonized with the new constitutional order. A counter-reform is currently being promoted, which would involve the elimination of the *pro homine* principle of interpretation and also would abolish the constitutional status given to all human rights treaties as supreme law.
5. The legal framework necessary to regulate and operate the constitutional reform on the *amparo* rights writs has not been approved, 16 months after the entry into force of this constitutional reform.
6. In November 2012 a regressive labor reform was passed which is contrary to human rights principles and drastically infringes upon the rights of workers.
7. The Federal Judicial Council established a caveat on the use of class action law suits against companies and the government regarding environmental legislation. This caveat forces affected organizations to be constituted by 30 members, instead of requiring at least 30 people to present class actions. In the case of indigenous

peoples, Mexico still lacks federal legislation that fully takes into account C169 of the ILO, of which it is a party since 1990. In particular, the right to consultation is not regulated in line with this instrument.

8. Legislation on the issue of access to information regarding the democratization of media and limits to the concentration of media ownership and monopolies remains outstanding.
9. The practice of *arraigo* pre-charge detention was given constitutional status through the criminal justice reform of 2008, despite having been declared unconstitutional by the SCJN since 1999 for violating personal liberty and the right to freedom of movement. Since 2008, *arraigo*, forced entries and automatic preventive detention have become the recurrent “techniques” of criminal investigation in Mexico. Nine international human rights mechanisms have recommended the Mexican State abolish *arraigo* in practice and in law, at federal and state level, for being contrary to international human rights standards.
10. In general, in both federal and state jurisdictions, cases of human rights violations are often faced with deficiencies in the codification of crimes that are not harmonized with international standards; for example, enforced disappearance is only codified in 15 states,⁴ with gaps and shortcomings in the definition and determination of the authors of the crime. In the case of torture, the state of Guerrero is the only state that has not codified this offense in its Criminal Code.
11. The Mexican State has still not ratified Conventions 98 and 138 of the ILO, nor has it withdrawn its reservation to article 8 of the ICESCR in relation to union freedom, nor has it ratified the Optional Protocol to said Covenant. To date Mexico continues to not guarantee the right to union freedom for public sector workers, as well as the right to a secret vote in union elections.
12. Mexico has not accepted the competence of the Committee on Enforced Disappearances to review individual complaints, as well as maintaining its reservation to article 9 of the Inter-American Convention on the Forced Disappearance of Persons relating to military jurisdiction, as well as maintaining its interpretive declaration to article 14 of the same Convention.

II. Poverty and ESCR

13. Structural and legislative shortcomings within the Mexican State in regards to violations to ESC rights limit access to justice and reparations for damages in this area. These violations also affect the right to free, prior and informed consent of those people and communities impacted by the implementation of mega development projects that give rise to forced displacement, exacerbated poverty, damage to the environment as well as denying the cultural rights of the populations

affected. In these cases, governmental action and omission puts economic and political interests before human rights.

14. Despite the fact that the Constitution and various laws recognize the right to the environment, environmental policy in many instances is neither effective nor sustainable due to its technical deficiencies; it is not aligned with other sectors and social policies; there is complete impunity for environmental offences, affecting various human rights.⁵
15. The working conditions of Mexicans and the lack of benefits provided to them limit the access, exercise and enjoyment of other rights. The unemployment rate in 2012 was at 5.2%. Young people are the most affected. Those that have employment (formal or informal) lack a decent wage (2,378 pesos a month in urban areas and 1,523 pesos in rural areas). The State does not guarantee rights to food, education, health and housing for 57.7 million people without the income necessary to satisfy these needs on their own. Marginalized communities lack basic services such as electricity and drainage; 9.22% of residences at a national level do not have water. In addition, the lack of resources brings about absenteeism from school as age and schooling years increase. 21.2 million people in Mexico live in food poverty. Many families spend up to 47.21% of their available income on expenses in the case of an illness.
16. The population of indigenous seasonal agricultural workers suffers from conditions of poverty, marginalization and exclusion, which force them to migrate under the worst working conditions, without minimum guarantees of security; for example 90% work without a contract.⁶
17. In the case of women and maternal mortality, there are grave outstanding issues. From 2009 to 2011 alone, there were 3,432 deaths during pregnancy, childbirth, and post-natal circumstances.

