

A Panorama of the Defense of Human Rights in Mexico

Initiatives and Risks of Mexican Civil Society

Peace Brigades International | Mexico Project



Acknowledgments

Title: A Panorama of the Defense of Human Rights in Mexico: Initiatives and Risks of Mexican Civil Society

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Printing: Taller de Sueños – Gabriela Monticelli

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This publication is the result of the commitment and dedication of many people who have participated in PBI's work from the beginning and who have made this work possible. We especially want to thank and recognize the human rights defenders who have shared their time and their testimonies with us. It is also important to recognize the work of the volunteers who collaborated on the interviews, the transcriptions and the revision and editing of this work, giving their time, patience and constructive criticism; we especially want to thank the team that carried out the exploratory mission: Clara Arroyave, Ivi Oliveira, Lisa Pattison and Rubens Carvalho.

Table of Contents

4	Introduction	62	Chapter 5: Economic, Social and Cultural Rights: Defenders of the right to live and work with dignity
6	Methodology		Workers' rights and trade union independence
7	Map: Places visited by PBI In 2012		Cases
8	The duty to defend, the duty to protect	76	Chapter 6: Natural resources and megaprojects: Business, collective rights and water
	Who is a human rights defender?		Business and human rights
	Human rights defenders at risk		Water: Basic conditions for life
	International and regional protection mechanisms		Cases
	Protection mechanisms in Mexico	88	Conclusion and Recommendations
13	Chapter 1: Excessive use of force and the abuse of power: Security, justice and human rights	92	Appendix
	Militarization in Mexico		
	Structural problems in the security forces and in the administration of justice		
	Human rights violations in detention centers		
	Cases		
25	Chapter 2: Migrants in transit through Mexico: Human rights inside the borders		
	"The Beast"		
	Legal framework		
	The work of shelters along migratory routes		
	Risks and challenges of protecting migrants		
	Access to justice and to authorities		
	Cases		
35	Chapter 3: Forced disappearance: From Tita to Delia, a never-ending pattern of impunity		
	Disappearances in the current violent context		
	The disappearance of women in Chihuahua		
	"They were taken alive, we want them alive"		
	Cases		
49	Chapter 4: The right to equality and nondiscrimination: Violence against women and the LGBTI community		
	A life free of violence		
	Trafficking of women		
	Discrimination and hate crimes against the LGBTI community		
	Reforms, raising awareness, and sexual and reproductive rights		
	Cases		

Introduction

Peace Brigades International (PBI) is an international non-governmental organization with more than 30 years of experience opening spaces for peace and protecting human rights in conflict and post-conflict situations. PBI has supported individuals, communities and organizations in 11 countries since 1981 in their non-violent work to promote fundamental rights and social change.

Recognized by the United Nations Organization (UN), PBI uses international accompaniment in order to protect the spaces for individuals and local organizations that are the object of threats or aggressions related to their work. The presence of international observers alongside human rights defenders, combined with advocacy at the local, national and international level, aims to dissuade possible attacks against accompanied activists.

PBI currently has teams in Colombia, Guatemala, Mexico, Kenya and Nepal, as well as exploratory missions in Honduras and Indonesia. In addition, PBI has 16 country groups in Australia, Europe and North America that raise awareness about the situation of at-risk human rights defenders and form support networks that react in emergency situations. The international structure includes an International Secretariat and an International Office in London.

PBI's activities in Mexico began in 1994, shortly after the Zapatista uprising, when PBI received petitions to establish an international civil presence in Chiapas. In 1998, after several exploratory missions, PBI began to work in the country and decided that the best way to have an impact on the situation in Chiapas was by participating in International Service for Peace (SIPAZ), a coalition of international organizations.

The Project first opened an office in Mexico City and identified Guerrero as a priority state, based on the needs expressed by NGOs, the lack of international presence in the state, the weak social fabric, and harsh repression against human rights organizations. PBI accepted a petition for accompaniment from the "Voice for those without a Voice" Human Rights Commission, and soon began to provide accompaniment in the state. In 2001, PBI installed a permanent team in the state's capital, Chilpancingo.

In the aftermath of the assassination of human rights defender Digna Ochoa in 2001, PBI increased its activities in Mexico City. In 2002, PBI began to accompany the Cerezo Committee. At the same time, PBI strengthened its work in Guerrero by increasing the number of accom-

paniments and by expanding the geographic scope to include other regions of the state. Through this work, the Project provided protection tools for four paradigmatic cases that would eventually be the subjects of judgments of the Inter-American Court of Human Rights (I/A Court H.R.).¹

During PBI's more than 10 years of permanent presence in Guerrero, PBI has provided accompaniment to many organizations and human rights defenders, including the Association of Relatives of the Detained, Disappeared and Victims of Human Rights Violations in Mexico (AFA-DEM), the "Tlachinollan" Human Rights Center, the Civil Monitor of the Police and Security Forces of the Montaña in Guerrero (Mocipol), the Organization of Women Ecologists of the Sierra de Petatlan (OMESP), and the Organization of Indigenous Me'phaa People (OPIM). PBI has also worked closely with other organizations in the state such as Radio Nomndaa.²

During the social conflict in Oaxaca in 2006, a visible expression of the rupture between the government and Oaxacan civil society, social and human rights organizations had to address the numerous human rights violations in the state. PBI carried out periodic visits to the state and occasional accompaniments of human rights organizations. In response to the petitions received since then, PBI opened a new permanent team in Oaxaca City in 2008. The following year, the Mexico Project began to accompany the Center for Human Rights and Legal Advice for Indigenous Peoples (CEDHAPI) and the November 25th Liberation Committee. Currently the PBI team in Oaxaca accompanies the "Gobixha" Committee for the Comprehensive Defense of Human Rights (Codigo DH), the "Bartolomé Carrasco Briseño" Human Rights Center (Barca DH) and staff from the "Hermanos en el Camino" migrant shelter.

Mexico has profound social and regional inequalities and longstanding discriminatory practices that have led to constant human rights abuses and unresolved conflicts. Many of these conflicts have to do with disputes for land and natural resources in contexts where multinational and state-run companies also have interests. Human rights violations occur in contexts in which the State has failed to ensure that internationally recognized collective rights are respected, has not guaranteed access to basic resources, and has not protected the right to a clean environment.

¹ Cases: "Radilla Pacheco", "Fernández Ortega et. al", "Rosendo Cantú et. al" and "Cabrera García and Montiel" v. Mexico

² For more information about the work of human rights defenders in Guerrero and PBI's work in the state, please see: Human rights defenders in the state of Guerrero: Cases of resistance and initiatives from civil society regarding the defense and promotion of fundamental rights in Mexico, PBI Mexico, Mexico, December 2007.

In addition, the context of violence in Mexico, a result of the military strategy against drug trafficking and organized crime, has increased the vulnerability of the Mexican people. The governmental security policies have not been able to guarantee adequate protection of civil and political rights for all people. According to national and international reports, in the last presidential term, human rights violations like torture, extrajudicial executions, forced disappearance and femicide have increased. Human rights defenders have repeatedly criticized the fact that the large majority of these violations remain in impunity and that the government's military focus has allowed abuses by security forces to increase. The State's inability to guarantee the protection and integrity of human rights defenders has led to the creation of a Protection Mechanism for Human Rights Defenders and Journalists in Mexico.

In order to respond to this new context and to several petitions for accompaniment, in 2012 PBI began an exploratory mission in six states of the Mexican Republic: Baja California, Chihuahua, Coahuila, State of Mexico, Puebla and Tlaxcala. The main goal of the mission was to compile information regarding the situation of human rights defenders and to investigate the possibility of working in different regions in the country. These states were selected after a careful analysis that included consideration of PBI's more than 10 years of experience in Mexico, the petitions for accompaniment that were recently received, and the principles and mandates of the organizations.

This document, "A Panorama of the Defense of Human Rights in Mexico" is a collection of the voices of the organizations that PBI met with during the exploratory mission and the testimonies of human rights defenders that work in these states. The goal of the report is to recognize and provide visibility to those initiatives that work to promote a respect for human rights in Mexican civil society. By distributing this report, we hope to have an impact on the violence and human rights violations faced by social movements in Mexico and the causes that they defend. The cases and the problems that are portrayed in this publication span many issues, from the defense of civil and political rights, to economic, social, cultural and environmental rights. The circumstances that human rights defenders in these regions face because of the work that they do makes them potential candidates for PBI accompaniment.



PBI accompaniment in Guerrero © PBI Mexico

Methodology

This publication is a result of the exploratory mission in Mexico in 2012 and PBI's many years of experience working in Guerrero, Oaxaca and Mexico City. This document is based on the statements made by people interviewed between February and August 2012 (see appendix) along with information collected from public sources including the media, press statements, urgent actions (UA) and national and international reports on the situation of human rights defenders in Mexico.

During the exploratory mission, PBI carried out a total of 76 interviews with 77 organizations and 7 independent human rights defenders. PBI also carried out 31 interviews with 29 governmental agencies at the federal and state level (including Human Rights Ombudspersons). These numbers do not include regular, ongoing meetings with accompanied and unaccompanied organizations from Oaxaca and Guerrero, with the Guerrero and Oaxaca state government, and with the federal government. In these states, several interviews were conducted specifically as part of the research for this publication (4 in Guerrero and 3 in Oaxaca).

This material was put together in such a way to ensure that it includes topics and human rights cases that are representative of the work of human rights defenders in Mexico. The main goal was to expand the geographic scope of PBI's work in Mexico. The final document is a partial representation of the total contributions, and the editing and English translation aim to respect the original testimonies of the human rights defenders.

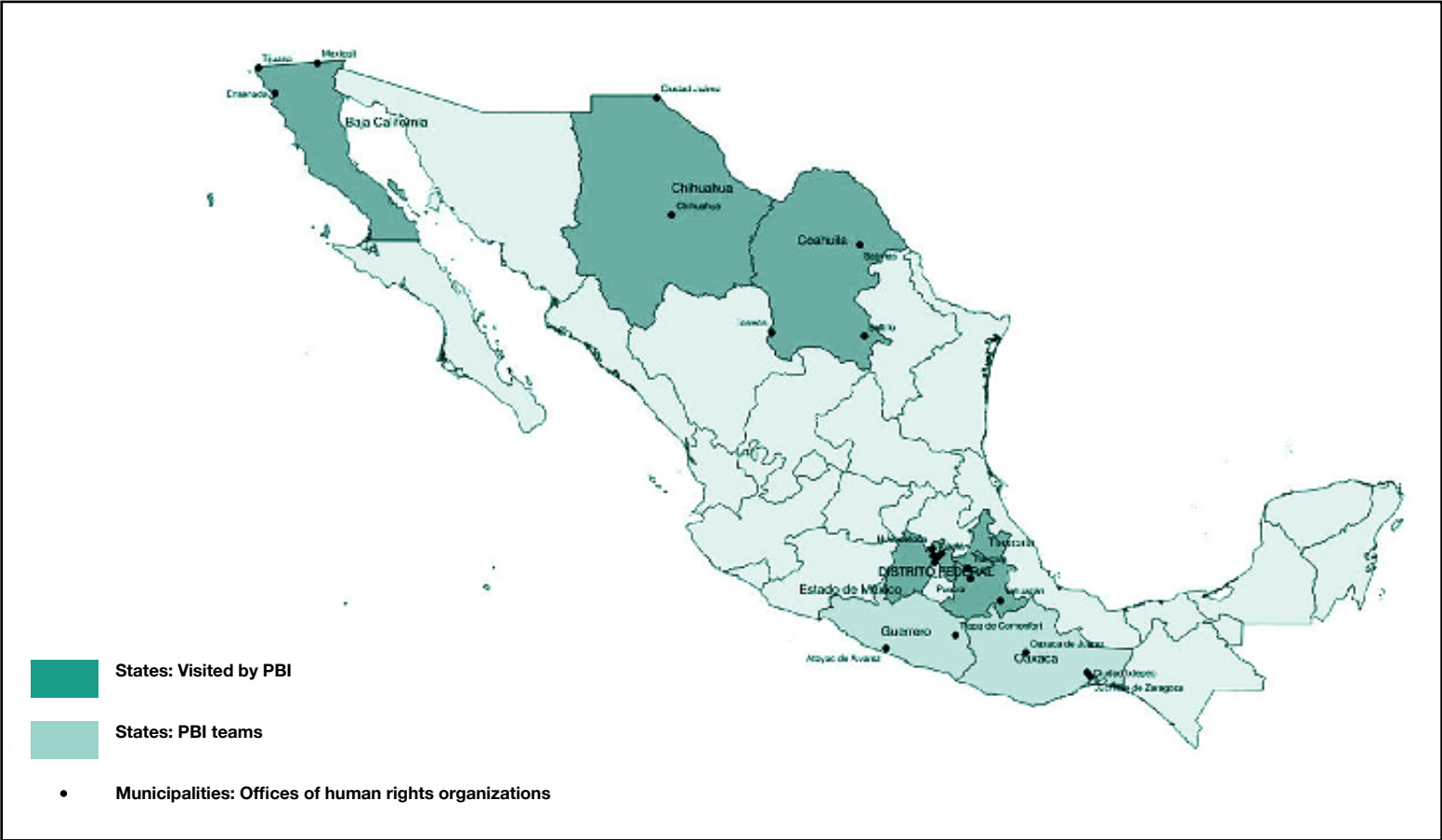
The first part of the text presents the situation of human rights defenders: who they are, what rights they have, and the national and international agencies and instruments created to protect them. In this first section there is an emphasis on how this applies to the Mexican context and on the recently created Protection Mechanism for Human Rights Defenders and Journalists in Mexico.

The second part portrays the actions and initiatives of social and human rights organizations from eight states in the south, center and north of the country through 25 case studies. The main topics these organizations work on include: security, militarization, and the excessive use of force; forced disappearances; migration; gender equality, violence against women and the rights of the LGTBI community; defense of the land and territory, natural resources and collective rights; and rights related to work, health, housing and education. These topics reflect the work of human rights defenders and the difficulties and risks that they face, as well as the accomplishments and best practices of Mexican

authorities and international human rights agencies. It is also important to mention that the governmental initiatives presented here have in many cases been created in reaction to the demands of social actors.

In the conclusion, PBI presents its vision and analysis of the risks faced by human rights defenders in Mexico and proposes a series of recommendation as well as to the international community. The goal is to contribute to providing an adequate response to defenders' needs for protection and participation.

Map: Places visited by PBI in 2012



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The duty to defend, the duty to protect

Who is a human rights defender?

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on human rights defenders), approved by the UN General Assembly in 1998, is the main international instrument that recognizes and protects the important work of human rights defenders. Although it is not a legally binding instrument, it includes rights that are recognized in other international agreements, such as the International Covenant on Civil and Political Rights (ICCPR).

In the first Article, the Declaration states that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.” The definition of human rights defender is broad and all-inclusive. Human rights defenders can carry out their work individually, in a group, in an organization or in an institution, and their activities contribute to the elimination of human rights violations and to the promotion and protection of fundamental freedoms.³

Human rights defenders are mainly characterized by the type of activities that they carry out,⁴ such as disseminating information to protect the environment, searching for the truth about victims of forced disappearance, and even supporting victims of sexual abuse. Defenders can include lawyers who provide legal council or indigenous communities that struggle for their autonomy. They can be addressing any human right, including political, civil, economic, social or cultural rights, in any part of the world, without exception. It is important to point out that according to the Declaration exercising the right to defend human rights should be peaceful .

As a result of this Declaration, regional institutions now use this definition to recognize the role of human rights defenders in the promotion and protection of human rights. The Organization of American States (OAS) does this through the Inter-American System, including the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, while the European Union (EU) used this concept to create its Guidelines on Human Rights Defenders.⁵

3 OHCHR: Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact sheet No 29, Geneva, 2004.

4 Ibid.

5 EU: European Union Guidelines on Human Rights Defenders (16332/2/08 REV 2), Brussels, June 10, 2009.

Human Rights defenders at risk

The recognition of the right to defend human rights was created out of the need to provide protection to this group due to the dangers that they face in relation to their work. The UN General Assembly, the UN Human Rights Council,⁶ and the OAS⁷ have expressed their concern for the obstacles and the aggressions that many human rights defenders face.

Human rights defenders can be key agents for resistance and social change and their work has the potential to support the development of a democratic and peaceful society. This often puts them at risk. The UN Special Rapporteur on the situation of human rights defenders, whose charge is to promote the complete and effective implementation of the Declaration, pointed out that 11 years after the Declaration was approved, human rights defenders continue to be in danger.⁸

During more than 10 years of permanent presence in Mexico, PBI has witnessed this same situation in that country. Despite the efforts of Mexican civil society organizations and international agencies to raise awareness of this reality, human rights defenders continue to report threats, harassment, arbitrary use of the legal system, assassinations and disappearances. This takes place in a violent context in which there is a widespread lack of recognition for the work of human rights defenders.

Between 2006 and 2010, the UN High Commissioner for Human Rights in Mexico (OHCHR) documented a considerable number of death threats, attacks, homicides, and legal cases against human rights defenders, and impunity reigns in more than 90% of these cases.⁹ According to the IACHR, during this period in Mexico, at least 61 human rights defenders were assassinated and four were disappeared.¹⁰ In the last 10 years, at least 66 journalists have been killed and 12 have been disappeared.¹¹

6 UN General Assembly: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/62/152), 62nd period of sessions, March 6, 2008; UN Human Rights Council: Protection of human rights defenders (A/HRC/RES/13/13), 13th period of sessions, April 15, 2010.

7 General Assembly of the OAS: Human rights defenders: Support for individuals, groups and organizations of civil society working to promote and protect human rights in the Americas (AG/RES. 2517 (XXXIX-O/09)), June 4, 2009.

8 UN Human Rights Council: Report by Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), paragraph. 3, December 30, 2012.

9 OHCHR: Defending human rights: between a commitment and a risk. Report on the situation for human rights defenders in Mexico, 2009 and update in 2010.

10 IACHR: Second report on the situation of human rights defenders in the Americas (OEA/Ser.LV/II.), par 36, Doc. 66, December 31, 2011.

11 UN Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Addition, Mission to Mexico (A/HRC/17/27/ Add.3), Summary, May 10, 2011.

In recent annual reports, the UN Special Rapporteur has placed greater attention on those human rights defenders who are at even greater risk, including journalists. These groups include women human rights defenders and activists who promote women's rights or gender, and human rights defenders that promote economic, social and cultural rights, especially rights related to the environment and the land.¹² The IACHR has received information from Mexico about attacks against women human rights defenders, environmental human rights defenders, lesbian, gay, trans, bisexual, and inter-sex (LGTBI) people, migrants, and indigenous leaders, all of whom are at especially high risk according to a report published in 2011.¹³ The political context and the state or non-state actors that harm human rights defenders may all differ depending on the type of work and the region in which it is carried out.

Women human rights defenders carry out similar work and face the same risks as their male counterparts. However, there are specific obstacles related to gender. When women exercise their right to defend human rights, they are also questioning the role that has been traditionally attributed to them as women. The specific aggressions towards women human rights defenders can include insults and isolation for reasons related to gender, and even sexual abuse and rape.¹⁴

Women human rights defenders in Mexico continue to be at high risk. In 2011, Urgent Action for Human Rights Defenders (ACUDDEH) documented at least 209 human rights violations towards women human rights defenders¹⁵. Some of these women had previously experienced documented threats and attacks and are beneficiaries of protection measures granted by the National Human Rights Commission (CNDH) and the IACHR –yet they continue to be victims of new attacks.

International and regional protection mechanisms

The recognition of the right to defend human rights is the first step in the protection of human rights defenders. Regional and international agencies have developed mechanisms and procedures to assure that defenders can exercise this right, and to encourage States to take responsibility to protect this right.

¹² UN Human Rights Council: Reports by Sra. Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders (A/HRC/16/44 and A/HRC/19/55), December 20, 2010 and December 21, 2011.

¹³ IACHR: Second report on the situation of human rights defenders in the Americas (OEA/Ser.L/V/II.), Doc. 66, December 31, 2011.

¹⁴ UN Human Rights Council: Report by Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders (A/HRC/16/44), Par 24, December 20, 2010.

¹⁵ Urgent Action for Human Rights Defenders (ACUDDEH), Report on human rights violations committed against human rights defenders during 2011-first trimester of 2012, Mexico, 2012.

In the United Nations system, the Human Rights Council is the main inter-governmental entity in charge of human rights. The UN has several procedures that aim to improve the application of these norms by making observations and recommendations to member states. One of these mechanisms is the Universal Periodic Review (UPR), a special procedure that all countries equally submit to; States can present the actions they have taken to guarantee fundamental rights. During its evaluation in 2009, Mexico received several observations and recommendations regarding the respect for human rights in the country. In regards to human rights defenders, Mexico received recommendations about greater recognition for their work, the investigation and sanction of human rights violations against them, and an improvement in the implementation of protection measures¹⁶.

The Special Rapporteurs are part of the Council's "special procedures" and are in charge of examining and providing information about human rights violations in a given country or about a specific topic. The Rapporteurs' duties include carrying out in-country visits, publishing annual reports and receiving complaints. These procedures receive support from the United Nations High Commissioner for Human Rights. In addition to the Special Rapporteur on human rights defenders, the United Nations has a Special Rapporteur on the Independence of Judges and Lawyers and a Special Rapporteur on Freedom of Opinion and Expression.

In the Americas, the Inter-American system of the OAS, which includes the Inter-American Commission (IACHR) and the Inter-American Court, is in charge of the protection and promotion of human rights. The Inter-American Court has filed 6 judgments against the Mexican state for human rights violations and has granted 13 provisional measures in relation to different cases in the country. The Inter-American Commission has two Rapporteurs, one for human rights defenders and another for journalists, with similar functions to the UN Rapporteurs. The IACHR also grants precautionary measures in order to ask States to create the necessary security conditions for individuals and groups who are in emergency situations. In 2011 and 2012, the Commission granted these protection measures on 14 occasions.¹⁷

¹⁶ Recommendations 23, 52, 58, 59 y 6, UPR Working Group Report – Mexico (A/HRC/11/27), 5 October 2009.

¹⁷ For more information please see <http://www.oas.org/en/iachr/decisions/precautionary.asp>



Presentation of the Bill for the Protection of Human Rights Defenders and Journalists © Senate for the Republic

Protection mechanisms in Mexico

The Declaration says that the States must create the necessary conditions for the exercise of the right to defend human rights. It establishes a series of rights and responsibilities:

- To protect, promote and implement all human rights;
- to adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- to provide an effective remedy for persons who claim to have been victims of a human rights violation;

- to conduct prompt and impartial investigations of alleged violations of human rights;

- to ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudspersons or human rights commissions.

In order to achieve this goal, the States have created national and local commissions, as well as ombudspersons, to oversee a respect for human rights. In Mexico, an autonomous entity was created in 1990, the National Human Rights Commission. In 1995 the CNDH created a Program on Attacks Against Journalists and Civil Human Rights Defenders. There are also state human rights commissions throughout the country.

Some recent legislative changes in terms of human rights in Mexico

include the July 2011 reform that elevated international human rights treaties to the constitutional level. The first article of the Political Constitution of the United Mexican States establishes that “all people can enjoy the human rights recognized in this Constitution and in international treaties that the Mexican state is a part of.” In addition, it recognizes that “all authorities, in their scope of competency, have the obligation to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and progressivism.” Another legislative improvement took place in April 2012, with the unanimous approval by the Mexican Congress of the Law for the Protection of Human Rights Defenders and Journalists. This Law is currently being implemented in the country.

The Protection Mechanism for Human Rights Defenders and Journalists

As a result of the risk situation for human rights defenders in Mexico and the State’s inefficient response in implementing protection measures (as ordered by the CNDH, state commissions or the Inter-American System), Mexican civil society has been forced to search for alternatives for their security and protection. In 2010, human rights organizations and journalists formed the Civil Society Organizations Group (OSC Group) and developed a proposal for the creation of a Protection Mechanism.. Since then, this group has pushed the debate for the development of a Mechanism, and has insisted on the Mexican state’s duty to protect these two groups. From the beginning, PBI has accompanied and provided input to the OSC Group and has advocated on behalf of this proposal with the Mexican government and the international community.¹⁸

During the visit to Mexico by UN High Commissioner for Human Rights Navi Pillay in July 2011, former President Felipe Calderon signed a presidential decree authorizing the Ministry of the Interior (Segob) to develop and implement a Protection Mechanism. Concurrent to dialog with Segob, the OSC Group proposed a Bill in the Senate with the goal of creating a legal foundation for the Mechanism so that future federal administrations would have to implement it. This initiative responded to international recommendations made by the Special Rapporteur in 2009¹⁹ and was based on the experiences with protection mechanisms in other countries.

In a trailblazing process, representatives of the OSC Group designed and wrote the Law for the Protection of Human Rights Defenders and Journalists, together with technical advisors from the three principal parties in Congress. The organizations took advantage of their own experiences with risk and protection to propose solutions that the Mexican government could implement. The law was unanimously approved, both by the Senate of the Republic as well as by the Chamber of Deputies, and was published on June 22, 2012 by then President Felipe Calderon.

Civil society organizations have reported some challenges regarding the effective implementation of the Mechanism, including improved coordination between the different levels of government, an adequate provision of resources, and greater involvement of the beneficiaries to define the measures. Organizations also highlight the importance of having trained officials in government who understand the specificities and needs in each case. Finally, the mechanism needs to have adequate monitoring and constant strengthening, based on feedback from the beneficiaries and an impact evaluation.

