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September 2008

**Document presented by the National Network of Human Rights Civil Organizations
“Todos los Derechos para Todas y Todos” as input for the Universal Periodic Review
for which Mexico will be evaluated in February of 2009.**

The National Network of Human Rights Civil Organizations “Todos los Derechos para Todas y Todos” is formed by the following organizations: Asistencia Legal por los Derechos Humanos, A.C. (Distrito Federal); Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (Guadalajara, Jal.); Asociación para la Defensa de los Derechos Ciudadanos “Miguel Hidalgo”, A.C. (Jacala, Hgo.); Católicas por el Derecho a Decidir, A.C. (Distrito Federal); Centro “Fray Julián Garcés” Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlax.); Centro de Apoyo al Trabajador, A.C. (Puebla, Pue.); Centro de Derechos Humanos “Fray Bartolomé de Las Casas”, A. C. (San Cristóbal de Las Casas, Chis.); Centro de Derechos Humanos “Fray Francisco de Vitoria O.P.”, A. C. (CDHFV) (Distrito Federal); Centro de Derechos Humanos “Miguel Agustín Pro Juárez”, A. C. (PRODH) (Distrito Federal); Centro de Derechos Humanos “Don Sergio” (Jiutepec, Mor.); Centro de Derechos Humanos “Fray Matías de Córdoba”. A.C. (Tapachula, Chis.); Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Gro.); Centro de Derechos Humanos, “Juan Gerardi”, A. C. (Torreón, Coah.); Centro de Derechos Humanos Ñu’u Ji Kandí, A. C. (Tlaxiaco, Oax.); Centro de Derechos Humanos Solidaridad Popular, A.C. (Monterrey, N.L.); Centro de Derechos Humanos Tepeyac del Istmo de Tehuantepec, A. C. (Tehuantepec, Oax.); Centro de Derechos Humanos Victoria Diez, A.C. (León, Gto.); Centro de Derechos Indígenas “Flor y Canto”, A. C. (Oaxaca, Oax.); Centro de Derechos Indígenas A. C. (Bachajón, Chis.); Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A. C. (Reynosa, Tamps.); Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jal.); Centro de Reflexión y Acción Laboral (CEREAL-DF) (Distrito Federal); Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jal.); Centro Diocesano para los Derechos Humanos “Fray Juan de Larios”, A.C. (Saltillo, Coah.); Centro Regional de Defensa de DDHH José María Morelos y Pavón, A. C. (Chilapa, Gro.); Centro Regional de Derechos Humanos “Bartolomé Carrasco”, A. C. (Oaxaca, Oax.); Ciencia Social Alternativa, A.C. - KOOKAY (Mérida, Yuc.); Ciudadanía Lagunera por los Derechos Humanos, A. C. (CILADHAC) (Torreón, Coah.); Ciudadanos en Apoyo a los Derechos Humanos, A. C. (CADHAC) (Monterrey, NL); Colectivo Educación para la Paz y los Derechos Humanos, A.C. (CEPAZDH) (San Cristóbal de Las Casas, Chis.); Comisión de Derechos Humanos “La Voz de los sin voz” (Coyuca de Benítez, Gro.); Comisión de Derechos Humanos y Laborales del Valle de Tehuacan, A.C. (Tehuacan, Pue.); Comisión de Solidaridad y Defensa de los Derechos Humanos, A. C. (Chihuahua, Chih.); Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Mor.); Comisión Intercongregacional “Justicia, Paz y Vida” (Distrito Federal); Comisión Parroquial de Derechos Humanos “Martín de Tours”, A.C. (Texmelucan, Pue.); Comisión Regional de Derechos Humanos “Mahatma Gandhi”, A. C. (Tuxtepec, Oax.); Comité de Defensa de las Libertades Indígenas (CDLI) (Palenque, Chis.); Comité de Derechos Humanos Ajusco (Distrito Federal); Comité de Derechos Humanos “Fr. Pedro Lorenzo de la Nada”, A. C. (Ocosingo, Chis.); Comité de Derechos Humanos “Sembrador de la Esperanza”. A. C. (Acapulco, Gro.); Comité de Derechos Humanos “Sierra Norte de Veracruz”, AC. (Huayacocotla, Ver.); Comité de Derechos Humanos de Colima, No gubernamental, A. C. (Colima, Col.); Comité de Derechos Humanos de Comalcalco, A. C. (CODEHUCO) (Comalcalco, Tab); Comité de Derechos Humanos de Tabasco, A. C. (CODEHUTAB) (Villahermosa, Tab); Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Gto.); Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo AC (Tulancingo, Hgo.); Frente Cívico Sinaloense. Secretaría de Derechos Humanos. (Culiacán, Sin.); Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Chablekal, comisaría del municipio de Mérida, Yuc.); Instituto Guerrerense de Derechos Humanos, A. C. (Chilpancingo, Gro.); Instituto Mexicano para el Desarrollo Comunitario, A. C. (IMDEC), (Guadalajara, Jal.); Instituto Tecnológico y de Estudios Superiores de Occidente, - Programa Institucional de Derechos Humanos y Paz. (Guadalajara, Jal.); Programa de Derechos Humanos. Universidad Iberoamericana-Puebla (Puebla, Pue); Programa Universitario de Derechos Humanos. UIA -León (León, Gto.); Respuesta Alternativa, A. C. Servicio de Derechos Humanos y Desarrollo Comunitario (San Luis Potosí, S.L.P.); Servicio, Paz y Justicia de Tabasco, A.C. (Villahermosa, Tab.); Servicio, Paz y Justicia, México (SERPAJ-México) (Comalcalco, Tab.); Taller Universitario de Derechos Humanos, A. C. (TUDH) (Distrito Federal)