III. Access to Justice and Judicial Reform

18. In June 2008 the Congress passed a constitutional reform to bring in an accusatory criminal justice system. The new system must be in place no later than 2016. To date, only 3 states have implemented the reform fully⁷ and 10 more have applied it partially.⁸ In the 19 remaining states, as well as at a federal level, there has been no progress on this issue.⁹ In some states, even those under the new system, torture continues to be used as a means for obtaining evidence.
19. Women in particular have been faced with obstacles to access justice. A sustained increase in feminicides has been registered throughout the country during recent years and the majority of these remain in impunity. Of 1,235 cases of women killed between January 2010 and June 2011 in just 8 states,¹⁰ only 4% of these cases have

been sentenced; yet it is unknown if these sentences were guilty verdicts or not.¹¹ The FEVIMTRA has not facilitated access to justice for women: between 2008 and 2011, it only achieved one conviction and has reported an under-execution of funds by 65%.¹² Judicial authorities have not incorporated a gender perspective or international standards in their resolutions.¹³

20. In November 2012 the Federal Law on Adolescent Justice entered into force with the aim of substituting the paternalistic system for minors with a system founded on the respect of guarantees of due process for adolescents. However, the reform dictates that trials be carried out “in a written and formal manner”, which means the permanence of an inquisitorial system that is contrary to the new adversarial system that the criminal justice constitutional reform brought in in 2008.
21. Access to justice in environmental matters is not guaranteed in Mexico. Despite the constitutional recognition of the human right to the environment, adequate mechanisms for its litigation do not exist. The principle of relativity means that rulings often do not have wider effects, that is, they only apply for the case at hand. In the cases in which the suspensions or injunctions are granted, astronomical amounts of money are requested by way of guarantee, which makes this recourse inaccessible.
22. *Arraigo* pre-charge detention continues to be widely and excessively used.¹⁴ *Arraigo* is used as a means for investigating suspects, which in practice is relied on by authorities to have more time to place criminal charges. In this way, detentions are used to investigate, rather than investigations being used in order to detain. The relevant legislation does not outline the locations in which this practice should be carried out, allowing for *arraigo* to be used even in military barracks. Added to this, there is no effective legal remedy against this practice, since *amparo* writs are not of use in this instance; of 324 *amparos* presented, 96% were denied.¹⁵
23. Authorities of the public security and criminal justice system at federal and state levels publicly present detained persons in the media, even before a determination from a judge or court that signals them as responsible for the crime. Even if a conviction proving the guilt of the person does not exist, this person is held up as if he/she were declared guilty. This practice constitutes a flagrant violation of due process and judicial guarantees, as well as of the presumption of innocence, personal integrity, privacy, honor and non-discrimination.
24. The prevalence of military jurisdiction to investigate and sanction soldiers responsible for committing human rights violations has allowed these acts to remain in impunity.¹⁶ Of 113 recommendations emitted by the CNDH against SEDENA between 2006 and 2012, only a handful sentences have been issued, despite the fact that 68 of the cases pertaining to these recommendations have been reported as closed.

IV. Penitentiary system

25. Mexican prisons are characterized by a critical level of overpopulation (28.32%). From 2008 to 2012 the prison population increased from 219,754 to 239,941 inmates¹⁷, with a real capacity of the prison system for only 189,943 people. This situation has worsened problems such as overcrowding¹⁸, precarious conditions inside prisons and the lack of control of prison workers; conditions associated with self-government, prison violence and abuses from security forces. 60% of prisons are under a system of inmate-led government, which has led to an increase in violent incidents: between 2010 and 2011 more than 3,000 riots were registered, 922 fights and 316 deaths¹⁹, incidents that put the life and security of those deprived of liberty at risk under the responsibility of the State.

26. The complaints against the Federal Penitentiary System presented before the CNDH from 2009 to 2011 increased from 473 to 928²⁰, the more common ones relating to insufficient medical attention, irregularities in issuing early parole, conditioning of visits and arbitrary transfers of inmates.²¹ Nevertheless, there are inconsistencies between the number of complaints reported by the states and the real situation, since inmates believe that they cannot bring matters before the authorities because it will put them in an adverse position. This reality is proven by the lack of autonomy that state penitentiary bodies have in carrying out their functions. For this reason it is necessary that the Mexican State establishes and guarantees control and social oversight measures in relation to prison living conditions.