¹⁸ For more information please consult “How many more? The need for a governmental protection mechanism for human rights defenders,” PBI Mexico, No.1, 2011.

¹⁹ UN Human Rights Council: Report by Margaret Sekkagya, Special Rapporteur on the situation for human rights defenders (A/HRC/13/22), December 30, 2009.



Entrance to the Center for Social Re-adaptation (the prison) in Ayutla de los Libres (Guerrero) © PBI Mexico

Excessive use of force and the abuse of power

Security, justice and human rights

On December 12, 2011, about 300 youth, most of whom were students from the “Raul Isidro Burgos” Rural Teacher Training School, blockaded the “Autopista del Sol”, a highway which runs from Mexico City to Acapulco as well as the federal highway that runs through Chilpancingo (Guerrero) to protest the repeated denial of a meeting with the state governor, Angel Aguirre Rivera. The federal police and the preventative police from the state Ministry of Public Security and Civil Protection arrived at the scene to disperse the protesters and fired shots at the crowd. According to the CNDH, two students and one gas station worker were killed in the clash, four people were injured by firearms, 14 people were subjected to cruel treatment, and one person was tortured and falsely accused of a crime. The CNDH concluded that “the investigations that have been carried out show that the group of people that were publicly protesting were not carrying a firearm, and therefore, the intervention by the Mexican security forces, who were armed and fired shots, used these firearms inappropriately, and used an excessive use of force against the group of protesters.”²⁰ These events are known as the “Ayotzinapa case.”²¹

“Human rights are considered an impediment to public security and the administration of justice.”

Ayotzinapa is not an isolated case. In May 2006, the State of Mexico carried out the Police Operative Atenco, a clash between the civil population and security forces. The disproportionate use of security forces led to the detention of more than 200 people and the sexual assault of 47 women, and to date no police or public officials have been punished for these acts. According to the Miguel Agustín Pro Juárez Human Rights Center (Prodh), “through the use of the police forces, the State sought to demobilize the people and generate fear through psychological, physical and sexual torture.”²² That same year, a social crisis erupted in Oaxaca that culminated in a large-scale state repression and serious human rights violations – a total of more than 20 people were killed and more than 150 people were detained.²³

²⁰ CNDH: Informe preliminar sobre la investigación por violaciones graves a los derechos humanos en relación a los hechos del 12 de diciembre de 2011 en la ciudad de Chilpancingo [Preliminary report on the investigation of serious human rights violations related to the events of December 12, 2011 in the city of Chilpancingo], Guerrero, pgs. 46-47, Mexico, 2011.

²¹ For more information on this case, please see the “Tlachinollan” Human Rights Center’s website (in Spanish): <http://www.tlachinollan.org/Ayotzi.html>

²² Centro Prodh: Atenco: 6 años de impunidad, 6 años de resistencia [6 years of impunity, 6 years of resistance], pg. 20, Mexico City, May 2012.

²³ Martínez Vásquez, Víctor Raúl: “Crisis Política y Represión En Oaxaca” [Political Crisis and Repression

Personal security is recognized both in the Universal Declaration of Human Rights as well as in the International Covenant on Civil and Political Rights. Both international instruments protect the right to personal integrity and life. The limits to the actions of state agents are also stated in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials²⁴ and in the Code of Conduct for Law Enforcement Officials,²⁵ and both documents have been adopted by the UN. According to these documents, the use of a firearm by state agents should always respond to the principles of need and proportionality.

The excessive use of public force in Mexico is seen not only in the response to acts of protest, but also in investigations and criminal processes. After a hearing on the practice of this crime in Mexico, the UN Committee against Torture (CAT) stated that there is an “alarming increase in the use of torture during the interrogation of persons who have been arbitrarily detained by members of the armed forces or State security agencies. [...] [B]efore detainees are handed over to the Prosecution Service, they are tortured and mistreated in order to force them to confess and make self-incriminating statements which are later used to cover up irregularities committed during their detention.”²⁶ This was already detected by the IACHR in 1998: “Most cases of torture and cruel, inhuman and degrading treatment take place in the context of the administration of justice, mainly during the stage of the preliminary investigation of crimes as a method to obtain confessions from alleged defendants or to intimidate them, with the culprits of these acts usually being both state and federal judicial police, the Office of the Public Prosecutor, and members of the armed forces.”²⁷

The institutions in charge of public security and the administration of justice are extremely important for ensuring that human rights are fully protected. For this reason, militarization and impunity in the country are two important concerns for Mexican civil society organizations.

in Oaxaca], El Cotidiano, March-April, vol. 23, No. 148, pgs. 45-62, Metropolitan Autonomous University – Azcapotzalco, Mexico City, 2008.

²⁴ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²⁵ Adopted by the General Assembly in resolution 34/169, December 17, 1979.

²⁶ CAT: Concluding observations on the combined fifth and sixth periodic reports of Mexico as adopted by the Committee at its forty-ninth session (29 October–23 November 2012), (CAT/C/ MEX/CO/5-6), Art. 10, December 11, 2012.

²⁷ IACHR: Report on the Human Rights of Persons Deprived of Liberty in the Americas, page. 127, December 31, 2011.



Monument to the victims of the “Creel Massacre” (Chihuahua) © PBI Mexico

Militarization in Mexico

Since the time of the so-called “dirty war” in Mexico, the Armed Forces have taken on a greater role in different areas of social and political life in the country. In response to the activities of both insurgent groups and diverse popular and social movements, military presence has spread to indigenous regions,²⁸

28 Sandoval Palacios, Juan Manuel: “Militarización, seguridad nacional y seguridad pública en México” [Militarization, national security and public security in Mexico], *Revista Espiral, Estudios sobre Estado y Sociedad*, Vol. VI, No. 18, pages. 183-222, May/August 2000.

In the state of Guerrero, military presence has been constant throughout the last century, as were human rights violations. “[T]he cases of and judgments pertaining to Valentina Rosendo, Ines Fernandez²⁹, Rodolfo Montiel and Teodoro Cabrera not only show the consequences of the militarization of the state of Guerrero, which increased during the second half of the 90s. These cases and the experiences of their victims are an example of what is now a shared reality for many, given the militarization of the country.”³⁰ The Inter-American Court ruled in favour of the victims and found Mexico responsible for failing to fulfill its duty to abstain from any act of violence against women and to ensure that authorities act according to this obligation. The Court also recognized the exceptional nature of military jurisdiction and asked for a reform to article 57 of the Military Justice Code³¹ in compliance with international standards. The Court also highlighted Mexico’s obligation to adopt the necessary reforms to allow those affected by military jurisdiction to have access to an appeal system in order to challenge the competency of the military.³²

Article 21 of the Mexican Constitution stipulates that “public security institutions will be civilian in nature.” In addition, Article 129 also restricts military presence as follows: “In times of peace, no military authority can exercise more functions than those that have an exact connection with military discipline.” Finally, “According to the Supreme Court’s interpretation of the Constitution, the military may only act in support of civilian authorities and do not have additional powers to detain, hold and interrogate criminal suspects.”³³

29 Valentina Rosendo Cantu and Ines Fernandez Ortega are two indigenous Me’phaa women who were sexually abused by elements of the Mexican army in 2002. Their cases were taken to the Inter-American Court of Human Rights and the Court found on behalf of the victims in 2010. PBI has accompanied both women in their search for justice since 2005.

30 Mociopol: Desde la Mirada Ciudadana [From the Civic Perspective], pg. 34, December 2011.

31 Mexican civil society and the IACHR’s concerns regarding the Military Justice Code are due to the fact that human rights violations should be reviewed under civilian jurisdiction and not judged by special tribunals.

32 I/A Court H.R., Case of Fernandez Ortega et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgement of August 30, 2010 Series C No. 215; and I/A Court H.R., Case of Rosendo Cantu et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgement of August 31, 2010. Series C No. 216.

33 AI: Known abuses, but victims ignored: torture and ill-treatment in Mexico (AMR 41/063/2012), pg. 23, October 11, 2012.

The Armed Forces have taken on a more important role in the definition and implementation of national security and public security policies, a role that has increased since the beginning of the 1980s. These policies have changed the relationship between civil and military authorities. At the end of the 1990s, there was a substantial military presence in the North of the country.³⁴ In 2006, then President Felipe Calderon started the “war against drug trafficking” and launched the first Joint Operative (Operativo Conjunto) in the state of Michoacan. The security strategy included the deployment of the Army and the federal police to take joint actions against organized crime. During his six-year term there were additional Joint Operatives in other states including Baja California, Chihuahua, Guerrero and Coahuila. According to official reports, 47,500 people have died from “presumed criminal rivalry” since the beginning of the war against drug trafficking³⁵.

In addition to the military presence in different states in the country, there has also been an increased use of the Army to carry out public security activities and an increased utilization of military commanders or former military personnel in high ranking public security posts. This reality affects places like Ciudad Juarez in Chihuahua, where the commander of the Municipal Police is Lieutenant Colonel Julian Leyzaola, or in Guerrero where there was a proposal to include current or former members of the military in public security posts.³⁶ This context highlights the importance of the reforms to restrict the application of the Military Justice Code and to ensure that human rights violations committed by members of the Army are judged by the civilian jurisdiction.

The criticisms of this public security policy are mainly focused on two aspects: the lack of results from the government’s strategy and the increase in human rights violations committed by security forces.³⁷ “Militarization has not decreased the security indexes, however [the government] insists on it, as if it were the only alternative.”³⁸ According to these organizations, the utilization of the Army for public security activities contributes to torture, extra judicial executions and arbitrary detentions: “The State has an understanding based on a national security model;

34 Sandoval Palacios, Juan Manuel: “Militarización, seguridad nacional y seguridad pública en México” [Militarization, national security and public security in Mexico], *Revista Espiral, Estudios sobre Estado y Sociedad*, Vol. VL, No. 18, pgs. 183-222, May/August 2000.

35 For more information, please see the PGR official website (in Spanish): <http://www.pgr.gob.mx/temas%20relevantes/estadistica/estadisticas.asp>

36 OSC: “Participación del Ejército en tareas de seguridad pública en Mexico, contrario a estándares internacionales en materia de seguridad ciudadana” [The participation of the Army in public security in Mexico, counter to international standards of citizen security], distributed by the National Center for Social Communication (CENCOS), May 16, 2012.

37 Tlachinollan: “Parar la violencia y acotar el Fuero Militar” [Stopping violence and limiting Military Jurisdiction], August 6, 2012.

38 Mocipol: Desde la Mirada Ciudadana [From the Civic Perspective], pg. 35, December 2011.

in other words, a State security model in which the design and implementation of the policies is focused on maintaining and protecting the state sovereign power, including control of territory and the capacity to govern the population, leaving public security, defined as the protection of the public peace through the prevention and persecution of crimes to protect the rights of the people, in secondary importance.”³⁹

Structural problems in the security forces and in the administration of justice

According to an analysis by human rights defenders and experts on the topic at hand, the excessive use of force is rooted in institutional weaknesses in Mexico. The lack of training for police forces and the overall lack of work in Mexico allow security forces to commit human rights violations. The Institute for Security and Democracy (Insyde) states that the police forces in Mexico do not have rights and have a negative image in the eyes of citizens. “The average policeman is bitter, subjugated, fractured, rejected in the social fabric where he lives and in his family environment, due to the fact that he is a policeman.”⁴⁰ Ernesto Lopez Portillo Vargas, executive director of Insyde, also states that the “main fears of the police are related to their own institution.”

Another structural deficiency is that “the prevailing design of the criminal justice system gives excessive importance to the actions taken in the initial stages of the investigation, giving an enormous amount of power to the Public Prosecutor and the ministerial police, and this often favors abuses and human rights violations,”⁴¹ especially torture. According to Matilde Perez Ramos, coordinator of Mocipol, “Mexico has a clear need for criminal reform. However, until there is a true process for purging the police forces, and professionalizing and certifying the work of police institutions, the criminal reform will not work. It is important to have mechanisms for control, training, education, and previous work.”

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the ICCPR, two international instruments that Mexico has signed, prohibit the practice of torture. However, the classification of this crime in different Mexican

39 *Ibid.*, pg. 17-18. At the international level, the UN also supports limiting the use of the Army in the streets. In reference to this, it states that “Military personnel are trained to deal and operate against an enemy army rather than to perform police activities or interact with civilians.”; see “United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Mexico,” Press Release, March 31, 2011.

40 Interview with Ernesto Lopez Portillo Vargas, Executive Director of Insyde, April 19, 2012.

41 Interview with Matilde Perez Ramos, Coordinator for Mocipol, November 17, 2012.

states varies, and in the majority of cases, it does not comply with the requirements in international treaties.⁴² Guerrero is one of the states that still has not included this crime in its legal framework. On the other hand, Mexico recognizes the Istanbul Protocol, a guide that was written by experts and international organizations “to serve as international guidelines for the assessment of persons who allege torture and ill-treatment, for investigating cases of alleged torture and for reporting findings to the judiciary or any other investigative body.”⁴³ However, human rights defenders have observed that public officials lack the necessary training to correctly apply the Protocol.⁴⁴

In 2008 Mexico approved a constitutional reform that created a new accusatory criminal justice system, which must be implemented by 2016 in all of the states of the Republic. “There should be a clear separation between the duties of investigation and judgment, duties that are currently both carried out by the Public Prosecutor. The accusation should be sustained by objective and scientific proof. The parties (prosecution and defense) will have the same legal opportunity to defend their postures (equality of resources)”⁴⁵ While only five states have so far applied this new system,⁴⁶ there is hope that the implementation of this system will provide greater protection for human rights and will prevent practices like torture as a way to obtain a confession.

Another reform to the criminal justice system during Calderon's term was the creation of preventative detention (*arraigo*). Preventative detention is a precautionary measure in article 16 of the Mexican Constitution that allows the Public Prosecutor to ask a competent judge to grant the detention of a member of an organized crime group while the prosecutor collects proof that this person is indeed responsible for a crime. This measure can be granted when there is a risk that the presumed criminal might abscond from legal action. Preventative detention can last up to forty days and is renewable with a new legal order.⁴⁷ Human rights organizations have fought against this measure since it goes against the American Convention on Human Rights and the ICCPR, which both

consider preventative detention to be a form of arbitrary detention and a contributing factor to human rights violations.⁴⁸

Human rights violations in detention centers

According to investigations in Mexico, the majority of people detained in correctional facilities in the country have not committed dangerous crimes, but are instead poor. “The large part of the population in detention centers is composed of people who are responsible for relatively minor crimes, which is in contrast to the magnitude and severity of the increasing criminal activities.”⁴⁹ During its visit to Mexican detention centers in 2010, the UN Subcommittee for the Prevention of Torture observed the criminalization of people in poverty and also stated that in the majority of cases they were responsible for minor crimes.⁵⁰

“There is a failure to comply with basic standards at all levels of the justice system. In each of the stages, from the apprehension of the detainee to imprisonment, there is an alarming lack of adherence to minimum standards of due process, something which undermines the credibility of the criminal justice system as a whole.”⁵¹ Even though international standards state that force can only be used in detention centers as a last recourse,⁵² the Subcommittee witnessed the existence of torture, as well as a failure to report torture, and a minimization of these cases of torture, qualifying them as injuries or abuse of authority.

42 AI: Known abusers, but victims ignored: torture and mistreatment in Mexico (AMR 41/063/2012), pg. 14, October 11, 2012.

43 OHCHR: Istanbul Protocol: Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pg. 2, 2004.

44 Código-DH: La situación de los derechos humanos en Oaxaca: Grandes pendientes [The human rights situation in Oaxaca: Much to be done], pg. 17, December 2012.

45 Mexican Institute for Human Rights and Democracy (IMDHD): Folleto sobre el nuevo sistema penal acusatorio en México [Brochure on the new criminal accusatory system in Mexico], September 2011.

46 Chihuahua, Oaxaca, Morelos, Zacatecas and State of Mexico, according to information from the Technical Secretary of the Coordinating Council for the implementation of the New Criminal Justice System (Setec), January 2013.

47 Chamber of Deputies and Social Center for Social Studies and Public Opinion: *Arraigo judicial: datos generales, contexto y temas de debate* [Legal preventative detention: general information, context and topics of debate], pg. 2, November 2011.

48 Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH): El impacto en México de la figura del arraigo penal en los derechos humanos [The impact of criminal preventative detention on human rights in Mexico], March 2011.

49 Azaola, Elena and Bergman, Marcelo: “Cárceles en México: cuadros de una crisis” [Jails in Mexico: portraits of a crisis], *Urvo, Revista Latino-americana de Seguridad Ciudadana*, No 1. FLACSO, pg. 87, February 2007.

50 UN: Report on the visit to Mexico of the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (CAT/OP/MEX/1), May 31, 2010.

51 Azaola, Elena and Bergman, Marcelo: “Cárceles en México: cuadros de una crisis” [Jails in Mexico: portraits of a crisis], *Urvo, Revista Latino-americana de Seguridad Ciudadana*, No 1. FLACSO, pg. 87, February 2007.

52 The IACHR says that the use of force in detention centers “is a last resort that, qualitatively and quantitatively limited, is intended to prevent a more serious occurrence than that caused by the state's reaction.”; see IACHR: Report on the Situation of Human Rights Defenders in the Americas (OEA/Ser.L/V/II.124), par. 64, Doc. 5, Rev. 1, adopted on March 7, 2006; quoted in IACHR: Report on the human rights of persons deprived of liberty in the Americas, pg. 83, December 31, 2011.

COMMITTEE FOR THE COMPREHENSIVE DEFENSE OF HUMAN RIGHTS “GOBIXHA”, OAXACA DE JUAREZ (OAXACA)

The Committee for the Comprehensive Defense of Human Rights “Gobixha” (Codigo-DH) is a civil society Oaxacan organization that provides legal, psychological and medical defense and consultation for victims of human rights violations, and also promotes access to justice and fighting against impunity. It was created in November 2010 after the closure of the November 25th Committee, an organization that had received PBI accompaniment since 2009 as a result of serious threats and attacks due to their human rights work. PBI currently continues to accompany Codigo-DH.

“I believe that the only way to provide effective security is by punishing those responsible for these acts. This would be the only way to prevent the repetition of these crimes.”

Between June and December 2006 a serious social crisis broke out in Oaxaca. Protests began when state police tried to violently evict Section XXII of the National Teachers Union (SNTE) from the main plaza in Oaxaca. The teachers union was protesting to demand improved working conditions. The conflict escalated when the teachers called out to the local population to join together to protest against governor Ulises Ruiz Ortiz. The state government adopted a repressive response that resulted in many human rights violations include the right to “life, the right to justice, the right to personal integrity, the guarantee to freedom to work, the guarantee to free transit, the guarantee to education, freedom of thought and expression, the right to property and possession, the right to peace and the right to information.”⁵³

Alba Cruz Ramos, human rights defender from Oaxaca and current legal coordinator for Codigo-DH, insists that it was important to shine light on the cases of torture that were committed during that period.⁵⁴

⁵³ Tribunal of the SCJN: Investigación de posibles violaciones graves a los derechos humanos: caso Oaxaca [Investigation of possible serious human rights violations: Oaxaca], Chronicle of the Investigative Faculty 1/2007, pg. 39.

⁵⁴ In the context of PBI's accompaniment to Alba Cruz, PBI conducts meetings, interviews and physical accompaniments. The information has been provided by this human rights defender and the organization in different ways and on several occasions.

In the context of the social and political crisis in Oaxaca, the November 25th Committee was created as an independent initiative to respond to the repressive acts by the state and federal governments. Given the overall situation of impunity, Alba Cruz and the November 25th Committee⁵⁵ decided to take on the “case of Oaxaca” and to monitor the cases of torture that took place that year. This involved documenting these cases and learning more about this practice that according to Alba Cruz, is not recognized, is hidden in the power structures, and that even the victims have trouble recognizing it and defining it as such.



Alba Cruz © PBI Mexico

Their first goal was to defend the people who were arbitrarily detained by the Federal Preventative Police (PFP) on November 25th, 2006, as well as to demand the presentation and release of the people detained during the clashes between the PFP and the Popular Assembly of the People of Oaxaca (APPO) on later dates. According to information from Alba Cruz, 32 cases related to this conflict were reported to the attorney general, some are have to do with the National Attorney General's Office (PGR) and some are with the State Attorney General's Office (PGJE): “In 2006 and 2007, during the social-political conflict in Oaxaca, only 11% of the total complaints were filed [with the State Human Rights Commission], according to data from the [newly created] Human Rights Ombudsperson's Office of the State of Oaxaca (DDPHO). The explanation for this is in the fact that participants in the teachers movement, or supporters of the APPO, presented raised numerous cases of human rights violations –especially torture– but they were not brought to the attention of the State Human Rights Commission”⁵⁶ due to a lack of con-

⁵⁵ On November 25, 2006, during the social crisis in Oaxaca, the repression of the political movement led to several arbitrary detentions. T; these events led to the creation of the November 25th Liberation Committee.

⁵⁶ Now known as the Human Rights Ombudsperson's Office of the State of Oaxaca (DDHPO).

fidence in the institutions controlled by the former governor, nor did they file criminal complaints. A large part of the complaints were channeled to diverse national and international human rights organizations due to fear of reprisals from the state apparatus.⁵⁷

Alba Cruz says that even after 2006, torture has not disappeared: in six years, 35 complaints of torture have been filed in Oaxaca with the DDHPO, and of these, almost half of them were filed throughout in 2011. During 2012, Codigo-DH documented seven new cases of torture.

Both the November 25th Committee and later Codigo-DH's have suffered from harassment, phone threats by phone, office break-ins, at the office, sabotage and surveillance with the goal of forcing them to stop defending victims of torture and human rights violations. Since July 21, 2007, the November 25th Committee (and now Codigo-DH) have had precautionary measures from the IACHR. since July 21, 2007. According to Alba Cruz, these measures have not been fully implemented. In October 2011, the Mexican state asked the IACHR to take away these protection measures, stating that Alba Cruz was no longer at risk.

However, on April 13th and 14th 2012, this human rights defender received two new death threats in a text message, similar to what took place in January 2011. Previously, on March 30, 2012, a gray pickup truck with three people on board and license plates from Mexico City tried to chase Alba Cruz while she was riding traveling in her vehicle after an appointment at the governmental offices in Oaxaca. The truck, according to the human rights defender, fled at high speed once the driver noticed that Alba was trying to take a picture of it. While all of these incidents were have been reported, however, there have not been any conclusive results to the investigations.⁵⁸

In order to improve her security situation, Alba Cruz asked for the results of the investigations: "I believe that the only way to provide effective security is by punishing those responsible for these acts. This would be the only way to prevent the repetition of these crimes. The slow inquiry process leads to impunity of these events, since the authorities that administer justice prefer to allow time to pass so that they can declare the statute of limitations, instead of investigating what happened."

⁵⁷ Interview with Alba Cruz, lawyer for Codigo-DH, October 2012.

⁵⁸ Codigo-DH: "Seguridad para la defensora Alba Cruz en Oaxaca" [Security for Alba Cruz, human rights defender in Oaxaca](UA), April 25, 2012.

CIVIL MONITOR OF THE POLICE AND PUBLIC SECURITY FORCES IN THE MONTAÑA OF GUERRERO, TLAPA DE COMONFORT (GUERRERO)

The Civil Monitor of the Police (Mocipol) has its office in Tlapa de Comonfort, in the Montaña region of Guerrero, one street away from the main square. The goal of the organization is comparable in magnitude to the problem: "Provide a respectful, constructive and conciliatory interaction between society and the police."⁵⁹ PBI has accompanied and supported Mocipol's work since 2009.

"In this scenario, human rights defenders and all citizens remain trapped between the violence and the crimes and the abuse of power of state agents. Violence and human rights violations seem to be two sides of the same coin."

The organization began its work in 2008 as a joint initiative by the "Tlachinollan" Human Rights Center,⁶⁰ Fundar Center for Analysis and Investigation, and Insyde, and from the beginning Mocipol's mandate was to investigate into the roots of the problem that allows security forces to commit human rights violations, and to propose structural changes so that they are not repeated. The work that they carry out is groundbreaking in Mexico. Mocipol "is an entity that proposes a technical and scientific contribution based on civil supervision of the police and human rights. They provide a space to bring police institutions closer to complying with the duties that they were meant to fulfill, and proposes ways to bring together the perspective of the police and citizens regarding security and the work of police, in a context marked by injustice, repression, poverty and violence."⁶¹ In order to carry out their work, Mocipol documents complaints by individuals and reviews information, identifying good and bad practices by the police and security forces.

⁵⁹ Interview with Matilde Perez, Coordinator for Mocipol, November 27, 2012.

⁶⁰ The work of "Tlachinollan" is focused on the indigenous municipalities located in the Montaña and Costa Chica of Guerrero. More than 300,000 people from the Mixteca, Nahuatl and Me'phaa ethnic groups live in 600 communities. This indigenous region is classified as highly marginalized and is one of the poorest in Mexico. Given the diverse vulnerabilities of the indigenous population and the systematic and persistent practice of human rights violations, "Tlachinollan" works to defend and promote human rights and the rights of the indigenous people. PBI has accompanied "Tlachinollan" since 2003.