1. In March 2001, the Mexican government extended an open invitation to international human rights groups. Despite the fact Mexico has received a large number of rapporteurs and has been the subject of numerous recommendations, these have not led to concrete actions by the Mexican state nor have they led to human rights becoming a public policy priority. Ignorance of these recommendations on the part of federal public officials, and even more so at the state and/or municipal level, is also notable. The current administration has shown no real interest in the topic of human rights and neither has it shown any interest in resolving the structural problems leading to human rights violations.

2. Since 2000 a Technical Assistance Agreement between the Mexican government and the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been in operation. One of the results of the joint work of the OHCHR and human rights organizations was the preparation of the Diagnosis of the Human Rights Situation in Mexico which included a series of recommendations that should have been dealt with in the National Human Rights Program (NHRP). In 2004 the Mexican government presented the first NHRP which failed to deal with such fundamental issues as a specific budget for its implementation and the establishment of specific goals and indicators to measure compliance with this program. It proved impossible to transform this program into concrete government policy and it essentially represented an anthology of isolated actions having no real effect on structural issues. In August of this year, the Mexican government published a new NHRP, an initiative launched by the Federal Executive that lacked a process of citizen participation that would have provided it with social backing. Furthermore, it is a federal instrument with no possibilities of being used for concrete action at the state and/or municipal level.

3. While at the federal level there have been certain advances such as the enactment of laws and the bringing of certain federal legislation into line with international standards, reforms have also been made that effectively represent a step backwards in the protection of human rights. It is important to point out that since Mexico is a federation of states, actions taken at the federal level have not been reflected at the state and/or municipal levels where delays to legislative harmonization continue to be the order of the day.

4. On balance, impunity remains a problem and is a common factor in human rights violations. Deficiencies in the administration of justice remain highly visible, whether in the matter of civil and political rights violations or claims concerning violations of economic, social and cultural rights. Those suffering the greatest degree of discrimination by the Mexican justice system are, and have historically been, the poor, indigenous peoples, women and migrants.

5. The Criminalization of Social Protest

The country is currently suffering damaging structural violence, committed by institutions and the social system, which can be seen in the levels of inequality and repression. This violence has also increased as the result of legislative changes, such as the flexibilization of labor, restrictions on the right to strike and reforms to Article 27 of the Constitution, the Government Workers' Social Security and Services Institute (ISSSTE – acronym in Spanish) and the Mexican Social Security Institute (IMSS – acronym in Spanish), among others.

6. In this context of significant inequity, authorities –federal, state and municipal – have adopted a policy of repression and criminalization of social protest that has resulted in repressive police action. These acts of repression are never investigated or punished. At the same time, injustice has become legal and the law has been used to punish those who confront the state while demanding respect for their rights. There is a clear abandonment of dialog and this has been accompanied by a discrediting of social movements and their leaders. There is a tendency to favor private interests above public interests and in this context there has been a tendency to expropriate communal and social property. In addition, national and transnational companies responsible for human rights violations, in particular economic, social, cultural and environmental rights, continue to enjoy impunity despite social protests.

7. In 2007¹ the Red TDT registered 60 cases of the criminalization of social protest in 17 states. Of these, 32 cases were complaints related to human rights violations in the context of the development of economic projects and 26 were specific cases of the criminalization of social protest. The majority of cases occurred in the context of disputes over natural resources; 32 reported water as a principal resource or one of the main elements in the center of conflicts, 22 cases identified land, forestry resources were indicated in 9 cases, 7 cases included biodiversity and, finally, 8 cases indicated mineral resources.

8. Conflicts centered on matters of natural resources originated in the lack of consultation and accurate information provided for communities affected by the development of economic projects promoted by governments and which are usually designed outside the communities affected. For this reason these projects do not take into account the impact of the project on the social and natural environment.