27. For 2011 it was registered that 40.33% of the total prison population was in preventive detention. This situation would decrease through re-examining the use of preventive detention²² and by increasing the use of alternative measures other than prison. Reforms are necessary to avoid punishing minor offences with penitentiary sentences²³, since 62% of crimes are generally associated with the theft of articles of little value.

28. The financial resources of the penitentiary system²⁴ have been mostly assigned to the system of corrections and maximum security, under the responsibility of the federal government. This means that 418 prisons administered by state governments are neglected, 50% of which report substandard infrastructure.²⁵ The Mexican State must prioritize the distribution of the budget to ensure dignified spaces for inmates, quality health services, more work and technical-professional training opportunities, education, recreation and respect for human rights, as these are conditions that contribute to dissuading further crimes in prison, from prison and after prison.

29. These shortfalls could be improved with the passing of a General Law of Social Corrections, Penitentiary Sentences and Security Measures, that contemplated respect, protection and defense of human rights in an integral way in regards to those serving time in prison.

30. Another challenge is the scarcity of penitentiary staff: the average at a national level is 7.3 inmates per prison guard²⁶; this proportion varies from 3.1 to 19.2 inmates per prison guard throughout the country. Added to this numerical deficiency is the lack of professionalization of staff in human rights and a gender-based approach.

V. Public Security and Militarization

31. The public security system has increased its reliance on military forces by 68% since 2007 with the commencement of the war on organized crime.²⁷ As a result, human rights violations have risen; the CNDH received 7,441 complaints of human rights abuses on the part of armed forces from 1 December 2006 to 30 November 2012.²⁸ In addition, militarization of police forces increased.²⁹

32. Violence has particularly affected children and adolescents. Approximately 1,701 persons in this group have died in incidents presumably linked to organized crime³⁰ and the mortality rate at a national level for minors under the age of 18 has risen to 4 deaths per 100,000 inhabitants.³¹

33. Police officers are frequently involved in abuses as internal and external controls are not adequate to provide for accountability. The case of “1DMX”³² of 1 December 2012 in Mexico City demonstrates arbitrary detentions and the disproportionate use of public force as part of police operatives that aim to repress protestors.³³ The “Ayotzinapa” case³⁴ is a paradigmatic example of police brutality, torture, excessive use of public force and firearms to repress protestors and the lack of protocols or guidelines for anti-riot operations.³⁵ To date no state agent has been sentenced for these acts. The “Atenco” case of sexual torture that at least 11 women suffered in a police operative is evidence of the impunity in which these cases remain. Despite recommendations from the United Nations³⁶, the Mexican State has not guaranteed access to justice for these women or a proper and swift investigation to lead to convictions for those responsible.³⁷

34. Military jurisdiction has allowed human rights violations committed by armed forces to remain in impunity. In the sentences in the cases of Radilla Pacheco; Fernandez Ortega; Rosendo Cantu; and Cabrera Garcia and Montiel Flores³⁸, the Inter American Court of Human Rights ordered the Mexican State to carry out legislative amendments to ensure that human rights abuses are investigated and tried under ordinary civilian jurisdiction. Nevertheless, those responsible have not been convicted and the legislative reforms have not been passed. Although there have been advances from the SCJN³⁹, by declaring article 57 of the CJM unconstitutional⁴⁰, no firm jurisprudence has been defined on this matter, a situation that is made more grave by the context of militarization.⁴¹

35. Reforms that have abolished the SSP and transferred its functions to the SEGOB are of concern, since this move does not contemplate a technical and professional police model; in addition this means that only one body with excessive power and a

mandate without adequate controls or accountability measures is given all responsibility in this area.⁴²