⁶¹ For more information, see (in Spanish) <http://www.tlachinollan.org/Tlachinollan/mocipol.html>

With the increasingly tense security strategy against drug trafficking, the organization realized that it would have to face a new local actor –organized crime. As a result, Mocipol began to be more careful in documenting cases and they began to analyze their risk with greater depth. The other consequence, says coordinator Matilde Perez, is that “no one dares to file a complaint, leaving a favorable context for impunity and the repetition of human rights violations.” According to the organization, drug trafficking was always present in the region, but that, however, “Calderon’s security strategy broke the already established balance between organized crime groups and provoked a wave of violence.”

“Within this logic of war there was a great change in the municipal preventative police. Through the documentation of cases of human rights violations, we observed a more reactive police. Before, the preventative police were in the streets with truncheons, but now we see a hooded police force with firearms of a higher caliber.” Mocipol believes this is a very delicate matter because it weakens the idea that police are protecting the public order and “it increasingly strays from the perspective of citizen security that we all aspire to, and is replaced by a vision of war.”

Matilde Perez explains that from the beginning the organization faced important limits to working with the Ministerial Police in Guerrero and with the Army: “The federal strategy of fighting organized crime was pre-

sented as combat with an enemy, as a war between the good and the bad. The presence of the Army in this context generated many human rights violations. The Army is not prepared to carry out public security tasks.” Matilde Perez says that there is a lot of fear around reporting crimes committed by people associated with organized crime as well as by the armed forces. “For us it was a very painful process in the sense that we had to say ‘well, we documented serious cases that have to do with torture by the Army, that have to do with illegal transfers, illegal interrogations, extra judicial executions and disappearances.’ In these cases we faced the fact that people do not want to report these crimes out of fear.”



Matilde Perez Ramos © Prometeo Lucero

There have been more accomplishments successes with the municipal police: “Generally the people that are there are also from the region, and live in the communities. [...] For this reason we think that we have to do the most work with this police. This war against drug trafficking has also hit the municipal preventative institutions because it has weakened the local power. It has debilitated it to such an extent that the Army intervenes in the selection and recruitment of police and commanders, and we see more and more reports from the people that these institutions are infiltrated by organized crime groups.”

Mocipol has a detailed analysis of the institutions that allow human rights abuses to take place. They state that the “police lack institutional strength and adequate economic resources to allow for proper functioning.”⁶² In its report, ‘From a Citizen’s Perspective,’ Mocipol

⁶² Mocipol: Desde la Mirada Ciudadana, [From the Civic Perspective] pg. 111, December 2011.

makes several recommendations for ending abuses by security forces. In addition, after the report was published, they decided to work closer with three municipalities in Guerrero to conduct a diagnosis of the structural deficiencies in the police forces, and to make some proposals for improvement. In Alcozauca, one of the municipalities where the process is further along, they did interviews with the population and the police and are writing a proposal for the Municipal mayor.

Given the current context of militarization in several regions of the country and a bellicose vision of security, Matilde Perez believes that it is important for security institutions to also be trained in prevention in order to promote non-violent conflict resolution. In addition, understanding the structural causes of violence through social, economic and educational programs continues to be key: “Professionalizing the police, training them in human rights, establishing internal and external control mechanisms, and ensuring accountability are some of the fundamental changes that have to be made in order to end human rights violations by security forces.”

NORTHEAST CITIZENS HUMAN RIGHTS COMMISSION, MEXICALI (BAJA CALIFORNIA)

The Northeast Citizens Human Rights Commission (CCDH) was founded in 2004 in Mexicali, Baja California, to address the need for the protection and defense of civil rights that were not being met at the state level: “Unlike other states in the country, Baja California is significantly behind in terms of a culture of human rights.”⁶³ The organization is made up of lawyers, activists, journalists and other professionals who attend to victims and their families in cases of forced disappearance, extra judicial execution, torture and other cruel, inhuman or degrading treatment, arbitrary detention, raids, illegal search and violations of due process. In addition they are working to eliminate preventative detention and they provide consultation and support for indigenous communities.

CCDH explains that since 2008, there was an exponential increase in the presence of the Armed Forces in Baja California. According to the cases that they accompany, since that time, elements of the Army began to use preventative detention in the Tijuana military barracks: “Preventative detention is a human rights violation and there is no way to regulate the conditions under it is carried out. [...] In the context of a national investigation of the effects of preventative detention on procedural

63 CCDH: Actividades realizadas por la CCDH: resumen ejecutivo de casos períodos 2006-2012 [Activities carried out by CCDH: executive summary of cases from 2006-2012], 2012

guarantees, [...] the CCDH and the CMDPDH⁶⁴ [...] found a worrying link between preventative detention and serious human rights violations of police and civilians, especially torture and other cruel, inhuman or degrading treatment. [...] We consider [preventative detention] to be a form of arbitrary detention and a violation of the presumption of innocence, as well as a violation of other civil rights.”⁶⁵ Together with the CMDPDH, they documented four cases of torture and detention under the guise of preventative detention and they took three of these to a thematic hearing on Citizen Security and Human Rights at the IACHR in October 2011.

“In Mexico, the two most dangerous activities to engage in: one is to be an honest journalist and the other is to be a human rights defender.”

The organization also trains members of the Academy of Municipal Police in human rights and has created a ‘Human Rights and Public Security Manual’ to contribute to the prevention of abuses by police forces. Their goal is to “promote a change from a reactive police force to a proactive, peaceful police force that can mediate and dialogue, and that aims to facilitate the resolution of conflicts instead of provoking them.”⁶⁶ Between 2009 and 2012, they documented a total of 34 cases of presumed human rights violations committed by authorities. According to their investigations, the Mexican Army and the State Preventative Police are the authorities that commit most of the acts of torture and cruel, inhuman or degrading treatment.⁶⁷ They confirm that they face difficulties when it comes to reporting cases of torture, due to the fear of the victims and their families experience when it comes to facing their perpetrators: “Human rights are considered an impediment to public security and the administration of justice. [...] Being in charge of these cases always implies a certain level of risk.” Recently, the Baja California state government invited the CCDH to participate in the Coordinating Committee for the State Diagnosis on Human Rights. The organization considers this an important recognition of their work as human rights defenders and hopes that it can serve to strengthen the culture of human rights in the state.

64 The CMDPDH is a civil society organization that was created in December 1989. Their goal is to have an impact on Mexican governmental structures and policies in order to achieve more widespread protection of human rights and social justice in the national territory. One of their areas of work is strategic litigation and they have accompanied legal processes in the Inter-American system, such as the case of Rosendo Radilla Pacheco.

65 CCDH: Actividades realizadas por la CCDH: resumen ejecutivo de casos períodos 2006-2012 [Activities carried out by CCDH: executive summary of cases from 2006-2012], 2012.

66 Interview with staff from CCDH, July 20, 2012.

67 CCDH: Informe sobre presuntas violaciones de los DDHH cometidas por autoridades en Baja California [Report on alleged human rights violations committed by authorities in Baja California], November 2012.

“PASO DEL NORTE” HUMAN RIGHTS CENTER, CIUDAD JUAREZ (CHIHUAHUA)

The “Paso del Norte” Human Rights Center is located in Ciudad Juarez, in Chihuahua state, and is led by a priest, Oscar Enriquez Perez. It was founded in 2001 to defend human rights in the region, providing mainly advice and guidance to the community on their civil rights. At that time, they observed a context of constant crimes against women, executions, corruption in the public security forces and a general climate of impunity. The organization has two main lines of work: one is the accompaniment of victims, prioritizing cases of torture and forced disappearance, and the other is that of political advocacy. The cases are integrally managed with legal work, communication and psycho-social attention. In addition to this, they also provide occasional consultations and workshops to provide training on specific topics, such as the Istanbul Protocol.⁶⁸

According to “Paso del Norte”, the deployment of more than 8,000 soldiers and police during the two years following the implementation of the Joint Operative in Chihuahua⁶⁹ provoked many human rights violations by soldiers and did not decrease the violence: arbitrary detentions, cases of torture, disappearances, and extra judicial executions were attributed to security agents. Throughout the city they registered raids and illegal searches, especially in the poorest areas of the city. Father Oscar explains that the population was very affected and he asked the Army to leave –it was then replaced by the Federal Police in 2010. But “when we saw the youth that we were defending, all of them had been beaten up, which made it clear to us that it was the modus operandi of the police. We believed that the police did not have the necessary training.”⁷⁰

In the last four years in Juarez there have been “unimaginable levels of violence, and with this, systematic human rights violations of the general population.”⁷¹ The complaints against the police and the Army increased but no organization was taking on the cases. “Paso del Norte” decided to fill this gap and began to specialize in accompanying cases of

68 “The Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” is intended to serve as a set of international guidelines for the assessment of persons who allege torture and ill-treatment, for investigating cases of alleged torture and for reporting findings to the judiciary or any other investigative body. This manual includes principles for the effective investigation and documentation of torture, and other cruel, inhuman or degrading treatment or punishment.” OHCHR: The Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pg. 2, 2004.

69 Washington Office on Latin America (WOLA) and Prodh: Abused and afraid in Ciudad Juarez: an analysis of human rights violations by the military in Mexico, pg. 10, September 2010; and Observatory for Security and Citizen Coexistence in Juarez: Bulletin no. 4, pg. 9, Ciudad Juarez, Chihuahua, October 2010.

70 Interview with Father Oscar Enriquez, Diana Esther Morales Rincon, Silvia Mendez, “Paso del Norte” Human Rights Center, May 16, 2012.

71 Letter from Paso del Norte to PBI, November 7, 2012.

human rights violations committed by the armed forces and the police. In the last two years (2011 and 2012), the organization documented 44 cases of torture, and it is continuing to work on 20 of these cases.

One of the cases that “Paso del Norte” accompanies is that of Francisco Javier Perez Barron, who was in front of a friend’s house when six hooded agents from the PFP detained him and took him to the outskirts of the city without any clear legal reason.⁷² One pattern that often repeats itself, says Father Oscar Enriquez is that of false accusation and torture. In several of the cases that have been documented by Paso del Norte, there are strong reasons to believe that security forces planted arms or drugs and/or used torture to force the detainee to plead guilty to a crime that they did not commit.

“Even though it presented opportunities for change, the accusatory criminal system still does not seem to have created a better justice system.”

“Paso del Norte” has been the target of threats and harassment by federal and state authorities. On June 5, 2011 they were raided: close to 20 federal police stormed into the office, looked through their files and damaged the physical structure of the organization office. This incident led to a recommendation from the CNDH who stated the following: “[G]iven that this is a case in which the victim is a non-governmental human rights organization, the dangers and threats that they suffered should be attended to immediately, given that it constitutes violations that threaten, obstruct, inhibit and repress the free exercise of their activities and puts them at risk due to the climate of violence and insecurity in which they carry out their work.”⁷³

The organization indicated that this event took place one week after a hearing on an emblematic case that they were litigating, the “car bomb” case. In 2010 five people were detained and “were tortured in different ways with the goal of making them admit to charges related to the explosion of a car bomb, organized crime, as well as trafficking drugs and arms.”⁷⁴ In September and October 2012, members of “Paso

72 For more information about the case, see Informe Alternativo para el Comité Contra la Tortura de Naciones Unidas sobre Chihuahua [Alternative Report on Chihuahua for the UN Committee against Torture] Commission for Solidarity and Defense of Human Rights, Paso del Norte Human Rights Center and Center for the Human Rights of Women, pgs. 13-14, Mexico, October 2012.

73 “Paso del Norte” Human Rights Center: Condono el allanamiento de la Policía Federal al CDH Paso del Norte [The Federal Police raids Paso del Norte Center for Human Rights] (UA), April 27, 2012.

74 “Paso del Norte” Human Rights Center, CEDEHM and COSYDDHAC: Informe Alternativo para el

del Norte“ were under surveillance and harassed by the state Prosecutor and the Chihuahua state Ministerial Police.⁷⁵ They are aware that their level of risk is high and they fear harsher reprisals, due to the sensitive nature of the cases that they work on.



“Peace is born for all of us, from justice for each of us” © “Paso del Norte” Human Rights Center

Of special concern for the organization is the impunity and the lack of advances in investigations: “The case is closed saying that it was organized crime. Even though it presented opportunities for change, the accusatory criminal system still does not seem to have created a better justice system.” According “Paso del Norte”, the new system has not been able to change the cultural root of the problem. “The public prosecutors still need quality training to understand the implications of the criminal reform, and the judges as well, to understand the Istanbul Protocol,” states the director of the Center.

Comité Contra la Tortura de Naciones Unidas sobre Chihuahua [Alternative Report on Chihuahua for the UN Committee against Torture], Mexico, October 2012.

⁷⁵ “Paso del Norte” Center for Human Rights: “Basta de hostigamiento contra personal del CDH Paso del Norte” [Enough harassment of staff from Paso del Norte Center for Human Rights] (AU), November 15, 2012.

COMMISSION OF RELATIVES OF INMATES AND FORMER INMATES OF THE PRISON SYSTEM, TIJUANA (BAJA CALIFORNIA)

The Commission of Relatives of Inmates and Former Inmates of the Prison System in Baja California was created at the beginning of the 90’s with the goal of rehabilitating drug-addicted people, and informing them of their rights. Representatives of this organization say that in this state, people with these habits have been used as “scapegoats”: “A police officer could plant drugs on them or accuse them of crimes that in some cases would put them in jail for 30 years, when in reality they were innocent,”⁷⁶ explains Alicia Aguilar Davalos, lawyer and representative for the Commission of Relatives.

The organization now works in the five prisons in the state (Mexicali, Hongo, Ensenada, Tecate and Tijuana). Alicia Aguilar states that the inmates are afraid of reporting abuses: “They can’t see the inmates talking to us because they get punished. They put plastic bags on their heads or they put them in solitary confinement. That is why people isolate themselves, in order to decrease their vulnerability. Authorities scare the inmates so that they do not report this situation. [...] In the jails they suffer from fleabites, bed bugs and other bugs. However, the prisoners do not report the unsanitary conditions when the State Attorney General’s Office visits the jail. The director of the jail will look at them threateningly and will say that the jail was recently fumigated.”

The Commission of Relatives has documented some of these violations. According to the organization, the inmates are overcrowded, there can be up to 30 people in one cell and they are only allowed to leave the cell once a day. They have also received reports of mistreatment and degrading conditions: “Federal officials take them out of the cells naked during the day and at night. The attention they receive in relation to their health is terrible, and the food is poor quality. In the jails, there is a price to have access to minimal conditions, even the water is poor quality,” said Alicia Aguilar. She adds that the punishments are even worse: “Before, the inmates could be incommunicado for a week, or up to a month. However, now they can be without communication for up to six months.” According to the UN Human Rights Committee and the UN Committee against Torture, the prolonged isolation of a prisoner can be considered an act of torture.⁷⁷

⁷⁶ Interview with Alicia Aguilar, Ester Chavez and Rosalba Fuentes Castro, Commission of Relatives of Inmates and former Inmates of the Detention System, July 18, 2012.

⁷⁷ UN: Report by the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment (A/63/175), Annex, par. 77, July 2, 2008.

In addition to the precarious conditions for prisoners, in many cases the detention of people who are presumed guilty is violent. “Between these detentions and the overpopulation of the jails, there are a large number of innocent people,” says Alicia Aguilar. The organization illustrates this problem through the case of three young men who were detained by the Army in 2010: “They took them, and we were able to get them released because we immediately found witnesses and everything, [to show] that they were working and had not committed a crime. They were released and their faces were disfigured and unrecognizable.” The Commission has also seen cases of people who were violently taken from their homes.

“We were able to get them released because we immediately found witnesses and everything, [to show] that they were working and had not committed the crime. They were released and their faces were disfigured and unrecognizable.”

The Commission of Relatives states that “60% of prisoners are from other parts of the country, and many deportees are held without knowing what they are being accused of. In several cases, the police plant an arm on them and then accuses them of that.” According to investigations by Guillermo Zepeda Lecuona, scholar from the Technological Institute of Higher Studies of the West (ITESO), the use of preventative prison in Mexico is “unjust” and “disproportionate”: “More than 40% of people labeled as ‘likely responsible’ are incarcerated.”⁷⁸ In response to these human rights violations the organization must report these crimes in so as to try to ensure their non-repetition. Unfortunately, the Commission states that their actions only achieve a temporary impact. In the case of torture, they have filed appeals and have been able to stop it for six or eight months, but then it starts to happen again.

Working with prisoners is always a sensitive issue, especially because of the stigmatization that they face, says the Commission of Relatives. There are many challenges to providing visibility to the problems of the penitentiary system. The media is not usually interested in the topic, and it is even more difficult to get support from the general population. “In the last protest we were able to get 250 people together and now we can’t even get 10 people together because they are so afraid,” says

78 Zepeda Lecuona, Guillermo: The myths of pretrial detention in Mexico, Second Edition, Open Society Institute, 2009.

Alicia Aguilar. Since the second half of 2011, they began to focus their efforts on liberating the innocent prisoners from the jails and supporting their legal proceedings. However, she explains that, “authorities are not usually cooperative. Some of them say that they are going to provide support, but in reality they are making the work more difficult.” However, without the support of authorities or journalists and without a strong presence of civil society organizations, the work of the Commission of Relatives is very limited.

"The Beast" makes its way through the Isthmus of Tehuantepec (Oaxaca) © PBI Mexico



Migrants in transit through Mexico

Human rights inside the borders

The transit of Central Americans through Mexico on route to the United States is not a recent phenomena. This migratory corridor is believed to have the most movement in the world (it is also transited by Mexicans). According to data from the National Institute of Migration (INM), about 150,000 undocumented migrants, mostly from Central America, come into the country each year with the hope of going to the U.S.⁷⁹ The IACHR states that according to civil society organizations and state officials, the actual number could be close to 400 thousand people.⁸⁰

The difficulties in crossing the border between Mexico and the U.S. are well known: the border police, deaths in the desert, deportations, the “coyotes”.⁸¹ The internal problem is not as well known. Diego Lorente, former coordinator for the Forced Displacement Program at Project Counseling Service (PCS), Office for Central America and Mexico, explains that “the issue of migration is very recent, not migration from Mexico to the United States, but that of migrants that pass through Mexico. The migration within Mexico has only very recently gotten visibility.”⁸²

The violation of the human rights of migrants in transit through Mexico has been widely documented in recent years by national and international civil society organizations, inter-governmental agencies (like the IACHR), and other Mexican entities like the CNDH. Amnesty International (AI) stated that the trip that Central Americans make through Mexico is one of the most dangerous ones in the world. “Kidnappings, extortion, mistreatment and sexual violence [...] are very common. Some disappear without a trace, kidnapped and killed, or assaulted, attacked and thrown from moving trains by any number of the criminal groups that stalk them. [...] They are excluded from society without effective protection by the law, the irregular migrants remain largely invisible, and their voices are rarely heard.”⁸³

“The Beast”

Without the economic conditions to pay for adequate transportation and because of their undocumented status, migrants travel on the roof

⁷⁹ According to information from the Department of Migration and Religious Affairs in SEGOB; information published by the CNDH Newspaper, year 21, no. 247, pg. 14, February 2011.

⁸⁰ CNDH: Newspaper, year 21, no. 247, pg. 14, February 2011; information included in the Preliminary Observations of the IACHR Rapporteurship on the rights of migrants on its visit to Mexico, pg. 3, Mexico, August 2, 2011.

⁸¹ A person who is an intermediary in any business in order gain personal benefit. In Mexico they are the people that take advantage of migrants who want to illegally cross the border to the United States, asking for money in exchange for help crossing the border. In many cases, migrants suffer from extortion and the coyotes leave them in the middle of the journey.

⁸² Interview with Diego Lorente, coordinator for the Forced Displacement Program of the Office for Central America and Mexico, PCS, March 26, 2012. Project Counseling Service (PCS) is an international organization created in 1979 that works to defend and promote human rights and social justice in Latin America. The main groups that they work with are refugees, displaced people, and migrants.

⁸³ AI: Invisible Victims. Migrants on the Move in Mexico (AMR 41/014/2010), Back cover, April 2010.

or between the wagons of cargo trains (known as “The Beast,” “train of death” or “migrant-swallower”). Once in Mexico, they have to travel 3,000 kilometers (1,864 miles) to get to the U.S. border, passing through an average of 13 states of the Republic in a journey that can last days, weeks or even months.⁸⁴ “In Mexico, everything is a border, there are many blind spots. It is not difficult to get to Tapachula (Chiapas). The problem is what happens afterwards,” says Diego Lorente.

Organized crime acts on the trains and on the train tracks, and kidnapping are common realities and many people end up in stash houses⁸⁵ where they are forced to work or where they wait until their families can pay their ransom.⁸⁶ Women and girls are in an especially vulnerable situation and there are reports that 60% of migrant women and girls suffer from sexual assaults during their journey.⁸⁷ According to the organizations, Veracruz, Tlaxcala, Guanajuato, San Luis Potosi, Tamaulipas and Coahuila have an intense presence of organized crime along the route of “The Beast,” which makes transit through these states especially risky. Many do not make it past these places.

In August 2010 in San Fernando (Tamaulipas), the reality of the migratory population in Mexican territory was internationally recognized (in what became known as the “San Fernando massacre”). The bodies of 72 migrants were found after a survivor reported this massive killing, which took the lives of victims from Guatemala, Honduras, El Salvador, Ecuador, and Brazil. Less than a year after these events, clandestine grave sites were found with many more bodies⁸⁸. At that time, the international community began to direct more attention to the “human tragedy” that had taken place and that continues in the country. The IACHR held thematic hearings on the situation of migrants in Mexico in four of the last seven sessions, and the Special Rapporteur on the Rights of Migrants visited the country in July 2011.

Migrants have not escaped the increasing violence in Mexico, and they are in an increasingly vulnerable situation due to their undocumented status. In June 2009, the CNDH presented a document stating that there were 198 cases of kidnappings of 9,758 migrants between Sept-

⁸⁴ Some of the routes and distances can be found on the web page (in Spanish) for Ferromex, the railway company most commonly used by migrants; available at <http://www.ferromex.com.mx/prontua-rio/prontDistanciasAction.do?dispatch=fill>

⁸⁵ Houses that are used to hold weapons, money, cars, kidnapped people or cadavers. On many occasions they are also operating centers for illicit activities.

⁸⁶ Belen, Migrant Posada, Humanity without Borders and Borders with Justice: Quinto Informe sobre la situación de los derechos humanos de las personas migrantes en tránsito por México [Fifth report on the situation of the rights of migrants in transit through Mexico], pg. 11, May 2009.

⁸⁷ AI: Invisible Victims: Migrants on the Move in Mexico (AMR 41/014/2010), pg. 15, April 2010.

⁸⁸ IACHR: Preliminary observations by the IACHR Rapporteurship on the rights of migrants on its visit to Mexico, pg. 8, August 2, 2011.

ember 2008 and February 2009.⁸⁹ If the official data show that 150,000 undocumented migrants enter the country each year, and in six months the CNDH received information about almost 10,000 kidnappings, this means that more than 10% of the people that cross Mexico are victims of this crime.

The legal framework for migrants

The Migration Law in Mexico outlines an “unrestricted respect for the human rights of national and foreign migrants, regardless of their origin, nationality, gender, ethnicity, age, and migratory situation, with special attention to vulnerable groups like minors, women, indigenous people, adolescents, the elderly, as well as to victims of crime.”⁹⁰ It also takes away the criminal status of undocumented migrants and in this way backs the work of more than 50 shelters that receive migrants in Mexico. One of the principles of this norm is “hospitality and international solidarity.”⁹¹

This law has the goal of creating a legal framework to protect and respect the rights of the migrant population in Mexico. However, civil society has criticized the shortcomings of the law. While it is a tool for casework done by NGOs, it does not prevent the crimes from being repeated. In May 2012, one year after the law was published, the Working Group on Migratory Policy, a working group formed by civil society organizations, scholars, and specialists in the field, stated that the protection of migrants remains limited.⁹² In the same document, the Working Group stated that there is a need for reforms to eliminate indefinite detention of migrants, as well as to eliminate unconstitutional acts by the INM, in which they respond to crime reports allegedly committed by foreigners.

The regulations of the law were published on September 28, 2012

89 CNDH: Informe Especial sobre los casos de secuestro en contra de Migrantes [Special report on the cases of kidnapping of migrants], pg. 9, June 15, 2009.

90 Article 2 of the Migration Law, Published in the Official Newspaper of the Federation on May 25, 2011.

91 On May 10, 2002, Mexico submitted an application for a consultative opinion on the rights of undocumented migrants and “the obligation of the American States to ensure the principles of legal equality, non-discrimination and the equal and effective protection of the law embodied in international instruments for the protection of human rights; and also with the subordination or conditioning of the observance of the obligations imposed by international human rights law, including those of an erga omnes nature, with a view to attaining certain clear domestic policy objectives of an American State.” The Court states that “the migratory status of a person can never be a justification for depriving him of the enjoyment and exercise of his or her human rights” and that “the State may not subordinate or condition the observance of the principle of equality before the law and non-discrimination to achieving the goals of its public policies, whatever these may be, including those of a migratory nature.” I/A Court H.R.: Juridical Condition and Rights of Undocumented Migrants, Advisory Opinion (OC-18/03), Series A No.18., September 17, 2003.