9. Violations resulting from the criminalization of social protest are often linked to demands for compliance with economic, social, cultural and/or environmental rights. On June 5, 2007, after participating in a demonstration in the center of Manzanillo against a project for the construction of a regasification plant and extension of the Port of Manzanillo, Colima, 5 people were arbitrarily detained by bodyguards of the state governor, Silverio Cavazos. The victims stated they were beaten, tortured and forced to strip naked in the offices of the Public Prosecutor's office. There seems to have been no other motive than the simple fact they were actively participating in the movement claiming the right to a healthy environment.

10. The policy of social control implemented by the Mexican state can be seen in the following actions:

11. Police Repression: Direct repression is applied through the use of different forms of physical violence against social movements and public protest: the disproportionate use of force, express kidnappings (the police detain, torture and then free people without bringing them before any authority), the sexual abuse of women, the use of tear gas, the issuing of threats, surveillance, illegal searches, censorship, restrictions on publication, restrictions on holding assemblies, meetings or marches, etc. All of the above are accompanied by impunity for repressors.

12. During the conflict in San Salvador Atenco, on May 3 and 4, 2006, the government of the State of Mexico, together with the Federal Government, organized an operation to “liberate” the main square in the town of San Salvador Atenco. After a series of violent confrontations between state police and local ejidatarios more than 200 people were detained with excessive violence, many of them were tortured and at least 26 women were sexually abused. In the face of these acts the government of the State of Mexico and the Federal Government justified the use of violence. On May 6, 2007, Ignacio del Valle and other leaders of the United Front of Peoples in Defense of the Land (FPDT – acronym in Spanish) in Atenco were each sentenced to 67 years and four months in prison for the crimes of kidnapping and the detention of State of Mexico government employees. In August of this year they were sentenced to a further 45 years for the crime of equivalent kidnapping. As a result of these measures, the leader of a social movement is punished with 112 years in prison.

13. Discrediting: People participating in demonstrations and protests are singled out as delinquents, subversives and accused of violating the rights of third parties by authorities, political parties, business leaders, etc.

14. The case of those opposed to the La Parota hydroelectric dam project is highly emblematic of this situation. The state government consistently maintained the position that opposition to the project was in the hands of an intransigent and violent minority manipulated by people from outside the community who were guided by a different agenda, who were opposed to progress, who were ignorant and who were effectively holding the people of Guerrero in favor of the project hostage.

15. The Militarization of Civil Life: Civilian life has been militarized so that the Mexican Army can be used to confront protests and social discontent.

16. In the context of the Joint Chihuahua Operation organized by the Mexican Army in the state of Chihuahua, the Office of the Federal Attorney General (PGR – acronym in Spanish) has stated that 40 warrants for the arrest of leaders of social organizations for their participation in a number of protests have been issued. On March 14, 2008, social leader Armando Villareal Martha was murdered; Carlos Chávez, social lider, was detained for participating in a demonstration at the Ciudad Juárez International border crossing; Cipriana Jurado, a social activist, was violently detained by members of the Federal Investigation Agency (AFI – acronym in Spanish), sent to a Social Readaptation Center (CERESO – acronym in Spanish) and freed on bail the following day; on February 1 Naim Paulino Romero was detained in a similar manner, accused of disturbance for participating in a demonstration at the offices of the PGR.

17. From January to October 2007 soldiers conducted 89 searches in the state. Of these, only 16 were conducted according to the law while 73 were conducted without a warrant issued by the relevant legal authority, thereby rendering them unconstitutional. There are 33 registered detentions; no mention is made of whether they were detained while committing a crime or with a local or federal warrant. There also have been three murders, with four people wounded and another six tortured.²

18. The Criminalization of Social Protest: The result of this criminalization has been the taking of social conflicts to court and the abandonment of dialog and political solutions. Conflicts are transferred to the legal arena where the leaders or members of movements are jailed and subject to trial, meaning that these social actors must then focus their energies on defending themselves against these charges.³ This represents the application of a policy of criminalization to social protest in order to control social discontent and is accompanied by an increasing use of penal legislation to deal with social protests and demonstrations.

19. The different forms of this criminalization of social protest in Mexico are as follows:

20. Arbitrary detentions and other violations of due process: Numerous arbitrary detentions are conducted, with flagrancy being used as a means to detain social movement leaders and members without an arrest warrant; access to files is impeded, trials are drawn out without justification, etc.

21. Between June 2007 and May 2008, 201 legal actions were registered against the leaders of social movements in the state of Guerrero. These actions are as follows: 44 pretrial investigations under way, 73 court proceedings begun, 75 arrest warrants awaiting execution and 9 files closed after favorable resolution.⁴

22. Comparing social activists to criminals: Participants in social movements and protests are accused of being “subversive elements” involved in attacks on national security and officials declare that challenges to the authority of the state will not be tolerated⁵. Crimes are fabricated (these could be summary offenses such as theft or carrying a weapon) and leaders are jailed in high security prisons as if they were dangerous criminals.