VI. Enforced Disappearances and Torture:

36. In Mexico torture is commonly utilized as a means to extract illegal evidence that is later accepted by judges and relied upon in order to hand down condemnatory sentences. The PGR has reported that its specialized exam, which is supposedly in line with the Istanbul Protocol, has been applied by its experts⁴³ in more than 300 occasions since 2003⁴⁴, torture having been confirmed in more than 120 cases.⁴⁵ This has not been translated into an equal number of criminal convictions.⁴⁶ In Chihuahua state there has been no case of torture that has been followed up; there are no existing sentences for this crime; there is only one investigation that is open.
37. Even in the states that have adopted the Istanbul Protocol, the state attorneys offices do not usually require it to be used and as such proper torture investigation procedures are not performed. Many states do not have qualified forensic experts to carry it out; the technical quality of the exams is deficient and the truly independent experts face constant obstacles to carry out their work.
38. The lack of independence of the professionals that apply the Istanbul Protocol is also a factor that contributes to its ineffectiveness; the very same institution that has carried out the torture may be the one investigating the practice. Furthermore, there is no alignment of methodology between the CNDH and the PGR. The public does not have access to the reports and relevant data regarding the application of the Istanbul Protocol.
39. The Mexican State is not certain about the number of victims of enforced disappearance, especially given that in many cases authorities prefer to classify the crime as a distinct offence. In addition, the fear of reprisals and the impunity that is a constant factor in these cases⁴⁷ discourages family members from denouncing the crime. In many cases the demand for justice has brought with it consequences such as persecution, harassment and constant threats that force those affected to relocate themselves from their homes and communities.
40. In Chihuahua in the period from January 2008 to March 2012, 171 complaints of disappeared persons were presented⁴⁸, however to date no judicial sentence is known of.
41. Enforced disappearances follow two patterns that demonstrate the systemic nature of the practice, essentially in two ways: deprivations of liberty on the part of organized crime groups that operate throughout the country, that generally act with the complicit acquiescence of the State; and, on the other hand, arbitrary detentions carried out

directly by police and military forces. The Mexican State has not provided official figures concerning the number of victims of enforced disappearances.

42. The Mexican State has failed to comply with the guarantees of non-repetition of great importance as ordered by the Inter-American Court on Human Rights, such as legislative reforms to restrict military jurisdiction and to codify enforced disappearance in line with international standards.

VII. Indigenous peoples

43. The conditions of poverty and marginalization of Mexico's indigenous peoples⁴⁹ continue to be characterized by inequality⁵⁰, illustrated by the lack of access to health and education.⁵¹ The funds assigned to policies and public programmes continue to be used in a clientelistic and paternalistic fashion. The State must create programmes that tackle directly the structural causes of poverty in indigenous communities, with a gender and ethnicity perspective.
44. The Constitution recognizes the rights to self determination and autonomy of indigenous peoples⁵², however these rights are left to the states to regulate in sub-national laws, which strips them of their true constitutional character.⁵³ The struggles for autonomy have brought about extreme violence in communities, with the complicity of the Mexican State and state governments.⁵⁴ The State must guarantee the respect and full enjoyment of the rights to self-determination and autonomy of indigenous peoples, to preserve and decide on their forms of government, norms and systems as well as their priorities for economic, social, cultural and environmental development.
45. In addition, the Constitution does not provide for mechanisms that protect indigenous peoples from state and non-state actors that seek to occupy their indigenous territories⁵⁵, under false arguments based on the promotion of development.⁵⁶ Of particular interest is the expansion of mega-development projects of extractive industries⁵⁷, dams⁵⁸ and wind farms, promoted by the private sector and the State, directly affecting the rights of indigenous peoples.⁵⁹ As a consequence, judicial harassment and criminalization of social protest have increased, as a result of local resistance to these projects, putting at risk the physical integrity and safety of community human rights defenders.⁶⁰
46. The State should adopt necessary measures to guarantee the right to adequate consultation for indigenous peoples in affected communities, respecting their lands, territories and natural resources, with the aim of obtaining their free, prior and informed consent regarding the effects caused by development projects, in line with C169 of the ILO.

47. Limitations to access to justice for indigenous people still exist; adequate defense lawyers are not available⁶¹, the absence of interpreters during the whole criminal process⁶²; the lack of guarantees of accessible bail conditions⁶³; and the abuse of the legal period under which a detainee must be tried⁶⁴, are all problems facing indigenous people.
48. Indigenous women face multiple discrimination from judicial authorities, due to their sex, ethnicity, language and socioeconomic situation. An analysis of judicial sentences shows that these decisions are based on cultural stereotypes of gender⁶⁵, added to the fact that the majority of detained women are unaware of the most basic information on their case⁶⁶, which is a violation of the right to equality and non discrimination, due process, and the principle of legality. The State must prioritize efforts to combat these obstacles and incorporate a gender and ethnicity approach in their implementation mechanisms for the criminal justice reform.