92 Working Group on Migratory Policy: “Seguirán violaciones de derechos humanos a la población migrante”, Ley de Migración y su Reglamento no garantizan sus derechos [Human rights violations of the migrant population continue, The Migration Law and its Regulations do not guarantee rights], May 28, 2012.

in the Official Newspaper of the Federation (DOF), and both the law and the regulations went into effect a month and a half later. According to the organizations, the lack of a regulation during this interim period meant that in some cases authorities used the General Population Law (law that regulated general mobility) or in other cases decisions fell to the discretion of authorities, which meant that there was a bias in access to justice for people in transit through Mexico. Since its creation in 2010, the Working Group on Migratory Policy has promoted a human rights perspective in relation to the legal and political framework and has monitored the application of the law and the related regulations. The Working Group points out that one positive result is the creation of the Consulting Council on Migratory Policy in Segob, together with the Citizens Council in the INM, two entities that allow participation from of civil society.⁹³

Axel Garcia, responsible for the office of the Catholic Migrant Ministry (DPMH),⁹⁴ explains that “the Migration Law has been a social accomplishment because it no longer considers it a crime for human rights defenders to provide free humanitarian support in more than 50 homes and migrant shelters in Mexico. However, the process of creating the migratory regulations has not been transparent and it has made it into an ‘anti-law’. The regulations have to be as specific as possible so that decisions are not left to the discretion of public officials. For example, the considerations made in providing visas for crime victims, which is contemplated in two articles of the law: The first article gives the INM the discretion to decide if it will provide official migratory documents [visas] for victims of certain crimes; the second article recognizes the unconditional right to documentation [visas] for victims of serious crimes. The regulation puts these two articles together and grants visas to victims of serious crimes at the discretion of the INM. In the law a serious crime leads to the [automatic] granting of the right [to a visa], in the regulation it’s discretionary.”⁹⁵

The work of shelters along migratory routes

The migrant shelters and soup kitchens along the different migratory routes are well known for the humanitarian assistance that they offer: they offer a space for refuge, rest, personal hygiene, food and protection, and they do everything possible to provide medical attention, information and support for those who decide to return. Most of the attention to

93 Working Group on Migratory Policy: Informative Bulletin, November 9, 2012.

94 The DPMH is the section of the Mexican Confederation of the Episcopate (CEM) which that accompanies, feeds, provides housing and shelter for people who are migrating through Mexico.

95 Interview with Axel García, August 2, 2012. Axel García is a migrant rights defender and Substitute Counselor for the Governmental Protection Mechanism for Human Rights Defenders and Journalists. At the time of the interview, he was in charge of the office for Human Promotion of the DPMH.

migrants currently falls on the migrant shelters that are run by the Catholic Church (with limited resources). Mexico has 60 such homes and shelters, and about the same number of soup kitchens that attend to migrants.⁹⁶ More than 50 shelters along the train route are connected to the DPMH. In addition, universities and civil groups carry out important support work, together with hundreds of volunteers who facilitate the work of the migrant shelters.

“The priests say that their houses went from being shelters to refuges. Before they gave them water, now they have to save their lives.”

Since 2007, Father Alejandro Solalinde Guerra has provided humanitarian assistance and legal aid to migrants that come from Mexico's southern border. The “Hermanos en el Camino” migrant shelter is located in Ixtepec, on the Isthmus of Tehuantepec (Oaxaca) near the border with Chiapas. The priest and the staff in this home attend to hundreds of migrants a day. The migrants then cross over to Tlaxacala, a state that is also part of the train route. The “Sagrada Familia” shelter is located in Apizaco municipality, and they attend to about 50 migrants a day. The shelter provides humanitarian aid and legal advice (they are currently working on five cases of human rights violations to migrants). This home is two and a half years old and, the “Ignacio Ellacuría” Human Rights Institute of the Ibero American University of Puebla has provided training to the staff since the beginning.⁹⁷ They also get support from the “Fray Julián Garcés” Human Rights Center in Tlaxcala.

Further to the north, one part of the train route in Huehuetoca (State of Mexico) connects with the states that border the United States. In 2012, after several controversies with the local population and local authorities, a new shelter was installed in the municipality in order to respond to the needs of the migrants. In the Northeast, in Amatlan (Veracruz), there is a collective of families and other people who reside near the train tracks that have been giving food for more than 15 years to the migrants that come through on the train. Further north is Coahuila state. In the Southern part of the state, in Torreon and Saltillo, there are some places for migrants, like the Day Care Center and “Belen, Migrant Posada.”

96 DPMH: “Los agentes responsables de la Pastoral de Migrantes recibieron capacitación” [The agents responsible for the Social Ministry of Migrants received training], September 5, 2012.

97 Interview with Oscar Castro, Director of the Ignacio Ellacuría Human Rights Institute, Ibero American University of Puebla, July 3, 2012.

“Migrants are people who are passing through and are often in isolated places. They are not in the big cities. They are in inhospitable places, in places in which the only organized space is the church. The churches end up being the only ones to lend them a hand. The priests say that their homes went from being shelters to being refuges. Before they gave them water, now they have to save their lives.”⁹⁸

Risks and challenges of protecting migrants

Defenders of migrant rights do their work in a violent context. Father Pedro Pantoja explains that they are subject to attacks: they receive migrants that have escaped from stash houses or who have been kidnapped and might be pursued because of it.⁹⁹ According to information from the Social Ministry, since the end of 2007, organized crime groups have taken over the communities that migrants pass through and systematically commit crimes. In addition, their work takes place in a scenario in which corrupt authorities and organized crime groups harass, threaten and attack the migrant homes and shelters in the country, as well as the staff that work in them.

“It was four years ago that reality forced us to recognize that we were human rights defenders and that we were at risk,” said Axel Garcia. “Between 2004 and November 2012, migrant rights defenders in Mexico faced 128 security incidents, which increased from 18 in 5 years –from 2004 to 2009– to 29 in 2010, 32 in 2011, and 49 by November 2012.” According to the ‘Report on the situation of migrant rights defenders in Mexico’ published in 2011 by DPMH, two people who defended the rights of migrants had been killed since 2007.¹⁰⁰ In the most recent update to this report, which was presented in 2012, another human rights defender had been killed. According to the information that was shared, of the 128 security incidents between 2004 and 2012, state agents were believed to be the aggressors in 50 of these incidents.¹⁰¹

The context of insecurity has resulted in the closure of four shelters, in different states of the Republic (Chiapas, San Luis Potosi, Tamaulipas and the State of Mexico). The most recent one to close was the “San Juan Diego” shelter in Tultitlan, located in the State of Mexico. On July 9, 2012, the migrant house was forced to close its doors due to the harsh

98 Interview with Diego Lorente, PCS, Mexico City, March 26, 2012.

99 Interview with Father Pedro Pantoja, Saltillo Migrant House, May 2, 2012.

100 DPMH: Informe sobre la situación de las y los defensores de las personas migrantes en México [Report on the situation of migrant rights defenders in Mexico], par. 26, 2011.

101 Of the 128 security incidents, 61 were committed by non-state agents; on 17 occasions the aggressor was unknown, and on 50 occasions state agents were responsible.

context of harassment and threats to staff in the house, a situation that began in 2009 and that got worse as of 2010.¹⁰² More than 10 shelters have protection measures from the CNDH and 4 are the beneficiaries of precautionary measures from the IACHR. Most recently in August 2012 members of the “Frontera Digna” Migrant House in Piedras Negras (Coahuila) received these measures from the IACHR. The other measures were granted in 2010 to Father Pedro Pantoja and members of the Saltillo Migrant House, to Father Alejandro Solalinde and members of the “Hermanos en el Camino” migrant shelter in Ixtotec (Oaxaca), and in 2011, to the “Nazareth” Migrant House and the Human Rights Center in New Laredo (Tamaulipas).¹⁰³

The shelter in Tultitlan closed due to pressure from the neighbors in the area. According to Father Christian Alexander, former director of the house: “Many say that we are defending criminals. That is not true. We also believe that the people who commit crimes have to go to trial and go through a legal process. We do not want to put the community at risk, nor the workers at the shelter, nor the other migrants. People do not understand that we do not promote migration, the only thing that we want is for them to have a dignified journey through Mexico. With or without the shelter, the migrants will keep coming.”¹⁰⁴ Raising awareness with the local community is one of the biggest challenges for migrant rights defenders. According to Father Pedro Pantoja, there is a floating population that never gets to the shelters. Many people believe that crime has increased due to the abundant transit of people.

The “Un paso a la Esperanza” Day Center in Torreon (Coahuila) has gained some local support in order to attend to migrants. Once a week, youth from the different churches come to provide support, talk to the migrants and listen to their stories –this is a way to raise awareness with the community. The “Santa Cecilia” soup kitchen has also been in the area for the last 15 years. The people in charge of the migrant soup kitchen say that people from the community will tell migrants how to get there and if it is closed. The human rights defenders say that raising awareness within the community is an ongoing activity.¹⁰⁵

102 AI has made statements about this on several occasions, some information about the attacks appear in the “Open letter about the closure of the San Juan Diego Migrants’ Shelter in San Juan Diego, Lecheria, Tultitlan, State of Mexico” (AMR 41/050/2012), which was addressed to Dr. Eruviel Avila Villegas, Governor of the State of Mexico, July 13, 2012.

103 All of the measures granted by the IACHR can be found at <http://www.oas.org/en/iachr/decisions/precautionary.asp>

104 Interview with Father Christian Alexander, former director of the San Juan Diego Shelter in Lecheria, August 7, 2012.

105 Interview with members of Migrant Day Care Center “Un paso a la Esperanza”, April 28, 2012.

Access to justice and to authorities

Not all the shelters report what is going on with the migrants, nor do they report all the attacks against the human rights defenders. According to a report by the DPMH in 2011, reporting these crimes puts them at greatest risk. Diego Lorente explains: “Why do some report crimes and others don’t? Many houses do not want to. The majority of the defenders of migrants are alone. Many do not have support. They are in inhospitable places and reporting crimes gives them greater visibility. It can put them at greater risk. There is no political cost for the aggressors, there is total impunity. In Tamaulipas for example, they have faced armed attacks. It is hard for them to document cases., They feel that they are in danger just for having this documentation in the shelter.”

In addition, there is an administrative problem. The Pro Migrant Coalition of Baja California says that “one difficulty is that migrants do not stay very long in the area [...] The mechanisms for filing crime reports are very bureaucratic, and migrants cannot stay to follow up with the report. The goal of reporting, is then to force authorities to do something, so that they know that this is taking place, and then they cannot tell us that they can’t do anything because they have not received a report.”¹⁰⁶

For migrant rights defenders, the government’s interest in the subject is relative and depends on the case. Axel Garcia remembers when they presented an analysis on the kidnapping of migrants to the IACHR. According to authorities, the methodology was not adequate and as a result the numbers were not real. “The government does not want to recognize the magnitude of the problem. We wanted to present what we found in order to look at the problem together,” says the defender.

On the other hand, Diego Lorente believes that attention is more focused on Mexican migrants in the U.S.: “Many of the advances have been partial. Michoacan and Zacatecas have approved laws but these laws refer to the migration of Mexicans to the United States, not the international migration that passes through Mexico. Michoacan and Zacatecas are two states with a history of migration. In addition, these people vote outside the country, the Mexicans that live outside of Mexico are very important and are an important political force. Yes, you can find senators and politicians that are concerned. For example, some [political] parties got together after the 72 migrants were killed in Tamaulipas, but that does not usually last very long.”

106 Interview with Jose Moreno Mena, Director of the Pro Migrant Coalition, August 14, 2012

“BELEN, MIGRANT POSADA” SHELTER / SALTILLO MIGRANT HOUSE, SALTILLO (COAHUILA)

On one of the streets in the Landin neighborhood, a white wall a few blocks from the train tells migrants that they have a place to rest and receive assistance: “Belen, Migrant Posada” Shelter. The Saltillo Migrant House (part of the Borders with Justice Association), is located in the capital of Coahuila state, and provides humanitarian aid to hundreds of migrants daily. The shelter opened its doors for the first time in 2002. The House has the capacity to shelter up to 60 people. However, there are times in which it has provided shelter for up to 316 migrants, and they provide support to more than 8,000 people a year. The humanitarian attention provided by the shelter includes medicine, clothes, food, a place to rest, preparation to continue their journey and psychological support. The migrants that arrive at the shelter looking for aid have spent anywhere from three days to three months crossing Mexico.

Given railway connections with Nuevo Laredo, Reynosa, Ciudad Juarez and Piedras Negras, all of which border the U.S., Saltillo is a key area in the migratory route in the country. This makes the Saltillo Migrant House one of the most strategic shelters in the country and a center that is of utmost importance for the safety and health of the migrants that are trying to cross the border. The shelter stands out from other similar places in Mexico due to its many strengths. In addition to humanitarian assistance, they do solid work defending the rights of migrants by documenting cases of kidnapping, extortion, abuse and attacks that migrants suffer when they pass through Mexico. The different departments in the House work together to file reports about these attacks.

“The state government has always had a human rights discourse. But the reality has been very different. Migrants and the house are very vulnerable, [and] the state does not take care of human rights defenders.”

The shelter also has a mental health team that is in charge of providing psychological support to victims of abuses and human rights violations. The team does personalized interviews with people who stay for more than two or three days. They also offer medical attention when it

is necessary and provide attention to the sexual and reproductive health of migrants, and if they can, they do quick test for HIV. However, the obstacles are great and the people who work in the House recognize it: “It is difficult to care for the health of 300 people. There is not enough space to separate someone if they are very sick. The three levels of government do not show an interest in this work and support is limited.”¹⁰⁷

On average, the migrants stay about a week in the house, but some stay up to three or four months if they are waiting for money or because of health reasons or a legal situation (for example, in cases of deportation.) “Migrants are received in the House at any time of day or night. Their stay depends on compliance with the rules, which are basic rules for behavior, but the idea is not just to arrive, eat and go,” says one of the workers at the shelter.

The shelter also has support for people in transit who decide to stay in Saltillo, providing help with the necessary paperwork, accompanying them to the INM and filing cases of abuse if necessary. The House says that “many migrants stay in Saltillo instead of continuing the journey. They have a difficult life here; some are harassed by the police and social integration is very difficult. They do not have any protection.” Each Monday, the shelter provides human rights training to the migrants in migratory detention centers in Saltillo (part of the INM) to teach them about their rights.

The House publishes an annual report with an analysis of the anomalies that they find and they present it to authorities. This is part of a strategy to promote dialogue and share information, and it is one way to pressure the government. The shelter participates in debates on migration with faith groups, politicians, the diplomatic corps and the public as a social advocacy strategy. “The state government has always had a human rights discourse. But the reality has been different. Migrants and the house are very vulnerable. The state does not take care of human rights defenders.”

In October 2011, the Saltillo Migrant House received the Letelier-Moffitt International Human Rights Award, granted by the Institute for Policy Studies in Washington D.C. The award was recognition of the House’s well-known work to defend the rights of migrants. However, the workers at the House have still been victims of harassment, surveillance and threats as a result of their human rights work. Due to their risk situation, the House was granted precautionary measures by the CNDH

¹⁰⁷ Interview with Alberto Xicotencatl, director, and other staff, Saltillo Migrant House, May 2, 2012.

in 2009 and by the IACHR in 2010.¹⁰⁸ However, they have suffered from several security incidents in the last few years. “2011 was quite difficult for us,” said one of the workers at the House. That year they were victims

The precautionary measures specify that a police officer should be stationed outside of the House, but an officer is not always there. Alberto Xicotencatl says that the police presence “is more like a symbolic presence, it does not work well. They come and go without warning, and there are no protocols for us to communicate with the police outside.” They also have difficulties with the necessary physical infrastructure, and the surveillance cameras have not always worked the way they should. The House has demanded that state and federal authorities adequately implement the precautionary measures. In September 2012 there was a round table discussion about their precautionary measures between state and federal authorities and workers at the House. The defenders say that the government insists on doing a risk analysis for cases of accidents, when in reality their situation has to do with criminal acts and the kidnapping of migrants. According to them, “the round table was disappointing, their commitment to our security is outrageous, [so] we have to limit ourselves to having a megaphone and a bell at the House.”



Migrants in the “Belen, Posada del Migrante” shelter (Coahuila)
© Saltillo Migrant House

of surveillance outside their homes and on their way to work, of armed assault, verbal and armed harassment, and of robbery. House Director Alberto Xicotencatl says that “there has been surveillance by unknown people. We have the constant feeling that if someone wanted to do something to us, nothing would stop them.”

¹⁰⁸ IACHR: Precautionary measures MC 312-09 – Priest Pedro Pantoja Arreola and his team of collaborators in the Belen Migrant Posada Shelter, April 23, 2010, Mexico.

In addition to the security problems, the organization suffers from defamation from some representatives of the state Congress, who allege that the House defends criminals. This contributes to the defamation and criminalization of migrants, which is common in many parts of the country including Saltillo. In spite of these difficulties, the Migrant House continues its work with its doors open to those who need assistance and support. Without this shelter, migrants would be exposed to many risks sleeping in the streets, they would not have access to food and medicine, and would be

highly vulnerable to organized crime. The daily functioning of the House prevents a humanitarian crisis in Saltillo.

“SAN JUAN DIEGO” MIGRANT SHELTER, TULTITLAN (STATE OF MEXICO)

In a the rural town of Huehuetoca (State of Mexico), a white tent on a piece of land that was once empty, receives migrants that come through this town on their way north. Just a few feet and a security fence separate the tent from the train. The new tent quickly opened to fill the vacancy that was left by the closure of the shelter in Lecheria. In a few months, this same piece of land will have a house with all the necessary structure to function as a migrant shelter. For now, it has some mattresses on the floor, portable bathrooms and an improvised kitchen. The opening of the tent in Huehuetoca began some miles further south, in the town of Tultitlan.

The “San Juan Diego” migrant shelter opened its doors on January 19, 2009. For more than three years, it was located in the Lecheria neighborhood in Tultitlan (State of Mexico). The opening of the shelter was in response to the serious situation that migrants face when they come through this region. Many of them are victims of serious human rights violations like extortion, kidnapping, attacks and trafficking. During its existence, the shelter offered humanitarian aid to hundreds of migrants a day, offering a place to stay, food, and medical and legal support. According to Father Christian Alexander Rojas, who has been responsible for the shelter since April 2012, “we made miracles out of the space that we had in Lecheria. It was just a church room, it was part of the church not the town hall.”¹⁰⁹

On July 9, 2012, the shelter closed its doors. Father Christian Alexander Rojas shared that when he took over the administration “it was a hot potato, the situation was very difficult.” In June 2012, the DPMH had asked the IACHR for precautionary measures for workers in the shelter due to several episodes of harassment, surveillance and threats, both at the hands of government agents as well as from neighbors in the area and unknown people. The DPMH registered almost 20 incidents of attacks or threats against the human rights defenders in the shelter from 2009 to 2012. The CNDH granted precautionary measures to the house in July 2010.

In addition to the harassment that they suffered, the human rights defenders also witnessed attacks and violations against migrants when they passed through Tultitlan. The DPMH registered cases of kidnappings and physical attacks in the town in 2010, 2011 and 2012, including three killings. Between 2010 and 2012, security forces dismantled human trafficking networks that were operating in Lecheria and rescued some undocumented migrants. DPMH also highlighted some instances in which local authorities incriminated migrants as well as their defenders, alleging that they contribute to general insecurity.

“The police trucks did not provide the necessary protection. They only came by the shelter to show that they were there. Given the magnitude of the problem, there was a big lack of support.”

The discontent of several neighbors regarding the functioning of the shelter led to its closure. In January 2012, a hundred people protested against the migrant house, stopping local transit and burning the homes of undocumented people. At the end of April, there was another protest in which neighbors demanded the closure of the shelter, alleging that it put the community at risk because of crimes that were being committed. During the weekend of July 7th and 8th, harsh clashes between neighbors and migrants meant that several neighbors requested the immediate closure of the shelter. Several of them took away the logo from the house, put up signs saying that the house was closed, erased the name “San Juan Diego Migrant House” with white paint, and took over the roads to prevent migrants from arriving to the shelter. Even though the precautionary measures from the CNDH state that police should be present outside the house at all times, apparently no one was there when the conflict began.

On July 9, 2012, neighbors barricaded the streets and threatened the person in charge of the shelter, which led to its definitive closure in order to prevent further attacks to the migrants. According to the DPMH, the discontent of the neighbors and their demands for security, cleanliness, and water service were never attended to by state and municipal authorities. This led to an increase in criminalization of migrants. The organization reports that the municipal and state governments were not concerned about talking to the neighbors in order to raise awareness with them and address their demands. Father Christian Rojas explains: “The

¹⁰⁹ Interview with Padre Christian Alexander, former director of the San Juan Diego shelter in Lecheria, August 7, 2012.



“San José” Huehuetoca soup kitchen (State of Mexico) © PBI Mexico

town hall did not carry out their responsibilities, not with the neighbors, nor with the shelter. The police trucks did not provide the necessary protection, they only came by the shelter to sign that they were there. Given the magnitude of the problem, there was a big lack of support.”

Since the shelter has closed, the hundreds of migrants that arrive in Tultitlan on a daily basis riding on “The Beast” are in greater risk. The Cuautitlan Diocese, with the support of municipal and state authorities from the INM, installed a temporary tent under the Independence Avenue bridge in Tultitlan. During the month of July, representatives from AI and Doctors without Borders visited the installations and recognized the importance of a shelter in Tultitlan, one of the main jump off points

for migration north. However, the tent would not last long. Neighbors in the area, similar to Lecheria, demanded the closure of the installations, alleging that the presence of the migrants leads to insecurity. On August 3, 2012, the government of the State of Mexico dismantled the tent and relocated it to a piece of land in Huehuetoca, just north of Tultitlan. Here they installed a temporary tent until a new house is built. The land is just a few feet from the train and is far from the local population.

However, the closure of the “San Juan Diego” shelter leaves a gaping hole. When the shelter was functioning, up to 300 migrants would arrive each day. This is an area of concern for Father Christian Alexander Rojas, who says, “we have to find a way to continue to attend to the migrants that come to Tultitlan, so that they are not exposed to the risks of sleeping in the street. Now 20 to 30 migrants sleep on the street each night in Lecheria, and they are subject to kidnappings and ‘levantones.’”¹¹⁰ With or without the shelter, the migrants are going to continue to come to Tultitlan.” In fact, more migrants continue to go to Tultitlan than to Huehuetoca.

The closure of the shelter in Tultitlan illustrates the unsafe conditions for several migrant shelters in the country. Human rights defenders are often victims of harassment and threats, which leaves them extremely vulnerable: “Proof of this is the case of the ‘San Jose’ Migrant House, which was created by a group of researchers, students and activists in Huehuetoca as a result of the closure of the ‘San Juan Diego’ Migrant House. However, given the criminalization of this work by state and municipal authorities, they had to stop their humanitarian work. Currently this case is awaiting precautionary measures from the IACHR.”¹¹¹

“HERMANOS EN EL CAMINO” MIGRANT SHELTER, IXTEPEC (OAXACA)

Father Alejandro Solalinde Guerra has dedicated the last few years to the defence of the rights of migrants. In 2007, he opened the “Hermanos en el Camino” Migrant shelter, in Ixtepec, in the south of Oaxaca. The house has provided humanitarian assistance to thousands of migrants that pass through Oaxaca on their way to the U.S. border. At the shelter, the travelers can find a place to rest, as well as food and medicine.

Father Alejandro Solalinde decided to open the shelter after witness-

¹¹⁰ “Levantón” is a word that has recently been used to refer to the kidnappings committed by drug trafficking groups, as a way to get paybacks between the different organized crime groups. In general, the victims are disappeared, tortured, and in some cases, killed.

¹¹¹ Interview with Axel García, July 7, 2012

sing several cases of extortion, attacks and kidnappings of migrants who were traveling on “The Beast.” The train arrives in Ixtepec after a 14 hour trip from Chiapas, and for the migrants who get off there, a place to spend the night and to eat is much needed. The priest has been a key figure in the defense of migrant rights in the last few years in Mexico. He has denounced the abuses and attacks to the migrant population and has dedicated his efforts to raising awareness with authorities and with society about their need for assistance and protection.

“We were not ready for this violence. Giving food to people, providing a place to stay... there was no reason for us to be at risk.”

Due to his work, this human rights defender has been the victim of harassment, intimidation, defamation, and threats on several occasions. Father Solalinde has suffered from more than 50 attacks of all kinds. Between March and April 2012, some people with connections to municipal authorities in Ixtepec threatened to kill him.¹¹² During this period, the priest received 6 death threats and had to leave the country for several months because of his security situation. In addition to the direct attacks that he has faced, Father Alejandro Solalinde and the other workers at the house are at constant risk due to their close proximity with the migrants. “We were not ready for this violence. Giving people food, providing a place to stay.... there was no reason for us to be at risk,” he explains.¹¹³ The shelter has been attacked by criminal groups, migrants have been kidnapped, and local authorities have threatened to close the shelter.

Father Alejandro Solalinde and staff in the shelter have had precautionary measures from the Inter-American Commission since 2010 after he was “detained and held at gunpoint by the Federal Police when he went to the Office of the Public Prosecutor of the State of Oaxaca in the context of investigations underway for the alleged murder of three migrants,”¹¹⁴ in February of that year. In 2007, the CNDH had already granted him precautionary measures. Today this human rights defender has armed police escorts for his protection.