23. On June 12, 2008, Martín Barrios Hernández, president of the Human Rights and Labor Commission of the Valle de Tehuacán, was summoned before an agent of the Public Prosecutor’s Office of Tehuacán for a judicial proceeding. When he arrived he was informed that a pretrial investigation had been conducted for various crimes and that this investigation had been initiated after a complaint had been filed by one of the owners of a textile maquila. In this complaint he was falsely accused of having caused damage to property during a march staged by workers in Tehuacán and of having threatened said businessman. At the beginning of 2006 Barrios Hernández was also held on false and malicious charges lodged by another businessman and, in highly irregular circumstances, was arbitrarily detained and jailed. After spending several weeks in prison, and due to growing national and international indignation, he was freed. After being freed Martín Barrios and members of the Commission received anonymous death threats and were forced to request injunctive relief from the Inter-American Commission on Human Rights.

24. Making charges more serious: Social activists are increasingly charged with political crimes or crimes against national security, which are classified as serious crimes, so that authorities can legally punish social protest. Bail is set at levels that cannot be paid so the accused are held in jail while their legal position is determined and control over negotiations is maintained. The legal system is used to modify charges so that the crimes become those authorities wish to penalize, such as comparing the holding of government officials to kidnapping. The consequences of this tendency can be seen in the

disproportionate sentences handed down and the impossibility for the accused to defend themselves while being at liberty.

25. Making social protest illegal: Legislation of new crimes is done in such an ambiguous way that they can be used against social movements, such as the crime of terrorism legislated in 2006 for which there exists “a prison sentence of between six and forty years with a fine of up to 1,200 days of the minimum wage, without prejudice to the terms corresponding to the resulting crimes, for any person using toxic substances, chemical, biological or similar weapons, radioactive material or instruments emitting radiation, explosives or firearms, or fire, flooding or **any other violent means**, who performs acts against persons, objects or public services that may cause alarm, fear or terror in the populace or a group or sector of the populace, by means of an attack on national security or by **exerting pressure on authorities to make a decision**”.

26. On January 17, 2008, the local congress in Chiapas approved an initiative to establish the crime of “incitement to violence” in the following terms: *Anyone who by any means whether public or private incites someone to commit a crime, or is an apologist for this crime or any vice will be imprisoned for a period of between six months and three years and be subject to a fine equivalent to ten to fifty days of the basic wage.* It is in the statement of motives that we find the people for whom this new crime has been established, when it textually refers to: “the active subject who externalizes or materializes a conduct through demonstrating via any means, whether in written, verbal or electronic form, by signs, graphics or any other means possible, and who acts publically or privately to provoke the performance of violence, a crime or offer an excuse for these or any vice, with the purpose of causing physical, psychological or emotional damage to impede the exercising of a right or public service or anything similar against any person or company, private or official”. With this new reform of the penal code another mechanism of social control has been created for complaints and social mobilization under the assumption that claiming these rights constitutes “incitement” to violence.

27. Lack of a guarantee for due process: Anyone detained for participating in a protest and subject to criminal proceedings does not generally enjoy due process. Among the problems faced are prevention of access to a lawyer, refusal to grant access to files and the placing of the burden of proof on the accused.

28. Militarization

Since the beginning of the administration of President Felipe Calderón, the question of public security has become a central pillar of internal policy, marginalizing the discourse of human rights. Government efforts have been focused on the so-called “fight against violence and organized crime”. This policy, while trying to put an end to the serious situation of violence in all states of Mexico, ignores fundamental aspects of the respect for human rights.

29. Despite having received various recommendations on this subject⁶ the Mexican government has incorporated the Armed Forces into public security operations thereby assigning police functions to the Mexican Army. The intervention of the military is in four areas: 1) public safety, 2) the fight against drug trafficking, 3) the fight against terrorism and 4) the containment of social movements and insurgents.

30. Use of the army for combating drug trafficking has been characterized by operations leading to serious human rights violations. Cases of abuse have been registered at military roadblocks and these include requests for information and the taking of photos of citizens enjoying freedom of movement, arbitrary detentions and even executions. Furthermore, while the military presence continues to grow in those states with a strong presence of drug cartels (Sinaloa, Chihuahua, Michoacán, Jalisco, Guerrero) the violence and executions of civilians increase. One example is Sinaloa, one of the most violent states in Mexico, where there have been 590 executions (voluntary manslaughter)⁷ to date in 2008. In the indigenous area of Wixarika, at roadblocks installed and controlled by the Mexican Army and the Federal Preventative Police, travelers are questioned about their itineraries. This case is a clear example of the militarization of indigenous areas where the communities have sought to exercise not only political but also territorial autonomy and this implies the defense and management of natural resources; therefore, the roadblocks serve as a mechanism via which the movement of citizens is monitored and controlled and in particular the movements of indigenous peoples, thereby violating their right to freedom of movement.