VIII. Human Rights Defenders and Journalists

49. Since 2009 the situation of human rights defenders and journalists has worsened due to the constant increase in attacks⁶⁷ against them, the stigma and criminalization on the part of authorities of all levels of government⁶⁸ and constant impunity.⁶⁹ According to the OHCHR, at least 98% of the attacks and aggressions against journalists and human rights defenders remain in impunity. Despite the existence of a Special Prosecutor's Office (FEADLE), there is only one conviction for attacks against journalists.⁷⁰
50. Between 2009 and May 2012 there were 44 extrajudicial executions, 25 disappearances and 309 deprivations of liberty of HRDs.⁷¹ In 2011 alone at least 128 HRDs suffered 209 attacks.⁷² In some states, despite international alerts,⁷³ the gravest risks against HRDs exist, as is the case of Chihuahua where from 2009 to 2012 there were 17 HRDs killed.⁷⁴
51. Killings of human rights defenders, social leaders and police chiefs have risen in an alarming manner. It is concerning that impunity persists in a situation where killings can be repeated.
52. In 2010 there were at least 139 attacks against 21 media outlets in 25 states of the country reported.⁷⁵ Specifically, 13 of these were the target of explosives or firearms. Attacks against women journalists have risen, with 4 cases in 2008 to 31 cases in 2011.⁷⁶
53. There is no official database that is disaggregated by sex or by the specific circumstances faced by women human rights defenders and journalists, despite various international recommendations in this regard.⁷⁷

54. In this context, the Law for the Protection of Human Rights Defenders and Journalists entered into force in 2012, a law which however does not include adequate measures for the investigation and sanction of those responsible for attacks. A Protection Mechanism was established at the end of 2012 however it has so far not been fully and effectively implemented. Shortcomings persist regarding inter-institutional coordination as well as between federal and state governments. Sufficient training to public servants that staff the Mechanism has not been carried out.
55. The Mexican State must guarantee the implementation of protection measures that include integral measures – not only police protection – and ensure a gender perspective. A broad publicity campaign directed at the general public is necessary so that the work of the mechanism is known. Ensuring a sufficient and permanent budget for the mechanism is still a challenge, as well as ensuring accountability for the body.

IX. Migrants

56. Since 2009 there have been a number of noteworthy migratory law reforms⁷⁸, brought on by the worsening of human rights violations against migrant persons in the country. Despite this, the implementation of the new legal framework by authorities in charge continues to perceive migration as a matter of national security instead of a social phenomenon that requires holistic policies with a human rights approach. These changes have also limited the opportunity for migrants and refugees that decide to stay in Mexico to regularize and document themselves.
57. Violence against migrants in Mexico on the part of organized crime groups that often act with acquiescence from authorities has been a phenomenon on the rise. Some paradigmatic abuses include kidnapping, extortion and disappearances. This critical situation has brought about such grave incidents as the massacre of 72 people in August 2010 and the subsequent discovery of hidden graves in San Fernando in the state of Tamaulipas, where the State did not comply with its obligation to identify the migrant victims that were found. These violations can include brutal acts of torture, mutilation, frequent rapes, extraction of organs, human trafficking, slavery, enforced disappearance and murder. The lack of investigations has forced family members of victims to take up the search for the loved ones, despite the risks that this implies.
58. There are no advances in the adoption of necessary measures to protect the rights of migrant workers and their families, in particular the need to guarantee their access to justice.⁷⁹ Migrants, including minors, that are primarily arrested by agents of the INM, are faced with extortion from the agents once they are freed, or during their detention in migrant detention centres.⁸⁰ In these places there have been a number of human rights violations documented including to rights to due process and fundamental rights such as physical and psychological health, good and legal security, among

others. The deprivation of liberty at times can become unlimited in duration, in cases where a migrant decides to exercise her/his right to access to justice.⁸¹

59. The shared policy between the USA and Mexico of mass persecution and deportation of migrants is generating negative changes not only in their living conditions in their places of arrival but also in the way in which they return to their places of origin. Racism, violence and discrimination are elements that accompany deportation and that especially affect the indigenous population. Domestic workers on the southern border, especially indigenous Guatemalan women, report often being physically and sexually abused. The majority of agricultural workers do not enjoy even one day of rest; they suffer the withholding of their wages and days unpaid; withholding of their documents on the plantations, among other abuses. This situation of exploitation and discrimination and their structural causes is shared by people that migrate within the country, primarily indigenous people from the states of Guerrero and Oaxaca.