¹¹² PBI Mexico: “New threats against migrants and Father Alejandro Solalinde”, April 17, 2012.

¹¹³ Interview with Father Alejandro Solalinde Guerra, Director of the “Hermanos en el Camino” migrant shelter and Axel García, July 7, 2012. PBI has accompanied this migrants rights defender since 2010.

¹¹⁴ IACHR: Precautionary measures MC 250-09 – Jose Alejandro Solalinde Guerra and Members of the “Hermanos en el Camino” Migrant Shelter, Mexico, 2010.



Father Alejandro Solalinde Guerra © “Hermanos en el Camino” Migrant Shelter

Mexican organizations agree that the federal government was not prepared to provide protection and implement precautionary measures. These organizations say that the state governments do not generally know what the measures are about and do not know what part of it is their responsibility. Many times, the paperwork gets blocked due to a lack of coordination or clarity about whether it is state or federal responsibility: “Regarding the measures for Father Solalinde, the DPMH and the government spent seven months negotiating who was responsible for changing a light bulb and paying the bill for the lighting around the shelter. The wall that they put up was not well built and there is flooding every time it rains. The government does not have any real intention to help. Now they have more training, but when the administration changes, we will have to go through the whole process again,” says Axel García.

Forced disappearance

From Tita to Delia: a never-ending pattern of impunity

The phenomenon of forced disappearance in Mexico goes back to the 1960s, 1970s, and 1980s during the time of the dirty war. In those years, the Mexican state implemented a policy to wipe out social, political, and insurgent groups that demanded social justice. Security forces systematically carried out executions, torture, forced disappearances and serious human rights violations.¹¹⁵ On August 25, 1974, Tita Radilla's father, Rosendo Radilla Pacheco, was disappeared at a military checkpoint in Guerrero. After more than 38 years his whereabouts are still unknown. Since 2003, PBI has accompanied Tita Radilla and the Association of Relatives of the Detained, Disappeared and Victims of Human Rights Violations in Mexico in their search for truth, justice and reparation.

Even though the dirty war came to an end, human rights organizations say that politically motivated forced disappearance still continue: "Forced disappearance is a state policy that has taken place in our country since the 1960s, it is ongoing and systematic, and today, under the alleged strategy of fighting organized crime, it has worsened and has extended to other sectors of society. At the same time the cases of forced disappearance against human rights defenders have become invisible [...]. While from 2005 to 2010 there were 27 documented cases of politically motivated forced disappearances of human rights defenders or social leaders, in 13 months, from 2011 to February 2012, 30 cases have been documented, which means that more human rights defenders were disappeared in one year than in the previous 5 years."¹¹⁶ In a report presented to the National Campaign against Forced Disappearance, the Cerezo Committee¹¹⁷ showed that there were 38 politically motivated forced disappearances between January 2011 and May 2012,¹¹⁸ and this number only includes the cases that have been made public, which means that the number might be much greater.

The Declaration on the Protection of All Persons from Enforced Disappearance¹¹⁹ defines forced disappearance in its preamble, stating that when a person is "arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law." In addition, it considers that "enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity." In addition to the Declaration, there are also two other specific instruments on the subject: The International Convention for the Protection of All Persons from Enforced Disappearance¹²⁰ and the Inter-American Convention on Forced Disappearance of Persons¹²¹, both of which have been ratified by Mexico.

The Inter-American Court of Human rights also states that forced disappearance is a crime that is ongoing or permanent. The disappearance begins with the deprivation of liberty and subsequent lack of information about the person's whereabouts, the crime is continuous or permanent as long as the whereabouts of the victims are unknown.¹²² In this sense, the crime is continuous and does not end with the initial act. The state has the obligation to continue to look for the person and to carry out the necessary investigations until the perpetrators are punished.¹²³

The National Campaign Against Forced Disappearance and the UN Working Group on Enforced or Involuntary Disappearances highlighted four large groups of people who are particularly vulnerable to disappearances: human rights defenders or people who are politically involved, migrants, journalists, and people who live in places with increased levels

115 PBI Mexico: Mexico before the Inter-American Court, Informative Bulletin, No. 2, October 2010.

116 National Campaign against Forced Disappearance: Report on the forced disappearance of human rights defenders in Mexico, Mexico, pgs. 12 and 15, May 2012.

117 PBI has accompanied the Cerezo Committee since 2002. This organization, located in Mexico City, works to defend the rights of political prisoners, document cases of human rights violations, and train other social groups and human rights organizations.

118 Cerezo Committee Mexico: Informe de violaciones a los derechos humanos en Mexico 2011: las víctimas del proceso de configuración de un Estado terrorista [Report on human rights violations in Mexico in 2011: victims of the process of the configuration of a terrorist state], Mexico, August 2012.

119 Approved by the UN General Assembly in resolution 47/133, December 18, 1992.

120 Adopted by the UN on December 20, 2006. It was ratified by Mexico in 2008 and went into effect on December 23, 2010.

121 Adopted by the OAS on June 9, 1994. It was ratified by Mexico in 2002 and went into effect on May 9, 2002.

122 Case Radilla Pacheco v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 23, 2009. Series C No. 209.

123 See I/A Court H.R.: Velásquez Rodríguez v. Honduras, Merits, Sentence of July 29, 1988, Serie C No. 4.

of violence.¹²⁴ According to civil society organizations and the UN Working Group, Mexico has some gaps when it comes to eliminating this practice, protecting victims and their families, providing reparations and carrying out an effective search for disappeared people.

Disappearances in the current violent context

In addition to the forced disappearance of social activists and human rights defenders, in the last few years, another aspect of this phenomenon became visible in Mexico: the disappearance of people in the current violent context in the country. The cases documented by civil society organizations increased in 2007 and the numbers increased much more two years later.

“In 2009, cases of disappearances began to arrive here at the [“Fray Juan de Larios”] Center. At that time people were already talking about ‘levantones’ [abductions by organized crime] as a way in which organized crime groups took justice into their own hands. The families were very affected because the people who were killed were immediately labeled as criminals. [...] In a violent context, [there is] a stigmatization towards disappearances, we did not know what was going on. We started to document and sketch the profile of the victims. The [cases] did not fit into the classic profile of paybacks between groups and so we started talking about it as another phenomena. We already know the ABC’s of classical disappearances, but here we did not know, so what do you do? [...] In 2009 we started to see trends and we began to identify patterns of the victims and patterns amongst the perpetrators. It caught our attention that people were disappearing in groups and in transit through Coahuila. Young adults were at-risk. The majority of the disappearances were men between 18 and 40 years old, but then women and children started to be disappeared too.”¹²⁵

In general, with this “new” kind of disappearances, the victims are not politically active, nor do they have connections with criminal groups, though publicly the cases tend to be attributed to organized crime.¹²⁶ According to human rights organizations, by attributing the disappearances to criminal violence, the search for justice is even more difficult since it takes responsibility away from the government. As a result the institutions in charge of administering justice do not carry out effective in-

124 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 66, December 20, 2012.

125 Interview with “Fray Juan de Larios” Diocese Center for Human Rights, April 30, 2012.

126 In this context, the number of Central American migrants who are also victims of kidnappings in the country also increased.

vestigations to locate the victims. Many officials in the Public Prosecutor’s office tend to tell families that the person disappeared because they had connections with organized crime, in this way blocking the investigation: “It is impossible to determine the exclusive involvement of organized crime without a complete and consistent investigation,” say organizations.



“They were taken alive, we want them alive” © “Fray Juan de Larios” Human Rights Center

After visiting Mexico in March 2011, The UN Working Group on Enforced or Involuntary Disappearances stated that, “[m]any cases of abduction and offenses similar to enforced disappearances are committed by organized criminal groups. However, apparently, not all disappeared persons were abducted by independent organized criminal groups; the State is also involved in enforced disappearances in Mexico. The Working Group received specific, detailed and reliable information on enforced disappearances carried out by public authorities, criminal groups or individuals with direct or indirect support from public officials. Due to the prevailing impunity, many cases which could come under the scope of the offense of enforced disappearance are reported and investigated as different offenses, or are not even considered to be offenses.”¹²⁷

There is no official count of the number of people disappeared under

127 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 17, December 20, 2012.

these circumstances and there is no official way to categorize these disappearances. Some of the media has reported that up to 20,000 people were possibly disappeared during the last presidential term.¹²⁸ On the other hand, the CNDH, through its National Information System of Unidentified Lost and Killed People (SINPEF) recorded 5,397 people as lost or absent from 2006 to 2011; other news agencies report that the CNDH has registered more than 20,000 cases.¹²⁹ The lack of clarity regarding the breadth of the problem is an obstacle to taking the necessary steps towards a solution.

The disappearance of women in Chihuahua

Of the 5,397 people reported as missing in the CNDH's registry (2006-2011), 1,885 are women.¹³⁰ Traditionally, most of the disappeared people have been men, such as in the dirty war. In the violent context of the last few years, Mexican organizations have documented a similar pattern. Even though the disappearance of women is especially noticeable in Chihuahua,¹³¹ it also takes place in other regions of the country, like Puebla, where a journalist documented that the local Attorney General's Office registered 3,323 cases of "lost" women from 2005 to 2009.¹³²

This phenomenon is not new in Chihuahua. The organization, Justice for Our Daughters (JPNH), has accompanied cases of disappearances of young women from 50 families since 1993, the year in which these cases started to be documented in Ciudad Juarez. According to investigations by the organizations, the majority of the cases of forced disappearance of women are related to trafficking for sexual exploitation and a large part of the victims are minors. The organization says that there are cases of women who disappeared from Ciudad Juarez and were later found in Guadalajara or in Mexico City. Ricardo Alanis, from the Committee of Relatives of the Disappeared in Ciudad Juarez says that he has dedicated himself to looking for his daughter and other

young women in bars in order to find out if they are being exploited in these establishments. "Many families continue to hope that they will find their daughters and because of their investigations, they receive threats," he says. The organization knows that the State is responsible for investigating and looking for these people, however, they continue with this work because they have not found adequate results: "High-ranking officials come with big promises but the disappearances continue and they remain in impunity."¹³³

"Many mothers come to us to report a recently disappeared daughter. When they go to the Prosecutor with someone from the organizations they are treated very differently. Another obstacle is when we provide information for investigations; often authorities do not do anything with the information or do not even take the report. They even tell them that there is no system [for the information]," says one of the members of the Committee of Relatives.

The UN Working Group on Forced or Involuntary Disappearances states that, "[t]he so-called Alba Protocol was implemented in the municipality of Ciudad Juarez (Chihuahua) to help the municipal, state and federal authorities coordinate, handle and respond to cases of disappeared women and girls. The Protocol establishes a mechanism for helping the authorities at the three levels of Government to coordinate, handle and respond to cases of missing women and girls in Ciudad Juarez. Although the Protocol is a positive step, it is geographically limited in scope, is only used in high-risk cases of disappearances of women and girls and has rarely been invoked."¹³⁴

According to the organizations, one difference with respect to other aspects of forced disappearance, is the extent of femicide in Chihuahua. On some occasions, the bodies of the women are found. When they are found in mass graves, the organizations say that the exhumations, the DNA evidence and the process of returning the body to the relatives all take too long. The Committee of Relatives of the Disappeared in Ciudad Juarez explained that they began to hand over some bodies, specifically four from the Committee, "but they did it as if they were turning over a murderer, many prosecutors and forensic anthropologists were there, they said very harsh things to the mothers, which left them in a bad state. Things like 'we found some bones and they belong to your daughter.'"

128 "Son 20 mil personas desaparecidas en Mexico, según cálculos oficiales" [There are twenty thousand people who have disappeared in Mexico, according to official calculations], *Vanguardia*, April 23, 2012. Recently, SEGOB said that it was creating a database of disappeared people with numbers that reach 27,000 people, see "Crea Segob Comisión de búsqueda de desaparecidos"[Segob creates a Commission to look for the disappeared], *El Universal*, February 22, 2013.

129 "Aumentaron 500% los casos de tortura con Calderón: CNDH" [Cases of torture increased by 500% under Calderón: CNDH], *La Jornada*, pg. 2, November 22, 2012.

130 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 67, December 20, 2012.

131 A large number of disappeared women have also been reported in the State of Mexico in recent years. According to the National Citizens Observatory of Femicide, "In 2011, 569 cases were documented, 62% of these were women between 10 and 20 years old," information published in a Bulletin in March 2011.

132 "3323 mujeres desaparecidas"[3323 disappeared women], *Revista Puntual*, No. 61, November 2009; and "Se extiende en Puebla la violencia feminicida"[Femicide violence grows in Puebla], *Kara Castillo*, CIMAC Noticias, November 23, 2009.

133 Interview with Norma Laguna, Olga Esparza and Ricardo Alanis, Committee of Relatives of the Disappeared, May 16, 2012.

134 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 48, December 20, 2012.

Public officials have a lack of tact, awareness and sensitivity to effectively manage this situation.

The mother of a young woman who was disappeared, (who is a member of the Committee of Relatives), says that when she went to the Prosecutor's Office on February 16, 2012, they told her that there were some remains that were found in Juarez Valley that tested positive. "That is not my daughter, apparently there is only a piece of paper that says that it was 50% positive. When they went to my house they told me that there were clothes that belonged to my daughter, but none of those clothes belonged to my daughter." The piece of paper only mentioned two pieces of a cranium: "They say that is my daughter." She wants more proof but not from the government, she does not trust them.

“The mothers will continue looking for their daughters. No mother is afraid to look for her daughter. You tell them ‘let’s go look for her’ and they immediately say yes. It is an unstoppable force.”

Norma Ledezma's daughter Paloma was also disappeared. Norma Ledezma is the director of Justice for Our Daughters. Paloma left the house on March 2, 2002 and her body was found at the side of a highway on March 29 that same year. "Due to a lack of professionalism and advances in this case, I pushed for a team of international expert examiners to come in 2007. The Argentine team arrived and worked on 10 cases, and their results showed the PGR's omissions, incorrect DNA results, and clothing that did not belong to the victim."¹³⁵ In order to comply with Paloma's case,¹³⁶ the Ministry of the Interior held an act of recognition on February 21, 2012, in which the Mexican state accepted that it had failed to provide Paloma with due protection and recognized the violation of her rights.¹³⁷

¹³⁵ Interview with Norma Ledezma and Juan Solís, Justice for Our Daughters, May 15, 2012.

¹³⁶ See the IACHR Admissibility Report: Paloma Angélica Escobar Ledezma et. al, Petition 1175-03, No. 32/06, March 14, 2006.

¹³⁷ Public Act of Recognition of Responsibility in the Case of Paloma Escobar Ledezma et. al. Bulletin no. 65/12, SEGOB and Chihuahua state government, Chihuahua, Chih., February 23, 2012.

“They were taken alive, we want them alive”

The work of Mexican civil society around forced disappearance is diverse. But one thing many families have in common is the formation of groups, associations or committees of relatives of the disappeared, such as AFADEM in Guerrero, FUUNDEC in Coahuila or the Committee of Relatives of the Disappeared in Chihuahua. In uniting together they have found a way to search for justice for their cases and face obstacles together. There are also organizations that accompany relatives and provide consultations with them throughout the process, such as the “Fray Juan de Larios” Diocese Center for Human Rights and the “Juan Gerardi” Center for Human Rights in Coahuila, the Human Rights Defense Network (Reddh) in Puebla, the Round table of Women of Juarez and the Center for the Human Rights of Women (Cedehm) in Chihuahua and the Citizens Association against Impunity in Baja California.

Almost 35 years have passed between the disappearance of Tita Radilla's father (AFADEM) and Delia's son (FUUNDEC). The context in which each disappearance took place is different and Mexico has changed. However, both women are searching for the same thing: they want to find their disappeared family member, they want a real investigation and punishment for the offenders. According to the organizations, the difficulties are similar, regardless of whether or not the disappearance took place three months ago or thirty years ago. The search for the disappeared family member, they say, goes through different stages and obstacles: fear of reporting the crime, criminalization of the disappeared person, difficulty in presenting the criminal report, lack of an investigation and adequate search, a lack of training for public officials, a lack of sensitivity to the problem, various legal holes in the classification of the crime, a lack of an integrated response for the family and even extortion. In addition, several people have said that they have received threats or harassment just for asking about their family members.

The first step: filing a crime report

“The first time that we tried to file a report there were five cases, and an independent lawyer accompanied us. They treated us as if we were criminals, and said they could not accept the case,”¹³⁸ says Tita Radilla. The testimonies of relatives whose loved ones were recently disappearances are no different: “We are ready and we want a different response than at other times in the country [like the dirty war]. The authorities wanted to knock us down in some way, they want to damage us, they say that our children are drug addicts or delinquents. But we have the

¹³⁸ Interview with Tita Radilla, Vice-President of AFADEM, 2012.



Scanning the soil at the former military barracks (today “City of Services”) in Atoyac de Alvarez (Guerrero) © PBI Mexico

strength to resist and we keep demanding justice,”¹³⁹ says a member of FUUNDEC. This story repeats itself with families from other organizations and collectives. “When mothers go to authorities, none of them are well received, this is a constant; all of the mothers have a story, for example, authorities told one mother that she should accept that her daughter is dead.”¹⁴⁰ Raul Reyes (FUUNDEC) also had difficulties filing a crime report and said, “In addition, none of us was able to file a crime report before 72 hours, when it would have been much easier to find them.”¹⁴¹ In Puebla something similar takes place: the Reddh accompanies the case of Dr. Armando Mendoza Velazquez, who disappeared on April 10, 2012 while driving his car. The family filed a crime report but they say that authorities took 14 days to visit them for the first time.¹⁴²

The UN Working Group on Forced or Involuntary Disappearances of Persons says that Mexico does not have a “comprehensive public policy or legislation that deals with the different aspects of prevention, investigation, penalties and reparation for the victims of enforced disappearances. It would appear that there is no vertical or horizontal coordination between the federal, state and municipal authorities. Likewise there is no effective national system to search for the victims of enforced disappearance.”¹⁴³ The Working Group “recommends that the offense of enforced disappearance should be included in the criminal codes of all states and that a comprehensive law on enforced or involuntary disappearances should be adopted without delay. Under this general law enforced disappearance should be defined as an autonomous offense; a specific procedure for finding the disappeared person with the assistance of the relatives of victims should be established; a national register of persons who have been the victims of enforced disappearance should be compiled, and relatives, lawyers, human rights defenders and any other person concerned should be guaranteed full access to the register; the declaration of absence following the enforced disappearance should be allowed; full protection and support should be provided to the relatives of disappeared persons and witnesses; the right to full compensation should be guaranteed.”¹⁴⁴

139 Interview with relatives of the disappeared, FUUNDEC, April 28, 2012.

140 Interview with Norma Laguna, Olga Esparza and Ricardo Alanis, Committee of Relatives of the Disappeared, Chihuahua, May 16, 2012.

141 Interview with relatives of the disappeared, FUUNDEC, Coahuila, April 30, 2012.

142 Interview with Israel Sampedro, Coordinator of the Reddh and Amanda Mendoza Rios, daughter of Armando Martin Mendoza Velazquez, July 3, 2012. The Reddh started its work in the capital of Puebla in 2002 and currently works on cases of murder, disappearance, agrarian conflict, criminalization and ownership of land in the state.

143 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 74, December 20, 2011.

144 Ibid. par. 86.

In addition to defamation and other obstacles, the families are subject to threats and extortion simply for asking about their relatives. Many times the same authorities tell them, “it’s better not to look anymore or things could go bad,” say several relatives of the disappeared. Not only are relatives the target of harassment or defamation, so are the human rights organizations that support their cases: “Some authorities tell the victim, when you go to give your statement, there are many organizations that might come up to you, but don’t believe them because they profit from the pain of the mothers, if you leave the Committee you will get your daughter back, but if you continue you will not find her alive,” says Norma Lagona from the Committee of Relatives of the Disappeared in Ciudad Juárez. Another example is Justice for Our Daughters. This organization received threatening phone calls for four months in 2011 and they believe that these calls are linked to their work reviewing the case files of disappeared women.¹⁴⁵

The duty to investigate

Tita Radilla states that 38 years after the disappearance of her father, “the advances in the investigation are minimal. The majority of information has been provided by the victims’ relatives: the Public Prosecutor asks you who took the person and where did they take them. They ask us questions like: ‘If they killed him, where do you think they buried him?’ We don’t know, we didn’t do it. There is no real and effective investigation. All of the investigation is based on information from the relatives. They give the victims the duty of investigating. The excavations, for example, were based on the testimonies of relatives and witnesses, they did them based on rumors. We told them where to excavate, when they are the ones that should investigate and tell us where our relatives are.”

Similarly, Raul Alanis (FUUNDEC), says that there are never advances in state investigations and the family members are the ones that do the investigating on their own: “We are the ones to give information, through investigations on our own; then the public officials have the documentation and they don’t do anything with the case file,” a member of the group of relatives says, “When I told them to investigate and look for fingerprints in the car [of the person who was disappeared], they told me that I was watching too many American TV shows, because that doesn’t happen here.” In Baja California, the Citizens Association against Impunity has a similar stance: “The best thing that could happen to us is political will [from the state] to investigate the cases that can be

investigated. We are aware that it is not possible [to investigate some of the cases], but we know of cases in which they have received important information about the case, and this information only stayed on paper.”¹⁴⁶ The Citizens Association is made up of relatives of the disappeared; its work is focused on achieving a swift investigation into the disappeared and making changes to public policy.

The organizations say that another problem in the investigation process is the lack of real coordination and transparency with families, including access to the case files. The Reddh says that in the case of Dr. Velazquez, the family gave the authorities names of people who might be responsible for the crime and the authorities asked the relatives not to make any of this information public. However, the PGJ of Puebla then sent the information to the media as part of the results of their investigation, when it was actually information provided by the family. In this case, according to information from the organization, three people were held for the alleged robbery of Dr. Velazquez’ vehicle and homicide and then the formal documents came out to begin the trial (for the same accusations): “We do not understand why they included homicide if the body was never found. The PGJE announced the names of the people who were detained in the press and told the media that they kept the family informed about the case. That is not true, they did not even show us the case file, they let us see it after pressuring them for several months,” says Amanda Mendoza, daughter of the disappeared man.

“We are the ones that give the information, through investigations on our own. Then the public officials have the documentation, and they don’t do anything with the case file.”

One hypothesis of the families and the organizations is around the question, “why or for what reason do they take so many people? For forced labor?” This is one of the things that families in FUUNDEC have discussed with authorities: “But they repeatedly refuse to take on the investigation.” Another fear of the families is the criminalization of the disappeared people once they are found. They believe their relatives could be incarcerated for involvement with criminal groups (even if they had been forced to work for these groups.) Some relatives of the disappeared say that officials from the SSP, SEDENA and the PGR told them that

¹⁴⁵ Interview with Norma Ledezma and Juan Solis, Justice for Our Daughters, Chihuahua, May 15, 2012.

¹⁴⁶ Interview with Cristina Palacio, Delia Patricia Quintero López, Lourdes Dehesa and Teresa Ramos Flores, Citizens Association against Impunity, Baja California, July 17, 2012.

anyone who uses a gun is no longer a disappeared person, they are a criminal, and they do not distinguish between them. This very much worries the families because it could make the situation for the family even more difficult. In order to allege that forced labor is involved, they are exploring some appeals of these cases. They also fear indiscriminate attacks that could affect their relatives in the event of an armed military operation.

FUUNDEC has just begun to investigate the patterns of obstruction of justice, for example, in relation to the locating of bodies in morgues. They say that the officials from the Public Prosecutor's office look for the cadavers under the names of the disappeared people, which is not useful. According to the families, if a body is found, it is not going to have identifying information with it. There should be more detailed work, such as DNA analysis and identification with the families, but they believe that the agents do not have the will to do it. Because of this gap, some of the organizations like the Citizens' Association against Impunity in Baja California maintain their own DNA databases. The Association receives the families, supports them in filing a criminal report if they have not already done so, and depending on the case, suggests that they go for DNA testing. They have a registry of about 100 tests: "Many people do not want to do DNA testing with the government because they are treated very poorly," says the Association. This organization began its work in 2009 with 90 families. They say they have not achieved much results in the resolution of the cases, most of which are cases of people disappeared between 2007 and 2009 in this northern state.

"Mexico lacks an integrated policy to deal with forced disappearances, [a policy] that includes searching for the victims, identifying the remains, and exhuming the cadavers. In addition, it lacks a centralized database on disappeared people and [a way to] access information about cases of forced disappearance. There is no requirement to release a complete information sheet with the physical description needed to carry out the search, localization and identification of the disappeared person. In cases in which there is an information sheet about the disappeared person, it is not usually distributed to hospitals, detention centers, highways or among authorities in charge of locating lost people in other states."¹⁴⁷

¹⁴⁷ UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 45, December 20, 2012.