31. In the state of Chihuahua a virtual state of exception exists as the army is the maximum authority, that is, all other government or civil authorities have to adapt to the guidelines concerning security established by the Mexican army present in the state. Army actions have resulted in few drug seizures and the capture of few drug traffickers when compared to the large number of dead.

32. The Chihuahua State Human Rights Commission (CEDH - acronym in Spanish) has confirmed that the Mexican Army has committed outrages against the civilian population, not only in rural areas where it is more difficult to lodge complaints and make these abuses public, but also in the major cities. To June 2008, the CEDH had registered 13 complaints for human rights violations classified as torture. Since the introduction of the Joint Chihuahua Operation, which involves the participation of three levels of government but is coordinated by the Mexican Army, there have been at least 23 cases of military abuse registered as complaints with the State Human Rights Commission.

33. Up to August 15 of this year, 1,026 homicides had been registered in Chihuahua, a number representing 38.3 % of the total number of homicides committed in the country which is 2,673 so far this year. The Secretary of the Interior, Juan Camilo Mouriño, has even declared that Chihuahua represents an exceptional case of violence and according to the state governor, José Reyes Baeza; the bloodiest month in the history of Chihuahua was August 2008 with 130 executions.

34. The Mexican Army has also been assigned the task of providing relief for natural disasters, such as the case of the state of Tabasco, where under this pretext more soldiers have been introduced to the area.

35. The Armed Forces occupation of Chiapas continues to serve as an important factor in the ongoing low intensity war, or war of attrition, in the state and the Mexican Army and the National Navy collaborate with local government institutions in the surveillance of strategic sites that favor political interests. The deployment of military camps; the setting up of mobile control points that harass the civilian population; the reactivation of

paramilitary groups linked to the Organization for the Defense of Indigenous and Campesino Rights (OPDDIC – acronym in Spanish), which are trained by the Mexican Army; the infiltration of informers in indigenous communities; the harassment of communities under the pretext of investigating the presence of armed groups; as well as the staging of military and police operations in the fight against drug trafficking continue apace as do violations of the rights of the civilian population as the result of illegal searches, the abuse of authority, arbitrary imprisonment and torture⁸.

36. In the state of Guerrero, during the period between June 2007 and May 2008, 12 cases of human rights violations by the Mexican Army were registered and these continue to be characterized by a series of abuses and outrages committed above all at roadblocks, during house searches and the setting up of camps⁹. In the year to date, there have been a further 8 cases due to the fact that during this period a Mixed Operations Base (BOM – acronym in Spanish¹⁰) was installed in Ayutla which is used by the Army, agents of the Federal Investigation Agency (AFI – acronym in Spanish), agents of the Federal Preventative Police (PFP – acronym in Spanish), the Ministerial Investigative Police (PIM – acronym in Spanish) and State Police.

37. Women have also been a target for military abuse. It must be highlighted that in recent events where troops performed the role of police –in San Salvador Atenco, State of Mexico; Soledad Atozompa, Veracruz; Nocupétaro, Carácuaro and Huetamo, Michoacán, and in Oaxaca – women have been taken as war booty and have been raped as a form of torture by active members of the Mexican Army, the majority of whom have not been punished.

38. Finally, the crimes and human rights violations committed by the military at present always fall within the jurisdiction of the organs of military justice. These authorities judge military personnel for violations of the military code and for minor offenses committed during their time of service, even when these acts represent violations of the human rights of civilians¹¹.”

39. During the last visit of Louis Arbour, then UN High Commissioner for Human Rights, President Felipe Calderón Hinojosa committed himself to the progressive withdrawal of the army from public security tasks¹². This commitment has not been honored; in fact the Army has increased its presence in public security tasks.

40. Public Security and Human Rights

In recent months, levels of violence in Mexico have begun to rise again, led in particular by an increase in the number of homicides committed in the context of drug trafficking and kidnapping, without forgetting other crimes that remain a cause for concern. In the face of demands from society, the federal government has taken immediate measures that do not represent an integrated policy on the matter and above all lack a vision of the problematic from a human rights perspective.