X. Women

60. The vulnerability of women has increased due to the armed conflict⁸² and the public security strategies⁸³, giving rise to extreme violence against women such as sexual violence by soldiers and organized crime groups.

61. The OCNF reported 2,976 women and girls were disappeared between January 2011 and June 2012 across 15 states⁸⁴. Of these, 54% occurred in the states of Chihuahua and Mexico State⁸⁵ and in 51% of the cases the victims were between 11 and 20 years old. Despite this, the reports of disappearances of women and girls are not a priority for the State⁸⁶. Meanwhile, the context of insecurity has generated an increase in the sale and exploitation of women.⁸⁷

62. From 2007 to June 2012, the OCNF registered 4,112 *feminicides* in just 13 states⁸⁸, a large proportion of which were carried out with the excessive use of physical force such as beatings, mutilations, wounds with piercing or cutting instruments, or asphyxia. The major problem with this type of violence against women is the impunity and the institutional violence of the authorities that do not investigate the cases and do not have expert protocols, or police or detective investigations with a human rights approach.

63. Abortion is a crime that includes some exceptions on responsibility grounds, these exceptions varying depending on the state. The Federal District is the only difference, where abortion is legal in the first 12 weeks of pregnancy, as well as throughout all the country in cases of rape. However, the effective access by women to services for safe abortions in legal circumstances is very precarious, above all for victims of sexual violence. This situation has worsened since 2008, due to legal reforms in 16 state constitutions that now protect the right to life from the moment of conception⁸⁹, a situation that has generated a climate of criminal persecution against

women⁹⁰ and of confusion on the part of public servants regarding the provision of reproductive health services.

64. According to the data of the SSP⁹¹, only approximately 15,000 rapes occur per year. The OCNF documented 3,834 cases of sexual violence between January 2011 and June 2012⁹² attended to in health services of 16 states⁹³, and in the same period a total of 6,602 complaints presented for rape in 13 state attorney's offices.⁹⁴ This reflects the lack of a national registry nor much less real statistics on the context of sexual violence, all of which hides and neglects the causes, consequences and victims of this problem.
65. 11,682 girls aged between 10 and 14 years old were registered as giving birth to a child. Of these, 244 were 10 years old.⁹⁵ Adolescent pregnancy is one of the causes of school drop-outs that bring about a diminishing of opportunities for girls and adolescents.⁹⁶ The majority of these cases are the result of sexual abuse, rape and social isolation.⁹⁷
66. The protection mechanisms for women outlined in the LGAMVLV do not function adequately. The Declaration of Gender Alert⁹⁸ has to date been requested in Guanajuato, State of Mexico, Monterrey and Hidalgo, the emission of the Alert being denied due to the legal structure of this mechanism and the accreditation of evidence which makes the issuing of an Alert impossible, even when resources exist to be able to do so.⁹⁹ Protection Orders¹⁰⁰ are insufficient and inapplicable in nature given that they demand a woman victim of domestic violence to bring a criminal complaint against her aggressor to obtain protection for only 72 hours, putting her in further risk and vulnerability.

XI. Young people and children

67. Mexico, despite being a country of young people¹⁰¹, lacks public policies sensitive to their needs.
68. Girls, boys and young people are affected by the security policies carried out by the Mexican State, violating their rights to life, a life free of violence and to personal liberty and security. 994 children lost their life from 2006 to 2010 in the war against organized crime.¹⁰² At the same time, young people are criminalized, violating their rights to non-discrimination and freedom of expression, especially when they protest for the protection of a certain right, as occurred during "1DMX" when 95 arbitrary detentions took place, 77 of which were young people.
69. The stigmatization that young people as well as children are subject to means that they are not seen as right-bearers, but rather subjects that need to be under guardianship, violating their rights to participation and to decide for themselves.¹⁰³ In

the case of young people, they are also subject to violence due to their sexual orientation.¹⁰⁴