Multiple obstacles

Filing a complaint and putting on pressure for the investigations to be carried out are not the only obstacles –the difficulties are infinite and heterogeneous. "Another problem that we have in working with victims is that there is not much experience doing psycho-social work with this sector, because it is a new context that we are facing. The people who are getting trained in psycho-social work are in classical training programs [...] they are still using individual therapy, not group therapy. Many families are hesitant to go to therapy. So then it is difficult to include the psycho-social perspective, which does not necessarily include therapy, this is a challenge that we have," says Blanca Martinez, director of the "Fray Juan de Larios" Center.¹⁴⁸

In addition to providing psychological accompaniment to the victim, the interviewed organizations also highlighted other aspects, such as the disappeared person's relationships. Many times this person leaves behind small children, or the disappeared person is the head of the family. The family feels isolated and may be stigmatized for the disappearance, they are afraid that something similar will happen to other members of the family, they use the resources that they have to look for the disappeared person, and sometimes they even face extortion.

¹⁴⁸ Interview with Blanca Martinez, Director of the "Fray Juan de Larios" Diocese Center for Human Rights, May 1, 2012.

ASSOCIATION OF RELATIVES OF THE DETAINED DISAPPEARED AND VICTIMS OF HUMAN RIGHTS VIOLATIONS IN MEXICO, ATOYAC DE ALVAREZ (GUERRERO)

Rosendo Radilla Pacheco, a well-known social leader from the Costa Grande region of Guerrero, was disappeared on August 25, 1974, while traveling on a bus to the state capital Chilpancingo. The vehicle was detained at two military checkpoints. At the second one, he was not allowed back on the bus. One of the last references to his whereabouts was that he was taken to Military Base Number One located in Mexico City. People who were detained together with him say that he was tortured.¹⁴⁹

The Association of Relatives of the Detained Disappeared and Victims of Human Rights Violations in Mexico (AFADEM) was created out of the need for the relatives of the detained and disappeared to respond to the serious human rights violations that were committed by the police and the military in Mexico during the dirty war. The organization is looking for more than 400 disappeared people in Guerrero, including Rosendo Radilla. Some say that at least 650 people were disappeared in the state during the 1960s, 1970s, and 1980s.¹⁵⁰

The Inter-American Court of Human Rights found Mexico responsible for the forced disappearance of Rosendo Radilla Pacheco and in its judgment, the Court commented not only on Radilla's case, but also about the context in which the events took place (dirty war). The Court stated that forced disappearance is a violation of several rights protected by the American Convention on Human Rights, which puts the victim in a state of complete defenselessness. This leads to other violations, which is particularly serious when it is part of a systematic pattern or a practice that is used or tolerated by the State.

The Court states that in order for an investigation to be effective, the States should create an adequate framework for the investigation, which means regulating forced disappearance as an autonomous crime in internal legislation. According to the Court, bringing these cases to justice is an adequate method for preventing future human rights violations. Therefore, the Court recommended legislative reforms to make article

149 PBI Mexico: Human rights defenders in the state of Guerrero: cases of resistance and initiatives of Mexican civil society regarding the defense and promotion of fundamental rights, Mexico, December 2007.

150 UN: Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Mexico (A/HRC/19/58/Add.2), par. 54, December 20, 2012.

57 of the Military Justice Code and article 215A of the Federal Criminal Code compatible with international standards, so that civilian tribunals can investigate human rights violations and so that legislation on forced disappearance is compatible with international conventions ratified by Mexico. The Radilla sentence orders the State to continue with the search for Mr. Rosendo Radilla Pacheco or the remains of his body, and to resume the criminal process in civilian tribunals (including conducting an effective investigation, carrying out the appropriate legal procedures, and applying the necessary sanctions according to the current law).¹⁵¹

“They tell us that it’s not necessary to reopen the wound. Reopen? The wound is open, it has never been closed.”

Tita Radilla¹⁵², daughter of Rosendo Radilla Pacheco and vice-president of AFADEM is an icon of the fight for truth, justice and reparation for the forced disappearances that took place during the dirty war. Her trajectory was especially clear when she decided to take the case of her father's disappearance to the Inter-American System,¹⁵³ with the help of the CMDPDH. “When I began the search, [I had] hope of finding out what happened to my father, I realized that I was not the only one in this situation. And it broke my heart. [...] I had to take on the role not only of a daughter looking for her father, but of a human rights defender. I began to accompany hundreds of families who, like me, had to start this difficult and painful process. Given the impossibility of justice here in our country, and without the preparation or the economic resources to do the necessary work to take our cases to an international entity, we went through many difficult situations and we still moved forward. We say, ‘at an ant’s pace,’ but firm, because during many years we could not even present the case at the corresponding agencies, and little by little we were able to get independent lawyers and organizations interested in our cases. And in May 2001 we took the first steps to present my father’s case at the IACHR. I have to tell you that I was afraid, even terrified, just to think about what it meant to challenge the State.”¹⁵⁴

151 I/A Court H.R. Case Radilla Pacheco v. Mexicano. Preliminary Objections, Merits, Reparations, and Costs. Sentence of November 23, 2009. Series C No. 209.

152 As a result of the harassment and surveillance that she has faced together with other members of AFADEM, PBI has accompanied Tita Radilla since August 2003...

153 On November 15, 2001 the case was presented to the IACHR. On July 27, 2007, the Inter-American Commission reviewed information from both parties and approved the Report on Merits number 60/07. On March 15, 2008 the IACHR sent the case against the Mexican State to the I/A Court H.R. On July 6, 2009, the Public Hearing took place and on November 23, 2009 the judgment was made.

154 Interview with Tita Radilla, Vice President of AFADEM, 2012.

The Court's sentence, released on November 23, 2009, found Mexico guilty for the forced disappearance of Rosendo Radilla, and ordered the State to continue investigations and to search for his remains. The important thing for both Tita Radilla and the relatives of the disappeared is to locate the whereabouts of the disappeared people. Given that this is an emblematic case that is representative of the overall situation during



Tita Radilla together with relatives of the disappeared in Atoyac de Alvarez (Guerrero) © Prometeo Lucero

the dirty war, Tita Radilla trusts that searching for her father and carrying out the proceedings in this case will guarantee the right to truth, justice and reparation not only in the Radilla case, but also for many other relatives of the disappeared.

This judgment represents the first case in which an international tribunal found the Mexican state guilty for a crime against humanity - a crime committed by the military against the civilian population. Rosendo Radilla's forced disappearance is emblematic because it represents a

human rights violation that was widespread in the country. It was extensively documented, and it is an example of what took place in many other cases. When the case of Radilla Pacheco's disappearance was sent to the Inter-American system, the debate about the application of the Military Justice system in Mexico became internationally known (later there were three more sentences against Mexico in which the problem was also highlighted). At the first revision of the implementation of the case, the SCJN stated in July 2011 that the judgments by the Inter-American Court are mandatory. According to the SCJN and in light of the Radilla sentence, when a human rights violation by the Armed Forces is committed against a civilian, the civilian jurisdiction should apply and not the military jurisdiction. The SCJN's resolution stated that all Mexican tribunals should use this criteria and restrict military jurisdiction, in compliance with the Court's sentence and according to article 1 of the Constitution.¹⁵⁵

The Inter-American Court's sentence has led to significant advances for Mexico, especially in terms of recognizing the context of the dirty war, limiting the use of the Military Justice system, and applying the Court's sentence: "It was important to get to the tribunal, to the highest level, and to

go beyond the specific case. For example, one impact is that this has touched on the issue of the military justice system." On the other hand, for the victims and the organizations that support them, compliance with the sentence has been another difficult road: "There is not a real attitude of wanting to benefit the victims; when they do something, it seems as if it is just to show the international community what they have done," says Tita Radilla.

¹⁵⁵ The information from the SCJN's resolution on the case 912/2010, "Case Rosendo Radilla Pacheco" is available (in Spanish) at <http://www2.scjn.gob.mx/AsuntosRelevantes/pagina/SeguimientoAsuntosRelevantesPub.aspx?ID=121589&SeguimientoID=225>



Women from AFADEM: “United for their return” © PBI Mexico

For the vice president of AFADEM, the implementation of the sentence has not been satisfactory. The main request continues to be the same one from 38 years ago: an investigation and a search for the disappeared. Three years after the judgment, she says: “Even the simplest things, like the publication of the sentence, have been difficult.” In November 2011 in Atoyac de Alvarez, the Mexican government carried out a public act to recognize its responsibility in the Radilla case, however, the families did not participate in this act because of a lack of coordination between the parties. In this case, the relatives of Rosendo Radilla and their lawyers say it did not have the desired effect of reparation.

Other aspects have been complicated, like the monetary compensations. For Tita Radilla and her family, this is the part of the sentence that is less important. However it was ordered by the Inter-American Court and since it is a right of the victims, they have negotiated it with the Mexican government. For a long time, the government has pressured the family to get a death certificate for Rosendo Radilla, which is something that the family does not want to do since it means recognizing his death. For

them, it is the government’s responsibility to carry out the investigation to find him and discover the causes of his alleged death. The government gave the family a monetary compensation but with Rosendo Radilla’s name on the check, which means that the family cannot cash the check without a death certificate. All of these issues regarding the implementation of the sentence have to be agreed upon. For Tita Radilla, this shows the government’s lack of real political will to follow through: “They just started to summon the military to testify in court. What they do is only to show the international community that they are doing something, when in reality, they are not doing it.”

UNITED FORCES FOR OUR DISAPPEARED IN COAHUILA, SALTILLO (COAHUILA)

Delia is looking for her son Juan Antonio, a musician, who disappeared in April 2009 in Torreon. Oralia is looking for her husband; he dropped her off at work and never returned to pick her up in November 2010. Raul is looking for his son Raul Ignacio, who disappeared on the highway, somewhere between Saltillo and Piedras Negras, in April 2009. Rosa Angelica is looking for her brother Jose who disappeared in October 2011. Jorge is looking for his brother and his nephew who disappeared in Parras in February 2009. Oscar’s son disappeared in May 2010 and he returned from the United States to look for him. These families are common people. They feel impotent, and get emotional when they speak of the loss of a family member: “What we have now is not life.” “Now there is no more Christmas, birthdays... there is nothing to celebrate. Disappearance is a tragedy that affects the whole family. It is very difficult to face this reality. There are days that we work, days that we don’t. Our previous lives ended; now life is dedicated to this struggle.” United Forces for Our Disappeared in Coahuila (FUUNDEC), in coordination with the “Fray Juan de Larios” Diocese Center for Human Rights and the “Juan Gerardi” Human Rights Center, are looking for 290 disappeared people in Coahuila state, 89% of whom are men. They are not asking for justice in only one case, they are asking for justice in all the cases.

The organization of families in FUUNDEC began in December 2009 when four incidents took place that led to a total of 21 disappeared people. In 2009, cases of disappearance began to arrive here at the Center [“Fray Juan de Larios”].¹⁵⁶ [...] What we started to do is talk to the families, and little by little, document the cases and consult with them

¹⁵⁶ This is a collection of the testimonies from the FUUNDEC families and members of the “Fray Juan de Lario” Diocese Human Rights Center, April and May 2012.

about what to do... the difficult thing was making this public and doing the legal procedures. In the majority of the cases there was obstruction of justice. The Public Prosecutor told them not to look for the disappeared person since he was not alive, that they were not going to find him. They have had difficulty gaining access to the case files; some families believe that they cannot access the files because it will show that the agents have not done anything. Many times, even after a year, the only thing in the case file is the report by the family. Some of the families have been in several states, investigating and filing reports, especially in Durango, in Tamaulipas... They spend a lot of resources on it, resources that they do not have. The authorities say the same thing to everyone, their attitude is the same for any disappearance, whether it has been three days or three years. There is no protocol for what to do in the first hours of the disappearance, which is a crucial period to search for the victim.

Near the nursing school there are signs telling people to be careful, so that they are not disappeared. The same is true around the buildings of other schools, like the communication school or technical school. Maybe it is because the drug dealers are looking for people from those specialties because they are useful. No one knows for sure.

Some families in Jalisco who were very active at that time [2009], started to ask us if we could get together with other families. It is important for the families to come together, but there also has to be a group to accompany the families. For example, some people had a lot of fear around getting the families together, they thought that it was going to cause more pain, more suffering; I told them no, that in my experience, getting victims together who suffer from the same pain creates a different way to process the pain; and of course they are going to suffer, but joining the pain together allows for greater processing that can generate greater resistance.

We have seen some common patterns amongst the families. For example, all of the families have tried to get meetings with different contacts in government. In fact some people had contacts with people from the PRD, who put them in touch with people from Congress. Those people in Congress put them in touch with the Governor and they were able to meet with him. In December 2009, there was a meeting with the Coahuila Attorney General and the Secretary of the Interior in which they agreed to have the first round table discussion about the cases. And at that time, after the meeting, we decided that it was better to organize ourselves. We saw the common threads amongst the families about who we have gone to see, what we have done.... we have done several

things, but there have been no results. Everything that we have done individually; we believe it is important to do it collectively.

In the next meeting with the Attorney General at the end of February, they gave us the same information that we had already given them. As a result, we stopped all dialogue. We were desperate, we organized a three day mobilization in Mexico City in May 2010. We knew that we had to accomplish something. One of the other problems that we had was the information gap in the state; we had to get the word out beyond Coahuila about what was happening and we had to pressure the government. And we did. We tried to have a meeting with the President, and the Ministry of the Interior opened the door for us. They were not high-level officials, but that was our experience here. We had a meeting with the Office of the High Commissioner and other people.

“FUUNDEC wants an immediate search. We have gotten stronger because of the love that we have for our family members. We do not want a war, nor do we want more disappeared people. It hurts each time we see a new family join us.”

We were tired. At that time, it was not yet, “we are a collective”; we were individuals and that’s it, with our problem. That is when we began to see the beginnings of what would become FUUNDEC, that is when we gave ourselves a name. It was a process that we had to continue, and we had to give ourselves a name. Almost all of the participants were women, each one a force to look for our disappeared. “Together we will be strong.” We were joining all of our forces to look for them. All of us were relatives of the disappeared, all had been disappeared in Coahuila. That is how we got our name, United Forces for Our Disappeared in Coahuila. FUUNDEC is the center that unites us, where we find strength to continue, where we have space to release and share the pain. This union gives us strength to continue with the struggle. And so a different process began to look for all of them, and to speak as a collective. We began to construct all of this, little by little. In August, we met with people from Chihuahua and Nuevo Leon, and we saw what was happening, not just in Coahuila. We were not the only ones.

As of February, when the dialogue with the government broke down,

we thought, “well, we have already talked to the Attorney General of the state, now we want to talk to his boss, the Governor.” We realized we had to be organized and that all of us could not be involved in everything, and so we thought, what can each of us do? While some people in Saltillo started to go to the Plaza de Armas [Saltillo main square] with photographs each Monday from six to seven, other people in

La Laguna started to do other things. The people from the center of the state could do meetings with government and they would tell us, “they gave us a meeting with a Senator.” One day, the Under Secretary [from the Department for Investigation and Search for Missing People] promised to let us sit down and talk with the Governor. And they received us. Before that, the dialogue had been shut down because the Prosecutor and the Minister of the Interior told us that they could not do anything if the Governor did not say it was okay. And so the families said, “why are we talking to you then?” And so we sat down with Humberto [former governor of Coahuila]. This has been a process of getting organized: meetings, mobilizations, meetings.



Blanca Martinez © Prometeo Lucero

We learned on the go, making some mistakes, and we saw how to make changes to improve this process. Some time ago the families decided to create norms for accepting new families. To be a part of FUUNDEC, the family has to file a criminal report and we have to confirm that the case is not connected with organized crime. This took place after a person infiltrated the group and extorted some of the women. It happened specifically because of the identity that we have in which we believe we are all the same, and that we all have the same problems. A person came into the group

saying that he had a similar problem, that his dad was disappeared and kidnapped. Unfortunately, he began to take a lot of information from the women and then extorted them. So, after that, FUUNDEC began to create filters. This organization was achieved through constructing it and improving it, together with other people who have helped us build this project.

We have been talking to the Governor for more than two years. One of the things that we insist on: if we lower the level of dialogue, then we have nothing. Aside from maintaining this level of dialogue, you have to always do political pressure. And last year, together with the mobilization by the Movement for Peace with Justice and Dignity (we are not a part of the movement, but we consider it an ally and we have walked this road together), we were able to talk to Calderon. And with that stroke of luck, we were also able to sit down and talk to the Ministry of the Interior and the Attorney General. Then, several families from other states began to join FUUNDEC.

In Guanajuato there were more and more disappeared people. In Guanajuato we did the following: If the people in Guanajuato had a meeting with someone from the PGR, then people from the center of Coahuila went with them. If we got a meeting with someone, then they came. We started to move together with Guanajuato. And when the organization got more national visibility, and we realized that we needed to integrate the families from outside Coahuila; we did not have to insist much. When more and more families came together, we realized that we could not continue to use the name ‘FUUNDEC,’ because it excluded the families that were now joining from other parts of the country. And so we decided to change the C (Coahuila) to an M (Mexico) and we called ourselves FUUNDEM.

There have been a lot of concerns throughout this process. The families are afraid that because of pressure the authorities will want to achieve rapid results, and they might consider doing operations that accidentally kill their loved ones (with the assumption that the disappeared are actually doing forced work for an organized crime group.) The families are also afraid that the authorities will want to turn over remains that do not belong to their relatives. There is no ability or a real will to investigate, they are not even concerned about taking DNA samples from the families (sometimes they take them, but sometimes with insufficient samples or poor procedures). When they find bodies there is often not a great deal of care taken to conserve the remains for analysis or other tests. Many families come from other states to file a crime report in Coahuila, many

people file in several states, but there is no joint effort between the states to analyze the cases, the grave sites, or the evidence.

The families do not receive adequate support, the government psychologists still manage this situation as grief. They are not prepared to manage the uncertainty of the families, the hope that their relative is alive. It is a complex situation. Also, there is no legal figure for the disappeared person, which adds to the complications. Many times the disappeared person is the main provider for the families, which means that the family goes through a very difficult financial situation.

We have fought for seven basic things: an immediate search, the creation of a national database, the creation of protocols for disappearances, the creation of a federal specialized prosecutor, a search for all the disappeared, the acceptance of recommendations from the UN Working Group on Enforced or Involuntary Disappearances and an comprehensive program to attend to families.

The situation in Coahuila is better than in several other states, like Tamaulipas or Durango: here we have dialogue with the state and the Governor has recognized the problem; he is the only governor who has done this. The state government accepted the recommendations from the UN Working Group on Enforced or Involuntary Disappearances, a Department for Investigation and Search for Missing People was created in the state, and forced disappearance was classified as a crime, more or less (the classification overlooks the subject of acquiescence, and prevents investigation and legal sanction of public servants when they tolerate or allow disappearances to take place; also the punishment that was approved establishes a lower penalty than kidnapping). We have seen some advances, but they are not reflected in an investigation and search for our disappeared loved ones. In September, the Coahuila Working Group¹⁵⁷ was formed by the OHCHR, FUUNDEC, and the Coahuila State Government to follow up on the recommendations from the UN Working Group.

We do not understand why the cases are still at the local level. We would like the SIEDO to take the cases, or at least have the cases investigated at the federal level. We thought that the states were working together but we were wrong. It is a serious problem because many of the cases of the disappeared involve several states. There is no clear collaboration between federal and state authorities. It is important to

¹⁵⁷ In November 2012, the Working Group published its first report. It is available (in Spanish) at <http://desa-parecidosencoahuila.wordpress.com/2012/11/11/primer-informe-del-grupo-autonomo-de-trabajo-de-coahuila/#more-3687>



Searching for the disappeared © “Fray Juan de Larios” Human Rights Center raise awareness nationally and internationally, to make the issue more well-known as something that affects the whole population. There are two urgent things that must be done simultaneously: a search for the disappeared and an investigation into the crime.

Monument to Escobedo in Chihuahua © PBI Mexico



The right to equality and nondiscrimination

Violence against women and the LGBTI community

Equality and nondiscrimination are protected by the Universal Declaration,¹⁵⁸ International Covenants on Human Rights,¹⁵⁹ as well as the legal standards in the Inter-American system that Mexico has signed.¹⁶⁰ The rights contained in these agreements should be applied without any distinction, and this includes distinctions based on sex or gender. Despite international and constitutional guarantees in Mexico,¹⁶¹ civil organizations have reported discrimination against certain sectors of Mexican society. Regarding sexuality and gender, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) people have reported attacks as well as violations of their most fundamental rights.

Women and the LGTBI community have formed civil organizations to defend their rights. On some occasions, the reprisals for their gender condition or sexual orientation can be aggravated because of their work as human rights defenders. Both the UN as well as the Inter-American system have recognized the particular risk faced by both populations; the last report by the IACHR on human rights defenders highlighted the murders of human rights defenders like Marisela Escobedo in Chihuahua and LGBTI leader Quetzalcoatl Leija Herrera in Guerrero.¹⁶² Since October 2010 until November 2011, 9 women human rights defenders and 5 women journalists lost their lives in the context of their work. Only 4% of women human rights defenders report that they have not faced any act of violence or obstacle related to their work.¹⁶³

A life free of violence

In 1981 Mexico ratified the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW).¹⁶⁴ Violence against women includes physical, mental or sexual violence, and the CEDAW states that this violence “is a form of discrimination that seriously inhibits women’s

ability to enjoy rights and freedoms on a basis of equality with men.”¹⁶⁵ According to the Inter-American Convention to prevent, sanction and eradicate violence against women,¹⁶⁶ also known as the “Convention of Belem do Para,” which Mexico signed in 1998, acts including rape, sexual abuse, torture, human trafficking, forced prostitution, kidnapping and sexual harassment are also included here.¹⁶⁷ The states that have signed these conventions are responsible for the violence perpetrated by public authorities and should act with due diligence to prevent, investigate and sanction all forms of violence.¹⁶⁸

“The main difficulty that organizations face is the lack of harmonization of international treaties with national and state legal instruments, like the General Law to Give Women Access to a Life Free of Violence.”

In Mexico, there are several emblematic cases of violence against women that have reached international tribunals. The Court’s judgment in the cases of the sexual assault of Ines Fernandez Ortega and Valentina Rosendo Cantu (indigenous women from Guerrero)¹⁶⁹ by elements of the Mexican army and the “Campo Algodonero” case (Chihuahua) of femicide, found the state responsible for human rights violations. The “Campo Algodonero” case shows the structural violence, the lack of a gender perspective by authorities, and the problems in the legal system in Mexico.¹⁷⁰ The case of 11 women who were sexually assaulted by the police in Atenco (State of Mexico) in 2006, also represents a specific pattern of gender violence that the IACHR began to investigate in 2011.¹⁷¹

158 Article 2 (j) of the Universal Declaration on Human Rights (A/RES/217A (III)), UN General Assembly, December 10, 1948.

159 Article 2, paragraph 1 of the ICCPR and Article 2, paragraph 2; article 3 of the IPESCR; Resolution 2200 A (XXI), December 16, 1966 and the Convention on the elimination of all discrimination against women.

160 Article 3 (j) of the Letter of the OAS; article 1 (1) and 24 of the American Convention on Human Rights (Pact of San Jose); article 3 of the Protocol of San Salvador; article 2 of the American Declaration of the Rights and Duties of Man, and the Inter-American Convention to prevent, sanction and eradicate violence against women “Convention of Belem do Para” for the specific case of women.

161 In March 2011 the Senate of the Republic approved a constitutional reform that modified article 1 and prohibited discrimination based on “sexual preference”; the reform was published in June of that same year.

162 IACHR: Second report on the situation of human rights defenders in the Americas (OEA/Ser.L/V/II), Doc. 66, par. 284 and 332, December 31, 2011.

163 Just Associates (JASS), Consortium for Parliamentary Dialogue and Equality in Oaxaca and the Round table of Women of Ciudad Juarez: Defensoras de derechos humanos en Mexico. Diagnóstico 2010-2011 sobre las condiciones y riesgos que enfrentan en el ejercicio de su trabajo [Human Rights Defenders in Mexico. Diagnosis 2010-2011 on the conditions and risks faced in the exercise of their work], January 2012.

164 Mexico also ratified the Optional Protocol of the Convention on the elimination of all forms of discrimination against women (Resolution A/54/4 October 6, 1999) in 2002, which creates a process for communication and investigation for the CEDAW.

165 CEDAW Committee: General Recommendation No 19, par. 1, 11th period of sessions, 1992.

166 According to the Convention, “violence against women” is understood as any action or conduct, based on gender that leads to the death, damage or physical, sexual or psychological suffering of women, either in the public or private sphere.

167 Article 2, par. B, “Convention of Belem Do Para”.

168 Article 2, Convention on the elimination of all forms of discrimination against women, CEDAW Committee; and Article 7, par B, “Convention of Belem Do Para”.

169 I/A Court H.R. Case Fernández Ortega et. al v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 30, 2010 Series C No. 215; and Case Rosendo Cantú et. al v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2010. Series C No. 216.

170 I/A Court H.R. Case Gonzalez et. al (“Campo Algodonero”) v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205.

171 IACHR: Admissibility report 512-08 Mariana Selvas Gomez et. al v. Mexico, Annex to Press Release 117/11 regarding the 143rd period of ordinary sessions of the IACHR, Washington, D.C., November 4, 2011; available at http://www.oas.org/en/iachr/media_center/PReleases/2011/117A.asp

A study by UN Women estimates that in the last 25 years, 34,176 women have allegedly been killed in Mexico, 7,000 of which took place between 2005 and 2009. Similar to other crimes, the way in which the cases are documented is a problem when it comes to analyzing this situation. “Currently the administrative documentation does not consider the necessary characteristics to distinguish femicide from other murders of women.”¹⁷² National and international organizations have expressed the need to classify this crime, and about half of the states have done this.¹⁷³ There is a lack of harmonization of laws at the federal and state level, in addition to serious problems in implementing investigation protocols that incorporate a gender perspective for cases of violence against women.