41. On August 21 the National Public Security Council met and signed the National Agreement for Public Security, Justice and Legality, which includes a series of actions that again fail to attack the underlying problems denounced repeatedly by human rights organizations and the victims of crime and which in addition completely exclude human

rights obligations. Impunity and corruption continue to be the principal concerns of citizens and the Mexican government responds with nothing more than cosmetic changes – increasing sentences, changing the name of police bodies and bigger budgets. These changes not only fail to reduce crime rates but, two years into the government of Felipe Calderón Hinojosa, we have actually seen an increase in crime rates. The greatest risk, however, is that the dominant idea of security is used as an instrument to limit rights.¹³

42. Reform of the Penal Justice System¹⁴.

Among the most disturbing aspects of penal reform is the constitutionalizing of house arrest¹⁵ and the creation of a system of procedures for people suspected of activities related to organized crime, concerns expressed not only by civil organizations but also at one point by the office of the UN High Commissioner in Mexico.¹⁶

43. The incorporation of house arrest into the constitution means that people can be detained for investigation for a period of 80 days with no opportunity to defend themselves. Prior to approval of the reform, the Supreme Court (SCJN – acronym in Spanish) declared that house arrest violates guarantees of individual liberty enshrined in the Mexican Constitution. In addition, various United Nations mechanisms classify house arrest as a form of arbitrary detention¹⁷ and recommend its removal from national legislation.

44. The establishment of a state of exception with restrictions on basic guarantees of due process for people accused of participation in **organized crime** is contrary to the guarantees of due process protected by the Mexican Constitution. Furthermore, the definition of organized crime¹⁸ used is different to that included in the UN Convention Against Transnational Organized Crime (the Palermo Convention)¹⁹ and authorizes that people be denied the protection offered by the guarantees of due process. This point, serious in itself, is even more worrying when documented cases in Mexico show that innocent people and members of social movements have been falsely accused, for political rather than legal reasons, of “belonging” to organized crime groups.

45. The reform establishes a period of 8 years for its full introduction. At present the necessary secondary legislation and institutional design need to be discussed and approved. This entire process is clearly associated with the risk of further human rights violations.

46. Women’s Access to Justice

The question of **women’s access to justice** is of particular concern since the legal system is characterized by discrimination, the inefficiency of authorities in investigations and impunity. There is also a lack of harmonization between international instruments ratified by Mexico and local level legislation. Despite the existence of a General Law on Women’s Access to a Life Free of Violence, this has only been implemented in 23 states, of which only three have the respective regulations²⁰. Similarly, it is worrying that use of basic concepts proposed by the law, such as sexual harassment, have not been approved at the national level.²¹

47. A number of mechanisms used by the UN and the Inter-American Commission on Human Rights have issued recommendations concerning access to justice for victims and their families. Included among these is the question of harmonizing national legislation and state laws in accordance with international human rights norms²².

48. The General Law on Women's Access to a Life Free of Violence offers two ways to protect the fundamental rights of women: the Declaration on Gender Violence²³ and Protection Orders. These actions have been characterized by their complexity and excessive requirements which affect the very nature of the law itself as they impede its application.

49. Finally, institutions guaranteeing the rights of women lack the necessary mechanisms that would allow them to evaluate the impact and introduction of measures designed to guarantee women's access to justice and the prevention, protection from, and the eradication of, violence against women.

50. Femicide²⁴

Despite the existence of recommendations made specifically for Mexico by the Committee on the Elimination of Discrimination against Women to accelerate the adoption of reforms to the Penal Code in order to define the specific crime of femicide, this has not been classified as a federal crime. For its part, the UN Office on Drugs and Crime considered it necessary for the powers of the Special Prosecutor for Women's Homicides to be extended in order to incorporate other gender crimes committed in the country. However, these powers do not include cases of femicide since this crime has yet to be classified as a federal crime.

51. The Mexican State has failed to take the necessary steps to eradicate women's homicides, as can be seen in statistics presented by the National Citizen Observatory on Femicide which reported a total of 1,088 murders of women in 15 Mexican states from June 2006 to June 2007²⁵.

52. Despite a recommendation from the Committee on the Elimination of Discrimination against Women²⁶ to prepare a national register of women who have been murdered and disappeared, this system has not been designed and there continue to exist discrepancies between the registers maintained by civil organizations and the numbers registered by authorities.

53. Sexual Violence and the Legal Interruption of Pregnancies Resulting From Rape

With regard to legislation concerning the crime of rape, it is considered a serious crime and is officially prosecuted, however in certain states the type of prosecution changes when the crime is committed within marriage as in these circumstances it is classified as a criminal complaint. When the female victims of sexual aggression dare to file charges they face a double victimization. This can be seen in the lack of necessary facilities to ensure the privacy and safety of complainants and the fact they must give their testimony or make their statement to a number of different public officials.

54. Despite the fact that abortion resulting from rape is legal in Mexico, the victims of rape and incest have limited access to legal abortion, receive no information related to abortion either before or after filing their charges and when they do visit legal authorities to demand their right to an abortion they find that neither health nor legal procedures for performing the abortion exist or officials of the Public Prosecutor's office refuse to issue this authorization.

55. Human Trafficking

Despite the fact this is a problem identified as serious by civil organizations and that it has warranted a broad recommendation from the Committee on the Elimination of Discrimination Against Women and the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families²⁷, there is currently no integrated policy of actions designed to deal with this problem. There are no official registers of the number of victims, the types of treatment, the routes used by traffickers, the concrete cases presented before authorities and the follow-up of these cases. The women and children falling victim to this form of trafficking are usually Mexican or Central American and are forced to work on farms, in homes, brothels, factories, maquiladoras and restaurants. This problem has been associated with organized crime, although these women and children are often sold by their own families. For this reason the problem has been dealt with by local authorities as a matter restricted to the private sphere rather than a violation of the human rights of women. For this reason, the Special Prosecutor on Crimes Related to Violence against Women and Human Trafficking (FEVIMTRA – acronym in Spanish)²⁸ has to work together with the Office of the Deputy Attorney General for Special Investigation into Organized Crime (SIEDO – acronym in Spanish) in order to identify the crime of human trafficking, and for this reason human trafficking not associated with organized crime cannot fall within the remit of the FEVIMTRA.

56. In 2007 the Law on the Prevention and Punishment of Human Trafficking was approved, but human trafficking has only been classified as a crime in the penal codes Chihuahua, Guerrero, Tlaxcala and the Federal District has legislated reletly in this matter.

¹ The National Network of Human Rights Civil Organizations “Todos los Derechos para Todas y Todos”, “Campana contra la criminalización de la protesta social. Sistematización de casos de criminalización de la protesta social en México”, February 2008, www.redtdt.org.mx

² Centro de Estudios Fronterizos y Promoción de Derechos Humanos, A. C., Monitoring of the performance of the Army along the northern border of Tamaulipas during 2007.

³ Rodríguez, Esteban. “El derecho a la protesta, la criminalización y la violencia institucional”. Essay. June 10, 2007. <http://www.territorioidigital.com/nota.aspx?c=4236725030446172>

⁴ Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C., “Guerrero: donde se castiga la pobreza y se reprime la protesta. XIV Informe Anual”, 2008, www.tlachinollan.org

⁵ Jesús Aranda, Claudia Herrera, Misael Habana, “No toleraremos desafíos al Estado, advierte Calderón”, La Jornada, January 20, 2007.

⁶ Report by the Rapporteur Asma Jahangir concerning extrajudicial, summary or arbitrary executions, E/CN.4/2000/3/Add.3, November 25, 1999, Report by the Working Group on Arbitrary Detention concerning their Mission to Mexico, E/CN.4/2003/8/Add.3, December 17, 2002.

⁷ Frente Cívico Sinaloense, “Se abarata la vida en Sinaloa”, Press Release, July 25, 2008, at: <http://www.redtdt.org.mx>

⁸ Centro de Derechos Humanos “Fray Bartolomé de las Casas”, “Balance Anual 2007 sobre la situación de los Derechos Humanos en Chiapas”, www.frayba.org.mx

⁹ Centro de Derechos Humanos de la Montaña Tlachinollan A.C., “Guerrero: donde se castiga la pobreza y se reprime la protesta. XIV Informe Anual”, 2008, www.tlachinollan.org

¹⁰ Mixed Operation Bases are inter-institutional forces with operatives from federal offices and state governments.

¹¹ This concern was expressed by the Special Rapporteur concerning the Independence of Magistrates and Lawyers in their report on the mission to Mexico, which recommended that the Mexican State “Investigate on behalf of civil authorities the crimes allegedly committed by military personnel against civilians with the object of removing the suspicion of partiality. In addition it should modify existing legislation in order to allow the judiciary to prepare procedures related to specific serious crimes, such as torture and murders allegedly committed by military personnel outside their normal functions”. Report of the Special Rapporteur on the independence of magistrates and lawyers in their mission to Mexico, E/CN.4/2002/72/add.1

¹² Herrera Beltrán, Claudia, “Ofrece Calderón hacer esporádica la lucha del Ejército contra el crimen”, La Jornada, Política, February 7, 2008

¹³ The National Network of Human Rights Civil Organizations. “Todos los Derechos para Todas y Todos”, “La seguridad que queremos”, Press Release, August 28, 2008, www.redtdt.org.mx

¹⁴ This reform was published in the Official Government Gazette on June 18, 2008.