Sexual violence can constitute an act of torture and therefore, a violation of international treaties like the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and the ICCPR. According to the Court: “[A]n act of torture can be perpetrated both by acts of physical violence and by acts that produce acute mental or moral suffering for the victim.” This international Tribunal “has recognized that rape is an extremely traumatic experience that can have severe consequences and cause significant physical and psychological damage that leaves the victim ‘physically and emotionally humiliated,’ a situation that is difficult to overcome with the passage of time, in contrast to other traumatic experiences. This reveals that the severe suffering of the victim is inherent in rape, even when there is no evidence of physical injuries or disease.” And adds that, “in general terms, as in the case of other acts of torture, rape has other objectives, including intimidating, degrading, humiliating, punishing, or controlling the person who is raped. [...] On the other hand, the Court finds that rape may constitute torture even when it is based in a single act alone and takes place outside State facilities.”¹⁷⁴

The term “femicide” was used for the first time in the “Campo Algodonero” case, in which the Inter-American Court recognized the difficulties in determining which cases of homicide should also be classified as femicide.¹⁷⁵ Later, the General Law to Give Women Access to a

172 Special Commission for Reviewing Cases of Femicide in the LXI Legislature, in collaboration with UN Women, the National Institute of Women and the College of Mexico: Femicidio en Mexico. Aproximación, tendencias y cambios, [Femicide in Mexico. Approach, tendencies, and changes] 1985-2009, Mexico, 2011.

173 Chiapas, Colima, Durango, Guanajuato, Guerrero, Mexico City, Morelos, San Luis Potosí, Sinaloa, State of Mexico, Tamaulipas, Tabasco and Veracruz.

174 I/A Court H.R. Case Rosendo Cantú et. al v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2010. Series C No. 216. Par. 114. par. 114, 117 y 118.

175 I/A Court H.R. Case Gonzalez et. al (“Campo Algodonero”) v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205.

Life without Violence (LGAMVLV) recognized femicide violence as, “an extreme form of gender violence against women, a result of the violation of their human rights, in the public and private spheres, composed of misogynist behaviors that lead to social and state impunity and can culminate in homicide and other forms of violent death of women.”¹⁷⁶

In 2009, Chihuahua, Baja California Norte and Guerrero had the highest rates of death due to alleged homicide. Information presented to the CEDAW committee by the National Observatory against Femicide shows that between January 2010 and June 2011, the highest rate of femicide was in the State of Mexico.¹⁷⁷ In recent years, there has been increasing concern in Mexico about the relationship between violence against women and the public security strategy, militarization, and drug trafficking in Mexico.¹⁷⁸ This context has also been highlighted by CEDAW, based on information from Mexican civil society organizations in 2012; their final observations highlight Mexico’s responsibility in public security operations and in the investigation, processing and sanction of state and non-state actors.¹⁷⁹

Civil society organizations in Ciudad Juarez began to document and report cases of gender-based homicide of women in the 1990s. This border city quickly became a point of reference for this phenomenon at the international level. The judgment in the “Campo Algodonero” case, together with the work of Mexican civil society organizations have led to the development of a legislative framework and new agencies to protect the rights of women. According to Juan Solis, from Justice for Our Daughters, one accomplishment is the creation of a Special Prosecutor for Attention to Women Crime Victims for Gender Reasons, created at the recommendation of the Inter-American System¹⁸⁰ and promoted by social organizations. “This Special Prosecutor evaluates disappearances and takes into account previous acts of violence like family violence. In addition it examines the state of the body, if it was tortured or raped. In this way it is able to concretely identify cases of femicide. There are some very good people in the police and the Prosecutor’s office who want to help, but sometimes they do not have the resources or the training.”¹⁸¹

176 Article 21, LGAMVLV, published in the Official Newspaper, Febrero 1, 2007.

177 National Citizens Observatory on Femicide: Informe: Una mirada al femicidio en Mexico [Report: A look at femicide in Mexico] 2010-2011, Mexico, 2011.

178 Special Commission for Reviewing Cases of Femicide in the LXI Legislature, in collaboration with UN Women, the National Institute of Women and the College of Mexico: Femicidio en Mexico. Aproximación, tendencias y cambios, [Femicide in Mexico. Approach, tendencies, and changes] 1985-2009, Mexico, 2011.

179 Final Observation of the CEDAW Committee (CEDAW/C/MEX/CO/7-8), July 27, 2012.

180 I/A Court H.R. Case González et. al (“Campo Algodonero”) v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205.

181 Interview with Norma Ledezma and Juan Solis, coordinator and staff (respectively) in the communication department, Justice for Our Daughters, May 15, 2012.

Trafficking of women

Mexico is the origin, place of transit and destination for victims of trafficking, who are exploited for sexual trade and forced work. Women and children, indigenous people, and undocumented migrants are among the most vulnerable populations.¹⁸² The CEDAW committee stated that it was concerned that disappearances might be linked to trafficking and the sexual exploitation of women and minors.¹⁸³ Mexican civil society organizations have stated that the difficulty in documenting this phenomenon in Mexico is one of the challenges when it comes to working on this issue, including creating adequate public policies, and raising awareness among the public. Tenancingo, in the state of Tlaxcala, was identified as the main place of origin of victims of sexual trafficking who are exploited in Mexico as well as in the U.S.¹⁸⁴ According to Carlos Martínez, president of the Civil Association United in Support of Vulnerable Groups, many of the women who arrive in Baja California through human trafficking networks are actually from other parts of the country.¹⁸⁵

Since the CEDAW made recommendations to Mexico in 2006, the country has achieved some important accomplishments in terms of legislation. In addition to approving the LGAMVLV en 2007, from 2007 to 2012 a legal framework was created for trafficking.¹⁸⁶ This framework established the federal, state and municipal governments' obligation to coordinate to prevent this crime and to classify it, as well as sanction those who commit this act. However, civil organizations believe that there is still much to do in this arena. "The main difficulty that organizations face is the lack of harmonization of international treaties with national and state legal instruments, like the General Law to Give Women Access to a Life without Violence, also the lack of gender awareness, and the poor [awareness] of officials regarding human rights problems," says Diana Briseño, from the Collective for the Promotion of Comprehensive Development (Coprodi)¹⁸⁷.

182 U.S. State Department: Trafficking in Persons Report 2011, pg. 255, 2011.

183 Final Observation of the CEDAW Committee (CEDAW/C/MEX/CO/7-8), July 27, 2012.

184 U.S. State Department: Trafficking in Persons Report 2011, pg. 255, 2011.

185 Interview with Carlos Martínez, president of the Civil Association United in Support of Vulnerable Groups, July 21, 2012.

186 See Federal Law against Trafficking, 2007, and the General Law to Prevent, Sanction, and Eradicate Crimes of Human Trafficking for the Protection and Assistance of Victims 2012.

187 Interview with Diana Briseño Robles, Collective for the Promotion of Comprehensive Development, August 6, 2012.

Discrimination and hate crimes against the LGBTI community

Seventy percent of homosexuals believe that Mexico does not respect sexual diversity rights, and 50% believe that the main problem faced in this community is discrimination, according to the National Council to Prevent Discrimination (CONAPRED)¹⁸⁸, a department within Segob.¹⁸⁹ According to president Ricardo Bucio, Mexico has the second highest number of murders based on homophobia in Latin America, and there are more than two thousand investigations for discrimination in the country.¹⁹⁰ The fight for equality for LGBTI groups is mainly focused on eradicating discrimination and hate crimes. 705 hate crimes that resulted in the death of the victim were committed in Mexico between January 1995 and June 2009, according to the Report on Hate Crimes based on Homophobia, by the Letra S organization¹⁹¹; but the lack of classification of this crime in some states prevents authorities from having a systematic way to collect data on murders or attacks against the LGTI community.

In recent years, activists from the LGBTI community have been killed in several states in the country. In May 2011, Quetzalcoatl Leija Herrera, president of the Center for Studies and Projects for Comprehensive Human Development (Ceprodehi) was fatally attacked with rocks a few meters from the Municipal Palace in Chilpancingo, Guerrero.¹⁹² In July of that same year, Javier Sanchez Juarez' body was found under a pedestrian bridge in Zumpango del Rio, also in Guerrero. Both men helped to organize pride marches. In March 2012, Agnes Torres Sulca's body was found on the Siglo XXI highway in Atlixco (Puebla) –she was a trans activist and defender of the rights of the LGBTI community. She had signs of torture including burns and wounds on her neck.¹⁹³

The OHCHR's last report on aggressions to human rights defenders makes reference to the case of Jaime Loopez Vela, director of LGBT Agenda in Mexico City. "Since April 2010, after I started accompanying Agustín Estrada's case, I have been dealing with a legal process

188 According to the National Survey on Discrimination in Mexico (Enadis), 2010; published in the informative document by CONAPRED: El combate a la homofobia: entre avances y desafíos [Fighting homophobia: from advances to challenges], pg. 1, Mexico City, 2012.

189 Created by the Federal Law to Prevent and Eliminate Discrimination, approved on April 29, 2003, and published in the Official Newspaper on June 11.

190 Presentan actividades y Jornada Nacional contra la Homofobia [Presentation of Activities and National Day against Homophobia], Noticias CONAPRED, May 17, 2012.

191 "Registran 705 crímenes de odio por homofobia en México," [705 hate crimes for homophobia in Mexico] Notiese, Mexico City, May 17, 2011.

192 ACHR: "IACHR condemns murder of LGBTI rights activist in Mexico", No. 42/11, Washington, D.C., May 10, 2011.

193 IACHR: "IACHR condemns murder of human rights defender in Mexico," no. 32/12, Washington, D.C., March 20, 2012.

for allegedly attacking communication networks. Agustin Estrada is a professor who was unfairly fired from the educational system in the State of Mexico.¹⁹⁴ The IACHR granted precautionary measures for Agustin Estrada and his family on April 7, 2010 for “death threats, acts of physical violence and harassment since February 2009.”¹⁹⁵ Currently, Agustin Estrada is in exile in the United States.

Reforms, raising awareness and sexual and reproductive rights

Organizations that defend the rights of the LGBTI community together with organizations in favor of legalizing abortion are working to modify the state constitutions to recognize the equality of all people regardless of their sexual preference, same-sex marriage, and to eliminate the standards that give the right to life from conception. In December 2009, the Mexico City government approved a reform to the Civil Code and approved the historic demand for “free union between two people.”¹⁹⁶ However, the Mexican capital is unique when it comes to recognizing sexual and reproductive rights in the country.

Even though authorities are reticent to change, human rights defenders say that they in fact have more clashes with pro-life or religious groups. In order to gain greater acceptance, the organizations do a lot of work to raise awareness, especially with youth who might be more empathic towards the subject. From here they believe they can start to educate society about these issues. These organizations also provide information about HIV and the fundamental rights to health and justice of the most affected sectors of society, such as sex workers.

CENTER FOR THE HUMAN RIGHTS OF WOMEN, CHIHUAHUA (CHIHUAHUA)

The Center for the Human Rights of Women (Cedehm) in the state capital of Chihuahua was created in 2005 by a group of feminist social and human rights organizations. Even though the organization itself is relatively new, the people in the Governing Council have participated in the active defense of human rights for more than two decades. They are co-founders of other important organizations in the state, like “El Barzón” Chihuahua, which defends environmental rights and the right

194 OHCHR: Report on the situation of human rights defenders in Mexico, Update 2010, pg. 23, 2010.

195 Precautionary Measures, MC 222-09 - Agustín Humberto Estrada Negrete, Leticia Estrada Negrete and Guadalupe Negrete Silva, Mexico.

196 Articles 146, 237, 291 bis, 294, 391 and 724 of the Civil Code for Mexico City were reformed.

to dignified housing, and Justice for Our Daughters, an organization of mothers whose daughters were disappeared and killed in Juarez and Chihuahua. The organization specializes in the comprehensive defense of women victims of gender violence through the accusatory criminal system.

“The State [...] has the duty to protect us, but also to solve the ‘why’ we are vulnerable; we are vulnerable because of what we do.”

Cedehm provides legal representation to victims of femicide, forced disappearance, torture, human trafficking, sexual assault, family violence, and also litigates locally and internationally for protection measures (precautionary and provisional measures) for human rights defenders. The staff from the Center point out that they developed this work within the violent context in Chihuahua, a place with the highest level of threats and murders of human rights defenders. According to them, these crimes are characterized by impunity, a lack of political will from state institutions, limited resources, as well as constant threats from groups in power.

The “shadow report” presented in 2012 to the CEDAW Committee by Cedehm, Justice for Our Daughters, and Mukira states that in Ciudad Juarez and Chihuahua “gender violence and assassinations have drastically increased in the last 5 years.” “Since 2008, Chihuahua has had the largest number of women killed each year in Mexico; several of these victims have been human rights defenders, like Marisela Escobedo and Josefina Reyes. These crimes, like 95% of the homicides of women in the state remain in impunity.”¹⁹⁷

One of the emblematic cases they have litigated is the femicide of Rubi Marisol Frayre Escobedo. Cedehm provided legal representation for the victim and obtained a guilty sentence of 50 years for the perpetrator, Sergio Rafael Barraza, after he had originally been absolved by an oral tribunal. Cedehm accompanied Marisela Escobedo, Rubi’s mother, in her protests and legal activism to demand compliance with the sentence. Marisela Escobedo was killed in front of the Government Palace of Chihuahua on December 16, 2010.

197 CEDEHM, JPNH, Mukira: Juárez y Chihuahua, guerra contra el narcotráfico y Recomendaciones de la CEDAW [Juarez and Chihuahua, war against drug trafficking and Recommendations to the CEDAW], pg. 3, 2012.



Lucha Castro © CEDEHM

Another part of the work of Cedehm is the protection of women from attacks. At the state level, the legislation provides protection mechanisms like restraining orders, however women often do not know about them or use them.¹⁹⁸ “It is an order from a judge to take the aggressor out of the house and protect her. We do this accompaniment, [...] of course, together with authorities, police, and the court clerk, to notify [the aggressor] that he has to leave the house and stop bothering this person,” explained Minerva Maese, who handles protection in the organization and also manages these legal proceedings.¹⁹⁹

Due to the many human rights violations in Chihuahua, Cedehm organizes information and produces reports and special investigations for national and international institutions that contradict the official reports about security in the state. This has led to campaigns by authorities aimed at discrediting their work, with a specific focus on discrediting the general coordinator, Lucha Castro.²⁰⁰ As a result of several threats against them, staff of Cedehm and their families have had precautionary measures from the IACHR since June 13, 2008.²⁰¹ Even though the measures are still in effect, the Center still faces attacks. In 2009, Lucha Castro was the object of threats on two occasions and the organization’s offices were broken into in April 2010.²⁰²

ROUND TABLE NETWORK OF WOMEN OF CIUDAD JUAREZ, CIUDAD JUÁREZ (CHIHUAHUA)

Ten social organizations of women and feminists are part of the Round Table Network of Women of Ciudad Juárez. They started to work together when the bodies of Claudia Ivette González, Esmeralda Herrera Monrreal and Laura Berenice Ramos Monarrez were found, although some of the people in the Round Table had already documented cases of femicide in Juárez since 1993. “We got together some years ago because of what happened in 2001, and for women to have the right to a life free of violence; we did not want any more women to be killed or

¹⁹⁸ Ibid.

¹⁹⁹ Interview with staff from Cedehm, May 14, 2012.

²⁰⁰ National and International Human Rights Organizations and Individuals: “Piden al gobernador de Chihuahua trabaje para garantizar justicia a las víctimas y evite desprestigiar a quienes arriesgan su vida en la defensa de los DH” [Request that the governor of Chihuahua guarantee justice for the victims and does not discredit those who risk their lives to defend human rights], Open letter to César Duarte, published by GENCOS, March 28, 2012.

²⁰¹ IACHR: MC 147/08 Luz Estela Castro Rodríguez et. al, Mexico, 2008.

²⁰² Front Line Defenders: “Mexico: break in at the offices of the Center for the Human Rights of Women”, April 9, 2010.



Imelda Marrufo © Prometeo Lucero

abused,” says Imelda Marrufo, one of the founders and the coordinator of the group.²⁰³

The organization also works on other issues like education and community development in order to work for women’s rights and generate a culture of gender equality. “Also, the right to health, due to the precarious conditions that we have had in Juarez for decades. For example the health situation is having a great social impact.” The organization focuses on providing training, investigation, public policy work and providing visibility to the human rights of women.

But reporting feminicides is what has generated the most danger for staff. “This is where we became a threat to authorities due to our questioning,” says Imelda Marrufo. One particular case is that of Rosa Isela Perez, a journalist in Ciudad Juarez who covered cases of feminicide and the struggle of families since 1999. “We recognize Rosi’s work, she is the main journalist who began to document feminicide and the situation for women. She was an ally for local voices and for documenting [these cases], more than any other journalist.” In 2005 she was fired from her work without any apparent motive and banned from local media.

“I have walked many roads, and I have met many other voices of men and women who have taught me to respect and defend the dignity of women, as the best way to respect and defend human dignity.”

Esther Chavez Cano

She then began to collaborate with the Network and got involved in the “Campo Algodonero” case. “We talked with Rosa Isela about being one of the witnesses in the Inter-American Court of Human Rights. Because of that, we had to take her and her whole family out of the city.” The Court. decided to grant her protection measures in 2009 for both her and her family,²⁰⁴ but she was never able to come to an agreement with the government about these measures. In September 2010 Rosa Isela went to Spain and filed for political asylum. The Network believes that

²⁰³ Interview with Imelda Marrufo, Coordinator for the Round table Network of Women of Ciudad Juarez, Verónica Corchado and Abril Zubía, Casa Amiga, and Cecilia Espinosa, Pact for Women, May 17, 2012.

²⁰⁴ Resolution from the I/A Court H.R. on July 6, 2009, Provisional Measures with respect to the United Mexican States, Pérez Torres et. Al (“Campo Algodonero”).

it is difficult to provide visibility to what happens in Juarez from Juarez. To counteract this, they have worked to create alliances with journalists, organizations, universities and artists from El Paso, the city on the other side of the border with the United States.

One of the organizations that is part of the Round Table Network of Women is the “Casa Amiga” Crisis Center, which was created out of the struggle of several women leaders in Ciudad Juarez. It was led by Esther Chavez Cano. This association is the first center to attend to women in violent situations in Juarez, and after this center was formed, a shelter for women at high risk was created (Sin Violencia). “Casa Amiga” is run by Irma Casas. “The ‘Casa Amiga’ Center was part of the first stage of documenting cases of femicide in Juarez,” explains Imelda Marrufo.

“Casa Amiga” opened its doors in 1999 and since then has seen an increase in the number of cases of domestic and family violence. “There is only one shelter in Ciudad Juarez that has structures in place for attending to domestic violence [Sin Violencia]. Today this shelter attends to about 10,000 requests for help each year,” says Abril Zubia, staff at “Casa Amiga”. Their budget has diminished, and so has their capacity to collaborate with public entities like “The Group of 16,” a prevention team from the Ministry for Municipal Public Security in Juarez, which supports “Casa Amiga” in interventions in domestic violence cases.

“Casa Amiga” has also seen an increase in threats against them in recent years. According to their analysis, this is because many of the aggressors in the cases that they attend to are from criminal groups. When the police or the military are implicated, they protect each other by making the process of filing a report more difficult and are even able to halt this process on some occasions. “They are untouchable,” says Abril Zubia. “If there is impunity, you are sending them the message that they can do what they want.” The staff at “Casa Amiga” say that it is especially important that authorities treat people who file a crime report with dignity, and that the authorities fully investigate these crimes.

The staff at “Casa Amiga” has faced sexual harassment, attacks at their office and car robbery. They shared that in 2009, the home of one of the women was shot at by unknown subjects. Later, on June 9, 2010, 14 police officers entered “Casa Amiga” with high caliber weapons to look for a minor, and threatened the activists in charge of the Center,²⁰⁵ and they “are not aware of any sanctions” for this act. Imelda Marrufo says that it is important to work on “managing the municipal police in

²⁰⁵ CIMAC News: “Ninguna garantía de autoridades para Casa Amiga en Juárez” [No guarantees from authorities for Casa Amiga in Juarez], November 12, de 2010.

this situation, not only to protect the women, but also to protect the human rights defenders that are protecting these women.” Due to the level of risk that they face, the staff at “Casa Amiga” has had to take some security measures, like installing cameras in the office as well as an electric door, though this has not taken away their fear of new attacks.

“FRAY JULIÁN GARCÉS” HUMAN RIGHTS CENTER, TLAXCALA DE XICOHTENCATL (TLAXCALA)

Tlaxcala is the smallest state in Mexico and together with the adjacent city of Puebla it constitutes one of the largest urban areas in the country. The office of the Human Rights Center is in the capital, and was created in 2002 by several catholic groups who were concerned about social issues. Their work responds to the concerns of the social ministries and the problems that were raised in their meetings and assemblies. Similarly, the “Julián Garcés” Center for Social Economy was created in 2005 to fight poverty and generate food sovereignty in the communities. Their work is focused on the northwest region of the state, near the rural towns that have the highest levels of poverty, unemployment and exploitation, according to the Center’s analysis.

“Every time we say that the government has not done enough about trafficking, there is a report in the press the next day saying that it has.”

“Julián Garcés” Human Rights Center has become a point of reference on the national level for trafficking of women. Tlaxcala is one of the 9 states with the highest rates of exploitation of women (the Center has also detected 11 other states where women are recruited for trafficking) and traffickers are originally from this region. Trafficking is an old business, says coordinator Emilio Muñoz, it passes from generation to generation in families of traffickers. “It is like a trade.”²⁰⁶ In addition to the 9 states in Mexico, there are also cases of exploitation in the U.S. in New York, Houston, Texas and Miami.

The Center is working in 10 towns in the south of the state close to Puebla. They started this work at the petition of the Base Christian

²⁰⁶ Interview with Emilio Muñoz, Coordinator for the “Fray Julián Garcés” Center for Human Rights, and Fernando, from the “Julián Garcés” Center for Social Economy, July 2, 2012.

communities who expressed the need to work on this issue. Now the Center is part of the Organizations for a Popular Initiative against Human Trafficking. They believe that public policy is still very weak and that it is important to work on prevention and attending to victims and their families. In addition to advocacy around legislation, the Center provides consultations on cases, especially to the families of the victims, and they visit communities to raise awareness about the problem.

It is difficult for the Center to take on the problem given that people who are dedicated to trafficking have acquired a certain level of respect amongst the population. “The traffickers begin to earn money, which allows them to economically support the community, paying for parties and infrastructure. Being a trafficker has turned into an aspiration for youth and even for children in the towns. It has turned into a part of culture,” says Emilio Muñoz. “Until action was taken, the problem had become quite normalized,” he adds. In addition, according to him, trafficking is a phenomenon that also involves organized crime.

Trafficking was classified as a crime in Tlaxcala in 2007 but the first judgment for trafficking was not issued until 2012, after a legal process that lasted one year and eight months. Emilio Muñoz explains that after this, society demanded a wider range of action beyond merely legal persecution, and as a result, the Law for the Prevention of Human Trafficking was created at the end of 2009.²⁰⁷ This law aims to protect victims above and beyond filing a report. In order to implement the law, the State Council against Trafficking was created, led by the Ministry of the Interior, and the Technical Secretary, from the Ministry of Public Security. Five NGOs are also part of the Council including “Fray Julián.”²⁰⁸ “When we were invited to participate we decided that we would go, because it has been a struggle for citizens to participate politically, because it is a serious issue, and because at this time, there is a political transition between the previous governor and this one. We took into account the risk that it could get lost in the next governor’s priorities.” The intention of the organization is to push for the creation of a clear governmental strategy regarding this issue.

Even though the law was created and they have been working together with governmental agencies to implement the law, participation in the Council has not been easy for the Center because “dialogue with the government is very complex.” Emilio Muñoz says that when the organizations pressure the government for more progress, the gover-

ment understands it as a lack of respect from the organizations: “The civil society position is that ‘we are going to take a critical, deliberate, active and purposeful stance,’ but the government does not understand democracy like that, the government sees this as a lack of respect and a lack of confidence and this requires a lot of dialogue. They are pretty closed-minded, with few rational arguments; when we discuss the documents, they do not read them.”

Since the current administration took office in January 2011, there have been 114 reports of trafficking and only one finding of guilt (this case was from a report that was filed during the previous administration). According to the Human Rights Center in September of that same year, the government agreed to designate 1% of the budget from the public agencies in the Council to combat trafficking, which means that between the law, the Council, and the budget there is a strategy with resources. However, “Julián Garcés” says that it is not being implemented. The Center wants to see a strategic evaluation to guarantee an effective strategy in several areas: to raise awareness about the subject (to see if youth are aware of the risks of being a trafficker or consumer, and the risks for women as victims), the reintegration of the victims (how many women have been rescued, reintegrated, and received psychological and legal attention), criminal penalties for traffickers (how many traffickers have been found guilty) and the closure of places where exploitation takes place. The Center wants these specific indicators because the government is used to saying “I trained 30 officials” and for the Center this is not the issue, the issue is “how people were treated” or “how knowledge of these trainings was applied to achieve a verdict.”