¹⁵ House arrest is a measure whereby a person's liberty is restricted if they are suspected of having committed a crime. Article 16 of the Constitution states that: "Judicial authorities, at the request of the public prosecutor and in the case of offenses committed in relation to organized crime, can order a person's house arrest, using the type of place and time indicated in the law, without exceeding a period of 40 days, whenever this is necessary for the success of an investigation, the protection of people or legal interests, or when there exists a well-founded risk that the suspect will attempt to escape the law. This period may be extended whenever the public prosecutor determines that there is just cause. In any event, the total period of house arrest cannot exceed eighty days".

¹⁶ "Carta de Américo Incalcaterra dirigida a coordinadores de los partidos de la Cámara de Diputados de República", OACNUDH/REP028/2008 of February 12, 2008.

¹⁷ Report by the Working Group on Arbitrary Detentions concerning their visit to Mexico, E/CN.4/2003/8/add.3, December 17, 2002, Report of the UN Special Rapporteur on the Independence of Magistrates and Lawyers concerning their visit to Mexico in 2001, Observation number 32 of the Human Rights Committee concerning "The right to a fair trial and equality before tribunals and courts of law", July 2007.

¹⁸ Article 16 of the Constitution: "Organized Crime is understood as the forming of an organization of three or more people for the purposes of committing crimes constantly or repeatedly in terms of the law guiding the subject".

¹⁹ This Convention was ratified by Mexico on March 4, 2003.

²⁰ Regulations are the means by which budgets are defined and responsibilities and penalties assigned.

²¹ In the states of Campeche and Puebla the concepts were used without distinction; in the case of the Federal District, San Luis Potosí and Tamaulipas they were included but not defined, Veracruz included harassment and sexual harassment, but these are not harmonized with the General Law, Yucatán only included the concept of sexual harassment and Chiapas, Durango and Sonora did not even consider this concept.

²² Final observations of the Committee on the Elimination of Discrimination against Women: Mexico. August 25, 2006. CEDAW/C/MEX/CO/6, Report of the UN Commission of Experts, UN Office on Drugs and Crime, concerning the mission to Ciudad Juárez, Chihuahua, Mexico; NOVEMBER 2003, Final Observations of the Economic, Social and Cultural Rights Committee: Mexico. June 9, 2006. E/C.12/MEX/CO/4, Inter-American Commission on Human Rights; OEA/Ser.L/V/II Doc. 68; January 20, 2007 "Access to Justice for Women Victims of Violence in the Americas".

²³ Gender Violence Alert: Is the series of emergency government actions taken to confront and eradicate sexual violence against women in a specific area, whether this be committed by individuals or the community itself, and which has the basic objective of guaranteeing the safety of these women, an end to the violence against them and the elimination of inequalities resulting from legislation that violates their human rights; Art. 22 and 23 of the General Law on Women's Access to a Life Free of Violence.

²⁴ Systematic sexual femicide is the murder of girls and/or women by men where all the elements of inequality between genders are present: the superiority of the male gender in comparison with the female gender, misogyny, control and sexism. Not only is the physical body of the woman murdered, the meaning of the cultural construction of the female body is also murdered as a result of the passivity and tolerance of a masculinized state. Systemic sexual femicide obeys the irrefutable logic of the bodies of girls and women who have been kidnapped, tortured, raped, murdered and dumped in sexually transgressive sites. By means of these cruel acts the murderers reinforce the inequality of gender relations distinguishing the sexes: otherness, difference and inequality. At the same time the State, supported by hegemonic groups, reinforces patriarchal control and subjects the families of victims and all women to permanent and intense insecurity during a continuous and unlimited period of impunity and complicity by failing to punish the guilty and provide victims with justice. Julia Monárrez, following the ideas of Diana E.H. Russell and Jill Radford in their book on the subject, *Femicide: The Politics of Woman Killing* (1992) and Diana E.H. Russell and Roberta Harmes in *Femicide in Global Perspective*, (2001), and of course Deborah Cameron and Liz Frazer in *The Lust to Kill* (1987) and Jane Caputi in her book *The Age of Sex Crime* (1987).

²⁵ National Citizen Observatory on Femicide, "El feminicidio mas allá de Ciudad Juárez", Mexico 2007, Anex 5

²⁶ Final observations of the Committee on the Elimination of Discrimination against Women: Mexico. August 25, 2006. CEDAW/C/MEX/CO/6

²⁷ Final observations of the Committee on the Elimination of Discrimination against Women: Mexico. August 25, 2006. CEDAW/C/MEX/CO/6 and Final observations of the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, examination of the initial Mexico report, December 8, 2006, CMW/C/MEX/CO/1.

²⁸ In order to give them the power to deal with cases of human trafficking, the Special Prosecutor for Crimes of Violence against Women was renamed the Special Prosecutor for Crimes of Violence against Women and Human Trafficking (FEVIMTRA – acronym in Spanish)