Emilio Muñoz is concerned about the authorities’ ability to hide the problem and discredit civil society’s work: “Every time we say that the government has not done enough about trafficking, there is a report in the press the next day saying that it has.” “I hope that we do not have to go to the international level,” says Emilio, but given the lack of an adequate response and reaction from the state, they do not see many other options when it comes to protecting victims and preventing this crime.

²⁰⁷ Published in the official Newspaper of the Tlaxcala State Government on December 4, 2009.

²⁰⁸ The participation of the “Fray Julián Garcés” Center in the Council ended in 2012 (the regulation states that civil society organizations can participate for two years and then it can be renewed).

COLLECTIVE FOR THE PROMOTION OF COMPREHENSIVE DEVELOPMENT, ENSENADA (BAJA CALIFORNIA)

The Collective for the Promotion of Comprehensive Development (Coprodi) is dedicated to the protection and promotion of the rights of women and indigenous people in the context of sustainable community development. The organization does important work defending the rights of day laborers that come to work on the farms in Ensenada in the state of Baja California state. The migrant workers mainly come from the south of the country, mostly from Guerrero and Oaxaca²⁰⁹. Once they are on the farms, they do not have access to minimum standards for dignified housing, health services or social security. In addition, they work excessively long days in insecure conditions, suffering from verbal and physical abuse, and children also work in these conditions.²¹⁰

Coprodi has documented violations of sexual and reproductive rights, both in health matters and due to sexual assault on the farms. “In the San Quintin Valley where we work with migrant women, they force them to work because if they miss one day they take away part of their bonus, they do not immediately give them access [to the Mexican Institute of Social Security], and there are women that say they are harassed and forced to [keep working] in the later stages of pregnancy,” says Diana Briseño, from the Collective. The organization has an important role in exposing the situation in Ensenada: “In San Quintin, the labor exploitation and gender violence have become invisible,” says Diana Briseño.

“There are no protections for human rights defenders that protect women at risk. This work is done voluntarily.”

“A day laborer earns about 60 to 110 pesos a day [about \$5-9 USD]. Women work long hours during pregnancy and they even give birth in the field. There are no public health programs to prevent diseases like diabetes, or cervical or breast cancer. There are many cases of skin cancer because they use fertilizer without the necessary protection.” Diana Briseño estimates that there are about 30 thousand day laborers in Ensenada who have now settled there as long-term laborers. In addi-

tion, there are 10 thousand people who arrive seasonally, mainly during the cucumber, potato and vegetable harvest.

Diana Briseño also highlights the irregular transportation situation for the day laborers that come from the south of the country: “There have been many accidents on the buses that bring the workers, and the employers do not do anything about this.” The issue of the intermediaries²¹¹ has already been highlighted in a recommendation (6/2003) by the Baja California Prosecutor for Human Rights and Citizen Protection (PDH). According to the document, many workers are secretly recruited in Guerrero, Oaxaca and Michoacan. The intermediaries receive commission from the agricultural businesses, make false promises about salaries and benefits, and transport the workers in dangerous conditions.

Coprodi does its work based on a critical stance in favour of the rights of women and indigenous people, something that has made some governmental officials uncomfortable: “They have taken projects away from us. We have also been excluded from programs or applications for other projects, which in many cases are given away in exchange for political support.” There is also the issue of violence against women: “Baja California only has a few shelters. There are no protections for human rights defenders that protect women at risk. This work is done voluntarily. A woman in an extremely violent situation should evaluate her risk, given that her aggressor might be linked to organized crime in the area.”

In spite of these obstacles, Coprodi has been committed to its work and has achieved some successes. The organization has pushed for public policies with a gender perspective, and supported the creation of the Municipal Institute for Women in Ensenada. In addition, the Collective has had an impact on the creation of state laws to protect women and the creation of centers to attend to women who are victims of violence in Baja California. They are also part of the Binational Network Against Sexual and Gender Violence (with NGOs in the U.S.).

209 Tlachinollan: Migrantes Somos y en el Camino Andamos [We are Migrants and on the Road We Walk], pg. 13, Guerrero, Mexico, November 2011.
210 Ibid., pgs. 61-97.

211 These intermediaries are subcontracted by the agricultural industry to contract workers.

“NO DEJARSE ES INCLUIRSE”, CITIZENS’ OBSERVATORY FOR SEXUAL AND REPRODUCTIVE RIGHTS, AND “EL TALLER”, PUEBLA DE ZARAGOZA (PUEBLA)

In the state of Puebla, several organizations that defend sexual and reproductive rights have created spaces in which they work together to impact the political and social attention given to the LGBTI community, as well as working towards legalizing abortion. “No Dejarse es Incluirse”, the Citizens’ Observatory for Sexual and Reproductive Rights and “El Taller” are three examples of organizations who organize the March for Pride, Dignity and Sexual Diversity in the State, through the Puebla Pride Committee.

“No Dejarse es Incluirse” (also known as Full Life Puebla) is a grassroots organization that promotes and defends human rights in Puebla and Tlaxcala. Coordinator Adan Cuamatzi states that, “We officially became an organization in 2010, but Full Life Puebla has been working for more than 10 years. In the beginning we worked with the LGBTI community, and [organized] cultural and artistic activities. Later, after the arrests by the police, the group decided to organize what is known as the LGBTI Pride March here in Puebla. They organized it until 2005, when the Puebla Pride Committee was formed.”²¹² The two priority issues for the organization are to put an end to violence and discrimination against people of diverse sexual orientations and to work for the prevention of HIV/AIDS.

As a result of a community analysis that began in 2011 by “No Dejarse es Incluirse”, the organization has identified problems that affect the LGBTI community in three main areas: access to health care, access to justice, and violence. “The findings that we found were precisely about violence towards the population of trans women, trans women who do sex work, and also a lot of harassment towards lesbians and gays, especially towards youth.” The organization wants to provide human rights information and tools for the most vulnerable populations.

Regarding HIV prevention, “No Dejarse es Incluirse” has a joint project with the Citizens Observatory: the Global Fund to Fight Aids. Vianeth Rojas from the Observatory explains that they often do interventions in markets, bars, and brothels to collect information, raise awareness and

²¹² Interview with El Taller, Full Life Puebla and Citizens Observatory for Sexual and Reproductive Rights, July 3, 2012.

collaborate with sex workers, even though they feel like they are being watched at these places. “Based on the community analysis, we have realized that much of the violence takes place in these places, along with a high level of human rights violations from the Public Prosecutor, in the work force, on the streets, [and] with people they call their clients,” says Jose Alberto Ballesteros, a promoter and “community champion” who has documented cases of human rights violations of trans women sex workers in the center of the city of Puebla. However, they believe that these groups do not see these attacks as a violation of their rights because they do not know their rights, and this is why the organization believes it is important to directly work with the affected population.

“They feel like they are sinning, that they deserve a punishment. This fear keeps them from deciding what they want.”

“No Dejarse es Incluirse” is one of the organizations that is working on the March 2012 murder of a trans woman and human rights defender of the LGBTI community in Puebla, Agnes Torres. Adan Cuamatzi explains that he has been following the investigations to see if there are advances, and he has also accompanied Agnes Torres’ family in their search for justice. The case was sent to the General Direction for Attention to High Impact Crimes (part of the State Attorney General’s Office) and several people have already been detained. The Citizens’ Observatory for Sexual and Reproductive Rights is also involved, and they have focused on political advocacy: “After Agnes Torres’ murder, we have been part of a group that is talking to the government about a list of demands that we are working on, [and] we have also held meetings with other agencies,” says Brahim Zamora from the Observatory. The organizations all agree that the case of Agnes Torres marked a clear before and after in the government’s attention to the LGBTI agenda and the security of human rights defenders. “It seems to me that the impact from the press and from international organizations opened a door so that the case could be resolved,” says Brahim Zamora.

The Observatory was formed in 2010, although its members already have a great deal of previous experience in this field. They aim to generate tools for political and social advocacy regarding sexual and reproductive rights with a focus on three issues: homophobia, the right to choose, and sex education. Brahim Zamora says that they are now looking for resources to do a panorama on homophobia in Puebla, “from

the perspective of the people, both the affected population as well as the general population, and from the state perspective –how much is spent on combating homophobia and what programs and public policies are available to do it.”

Despite a level of apparent openness after Agnes Torres’ death, the Observatory believes that the state authorities do not have the will and public resources to implement policies regarding sexual and reproductive rights. “We have found people that understand our issues, but they do not have much influence to generate change without someone above them to order it,” says Vianeth Rojas. They are in constant dialog with the Puebla Human Rights Commission and are asking for an comprehensive program for sexual and reproductive rights, given that this is a priority for civil society organizations. “We know that it is very difficult because there is no money, but we told them that at least they should include the issue across the board in the Commission, that we can train the staff, [...] even if there is not a specialized department.” The Citizens’Observatory for Sexual and Reproductive rights has done several events and workshops with the Commission, but the Commission does not have the necessary resources to apply this information they have received. They say that while the HIV Program is at risk, there is a person who is responsible for it at the state Commission and the dialogue between the Observatory and the Commission has grown stronger.

In terms of documenting hate crimes from homophobia,²¹³ the organizations believe that what is being done is not enough. “We held

²¹³ The classification of hate crimes based on homophobia was approved by the [Puebla] state Congress in June 2012, the plenary decided to incorporate this concept to the Code for Social Defense, in articles 323 and 330 Bis.



XI March for Pride, Dignity and Sexual Diversity in Puebla 2012 © Elda Ruíz

a meeting [with the state Attorney General] and he showed us cases that they consider to be based on homophobia. And in all the cases, they treated the person as masculine, even though the person is trans. Not one of these cases says ‘feminine,’” explained Gabriela Cortes, coordinator for “El Taller”. “El Taller”, together with other organizations, presented a list of 26 cases of hate crimes from 1996 to 2012 that are in the legal process. This list was put together by “Letra S” and the Citizens Commission against Hate Crimes based on Homophobia. According to Gabriela Cortes, the information registered by the PGJ does not coincide with information from civil society organizations, and the number of crimes might be greater.

“El Taller” was created in 2001 as an independent theater company focused on workers’ rights in Puebla. Its goal is to use theater as a way to provide information about human rights, and it focuses on providing information women-to-women, especially among lesbian women. The group is also committed to fighting for the legalization of abortion. Violeta Rodriguez believes that while there is a certain level of acceptance and a need to take on these issues in Pueblan society, especially among the youth, there are also fervent sectors like religious groups who are opposed to voluntarily interrupting pregnancy. “The young people feel guilty about this. They believe that they are sinning, that they deserve punishment, and this fear keeps them from deciding what they want,” says Gabriela Cortes. The coordinator believes that there is a similar problem for lesbians in Puebla, since there is still a belief that every woman needs a man to take care of her.

In March 2009 the Congress of Puebla approved a reform to the state Constitution regarding abortion and the family.²¹⁴ “What they were proposing was to protect life from the moment of conception up until natural death and to take away any reason justification to interrupt pregnancy based on rape or poor development of the fetus, and to include that the family was only made up of a man and a woman, and that they had to have children, and if not, it was not a family. [...] In the end we were able to negotiate with pressure to get rid of the part that says that families are only made up of a man, woman, and their children, [...] but a piece of text was passed that says ‘life is protected from the moment of conception until natural death,’” explained Natali Hernandez from “El Taller”.

Jose Alberto Ballesteros remembers the confrontations that day: “They closed in on us during the recess, for almost three hours. There was a group of very aggressive people who started to kick and fight and suddenly we were surrounded by riot police. Our coworkers were outside, and for a moment, there was some uncertainty because we did not know who was inside, they were about to knock down the door in Congress. Inside, with the riot police, there were about 300 people in a small reduced limited space; the police was providing protection to others, we were the dangerous ones there, even though the attacks were coming from the other side.” Generally, the direct confrontations are usually with pro-life groups and groups that favor traditional families. LGBTI defense organizations and organizations in favor of legalizing abortion say that they have been the object of insults and offensive campaigns against sexual diversity.

For these organizations it is especially important to join efforts to promote human rights, and this is what takes place in “El Taller”: “Our main link with several organizations in Puebla is that we do the expressive work for some of the activities that they do in public, we bring the theater, performances or we do some artistic activity as part of the work.” They have collaborated with the Center for Worker Support (CAT) and the Pueblan Feminist Collective, and they are scheduling a third encounter with civil society organizations in Puebla and Tlaxcala. According to Natali Hernandez, “the idea is that many fronts come together for human rights.”

²¹⁴ Reform to article 26 (VII) of the Political Constitution of the Free and Sovereign State of Puebla, approved on March 12, 2009 and published in the Official Newspaper on June 3, 2009.

Dirty hands, clean work © Collective of Insubordinate Women Workers



Economic, Social and Cultural rights Defenders of the Right to live and work with dignity

In Mexico, Economic, Social, and Cultural Rights (ESCR) are an integral part of the defense of human rights. Poverty, marginalization and social discrimination prevent full enjoyment of economic, social and cultural rights by various sectors of the population.²¹⁵ As a result, human rights defenders and organizations throughout the country do important work to document these human rights violations, support and accompany victims, inform the public about these violations as well as advocate politically so that authorities fulfill their obligations. For this work, human rights defenders have suffered from attacks, threats, harassment and defamation. In 2011, 13% of the violations perpetrated against human rights defenders in Mexico targeted women who defend workers rights.²¹⁶ From 2010-2011, the women human rights defenders who were at the greatest risk were the ones working for ESCR, like the right to freedom of association.²¹⁷ Economic, social and cultural rights are not limited to workers rights, and human rights defenders in Mexico also defend the right to adequate housing²¹⁸ and education.²¹⁹

Economic, social and cultural rights are outlined in different international conventions that have been ratified by Mexico.²²⁰ At the national level, human rights reforms from 2011 and 2012 elevated the right to a clean environment and the right to dignified housing (article 4) to Constitutional level. The extensive article 123 of the Mexican Constitution outlines a series of workers' rights regarding pay, social security, hygiene, child labor, equality and rest. It also recognizes the right to join together to de-

pend interests in trade unions or professional associations, as well as the right to strike. In February 2012, the SCJN recognized that economic, social and cultural rights are justiciable, and that "justiciability represents an important way to put them into effect."²²¹ This norm shows that the state has concrete obligations regarding the enjoyment of these rights by all people.

Workers' rights and trade union independence

Human rights defenders have especially fought for the rights of laborers, miners, and day laborers. Mexico is one of the most industrialized countries in Latin America. The factories (maquilas)²²² where cars, clothing and electronics are manufactured are an important part of the industrial panorama of the country. Maquilas began to operate in Mexico at the beginning of the 1960s but when the North American Free Trade Agreement (NAFTA) went into effect in 1994, the number of factories sharply increased. Estimates say that there are currently more than 6,500 factories in Mexico, mainly located in Baja California, Nuevo Leon, Jalisco, Coahuila, Tamaulipas, Sonora, State of Mexico, Mexico City, Guanajuato, Puebla and especially in Chihuahua.²²³ As evidenced by many testimonies, the maquilas in Mexico are associated with a series of labor problems similar to the problems found in other sectors like mining and agriculture.

Ciudad Juarez, in Chihuahua is the main center for maquilas in the country. According to the website "InfoMaquila," a portal for the factory industry in Mexico, Chihuahua had 504 factories in 2012. According to the same source, Ciudad Juarez had a total of 367 factories. According to the Center for Studies and Labor Workshop in Ciudad Juarez, an organization that provides training and consultations for workers in the factories in the city,²²⁴ in 2012, Juarez had close to 230,000 employees working in these factories. The Municipal Development Plan 2010-2013 for the Municipality of Juarez, which was published by the Chihuahua state government in February 2011, calculates that in 2009 the factories

215 Fray Francisco de Vitoria Human Rights Center.: Informe Anual Sobre la Situación de los DESCA en México y su Exigibilidad. 2011 [Annual Report on the Situation of ESCR in Mexico and Demands], pgs. 30-168, November 2011.

216 ACUDEH: Informe de Violaciones de Derechos Humanos Cometidas Contra las Personas Defensoras de los Derechos Humanos en el Periodo 2011-Primer Trimestre de 2012 [Report on Human Rights Violations Committed against Human Rights Defenders from 2011-First trimester of 2012], pg. 40, 2012.

217 JASS, Consortium for Parliamentary Dialog and Equality in Oaxaca, Round table Network of Women of Juarez.: Defensoras de Derechos Humanos en México. Diagnóstico 2010-2011 Sobre las Condiciones y Riesgos que Enfrentan en el Ejercicio de su Trabajo [Women Human Rights Defenders in Mexico, Diagnosis 2010-2011, Conditions and Risks that they Face in Exercising their Work], pg. 35, 2012.

218 Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) explicitly mentions adequate housing as a component of an adequate level of life that everyone has the right to. Similarly, the General Comment number 4 of the UN Committee on Economic, Social and Cultural Rights recognizes the importance of adequate housing in order to enjoy all economic, social and cultural rights. General Comment number 7 also mentions the right to housing. In order to attain the right to dignified housing, sanitation services, energy and water are also necessary, as well as the right to a clean environment as specified in Articles 10 and 11 and the Protocol of San Salvador and Article 12 of the ICESCR.

219 Articles 13 and 14 of the ICESCR and 13 of the Protocol of San Salvador, in addition to General Comments 11 and 13 of the ESCR Committee, grant the right to quality education, and the state's obligation in this matter.

220 Mexico ratified the ICESCR in 1981. Mexico is also part of the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights, the "Protocol of San Salvador" since 1996. In addition, it has been a member of the International Labor Organization (ILO) since 1931 and has signed 67 of its conventions, including Convention 87 (freedom of association, ratified in 1950) and Convention 169 (indigenous people, ratified in 1990). Currently, Mexican civil society is campaigning for Mexico to sign and ratify the Facultative Protocol of the ICESCR, approved by the UN General Assembly in 2008, which allows individuals, institutions and organizations to present complaints of human rights violations to the UN ESCR Committee.

221 Juan N. Silva Meza (President Minister of the SCJN): Speech during the inauguration of the International Forum on Justiciability of ESCR in the context of the constitutional human rights reform in Mexico, Mexico City, February 2012.

222 "The maquiladoras (maquilas) are factories that import prime materials, components and machinery to process or assemble in Mexico and reexport them, mainly to the United States; taxes are only paid on the added value". Carrillo, Jorge: "La industria maquiladora en México: ¿evolución o agotamiento?" [The maquila industry in Mexico: evolution or depletion], pg. 668, Comercio Exterior, Vol. 57, No. 8, August 2007.

223 For more information about this topic, see: <http://maquiladoras.infomaquila.com/>

224 The Center for Studies and Labor Workshop of Ciudad Juarez was created by the Authentic Workers Front (FAT). Its mission is to educate workers about their civil, political, labor, and human rights, in addition to providing legal support for the formation of workers organizations.



March for a life of dignity © Workers Ministry

were responsible for 52% of the formal work in the municipality.²²⁵ The same document highlights the importance of the city as a factory center in the country –20% of all workers in the city were employed in these factories in 2006 and 10% in 2009, a figure that reflects the economic crisis in the U.S. and the decreasing demand.²²⁶

The Workers Ministry, an organization that defends human rights in Ciudad Juarez has been working with the community in the area for 11 years. Elizabeth Flores is the coordinator and one of the lawyers for the organization, and she shares how “the maquilas in Ciudad Juarez employ many people, they are a motor that attracts many migrants from

²²⁵ Municipal Development Plan 2010-2013 of the Municipality of Juarez, pg. 43, February 2011.

²²⁶ *Ibid.*, pg. 45.

other parts of the country who come to the city looking for work.”²²⁷ In defending labor rights in the city, they work on, “cases of workers who have been fired, cases of noncompliance with payment of benefits and salaries and a lack of social security, including other practices. Some cases have to do with the factories, like women with carpal tunnel syndrome, which leaves them without strength and mobility in the wrist due to repeated movements in the factories. In the majority of cases, this is not considered a workplace risk and they are fired. We get a lot of cases like this,” says Elizabeth Flores.

The defense of workers’ rights has focused on problems like the lack of trade union independence. Maquila Solidarity Network, a Canadian

²²⁷ Interview with Elizabeth Flores, Coordinator for the Workers Ministry, May 16, 2012.

organization, talks about “protection contracts”²²⁸ as one of the main obstacles to free association of workers in Mexico. These contracts are signed between employers and the “official unions,” which are well-known in the country for failing to represent workers’ interests but instead for protecting the interests of businesses and political parties.²²⁹ The predominance of these unions in Mexican industry means that it is difficult to create independent, democratic trade unions that can truly defend Mexican workers from precarious working conditions and abuses. During the second half of 2012, a debate arose around the reform to the Federal Work Law, which was approved by the Chamber of Deputies at the end of September. Several national and international organizations have criticized the new law for making free association even more difficult for workers, since it contains new rules around trade union independence and rules about violating working conditions.²³⁰ The PAN and the PRI, the two political parties that pushed for the reform, argued that the new law would make the national market more flexible and would allow for more economic development.²³¹

CENTER FOR WORKER SUPPORT, PUEBLA DE ZARAGOZA (PUEBLA)

One day in May 2010, the workers at Johnson Controls Interiors Manufacturing (JCIM) in Puebla were on strike. In front of the factory doors, Blanca Velazquez Diaz talks to the workers with a megaphone to give them support. The director of the Center for Worker Support (CAT Puebla) has something in common with the workers: the fight for trade union independence.

The CAT was created in 2000 with the goal of accompanying the demands of workers as well as promoting and defending labor rights. The organization has provided workshops on labor rights, gender, and sexual and reproductive rights for both women and men, with the goal of raising awareness and empowering them. The empowerment of women workers is especially important for the CAT. “We see a lot of abuses, especially sexual assault or psychological violence. [...] We have to talk,

²²⁸ Protection contracts: collective work agreements between businesses and unions that do not refer to the workers, and workers do not have access to these agreements.

²²⁹ Bizberg, Ilan, and Zapata, Francisco (coords.): *Movimientos Sociales*, Colección: Los grandes problemas de México [Social Movements, Collection: The big problems in Mexico], Vol. VI, El Colegio de México, pgs. 43-44, México, 2010.

²³⁰ “Reforma laboral de Calderón eliminará el sindicalismo independiente: Alcalde” [Calderon’s labor reform will eliminate independent trade unions: Mayor], *La Jornada*, pg. 21, September 11, 2012; and “Proposed labor law reforms in Mexico would roll back worker protections”, *Maquila Solidarity Network*, September 26, 2012.

²³¹ “Los puntos polémicos de la reforma laboral aprobada” [The polemic issues of the labor reform were approved], *CNN Mexico*, September 29, 2012.

support them, so that they value themselves and see how much they are giving to the economy of their family and to their country.”²³² The Center aims to push women to become leaders in this labor movement.

In 2006, the CAT began to accompany the mobilization of JCIM workers for the right to be represented by an independent, democratic trade union. The CAT began to provide this support after several reports of unpaid wages, unsafe working conditions, violations to free association and gender discrimination. Workers allege that they never received copies of collective work contracts that were signed between the company and the “protection union.”

The three-day strike in one of the company’s factories in Puebla in May 2010 led to an agreement between the workers and JCIM in which the company recognized the workers’ decision to be represented by the National Union of Miners, Metallurgical, Iron and Steel Workers of the Mexican Republic (SNTMMSSRM or “The Miners”). “This was a significant struggle in which the workers came to an agreement with the company, and in which many of their demands were reflected,”²³³ states Blanca Velazquez. However, in August 2010, the workers who belong to the new union were physically attacked in the factory and threatened with firearms, supposedly by members of the old trade union. According to the CAT coordinator, “this has been one of the most violent struggles in the auto parts industry in Puebla.” A new strike took place, which led to another agreement between the workers and the company in which they newly recognized The Miners as their trade union.

In April 2011, The Miners and JCIM signed their first collective work contract, stipulating a pay increase and better benefits for the 800 workers in the factory. For Blanca Velazquez this was an important moment because “the workers were represented, at last, by a strong union in which they had a voice and a vote.” However, the company decided in April 2012 to transfer production to another Mexican factory and close the unionized factory. The decision came less than a year after the collective agreement was signed. Blanca Velazquez has no doubt about the reasons for closure: “It was hard for the company to have an organized trade union since it is common to have protection unions in Mexico who look out for the interests of capital.”

In addition to the attacks suffered by the workers in August 2010, the CAT has been the victim of diverse attacks and harassment due to their

²³² PBI Mexico: *Dignas: Voices of Women Human Rights Defenders in Mexico*, pg. 53, March 2011.

²³³ Interview with Blanca Velazquez, former coordinator of the now defunct Center for Worker Support, 2012.



Blanca Velázquez © Prometeo Lucero

role in accompanying the workers. In April 2010, while they were visiting workers from JCIM, two members of CAT were attacked by people linked to the official unions. In a similar incident, during another visit with workers in August of that year, three members of the organization received death threats.

In December 2010, some people entered the CAT offices and stole documents, hacked Blanca Velázquez' email and the CAT email, and left a threatening message on the wall. The next month, they used these email accounts to send threatening messages. In addition to these events, the organization has reportedly been the target of public defamatory statements by people connected to the unions and the companies. One hard blow for the CAT was in May 2012 when a member of

the organization, Jose Enrique Morales, was kidnapped, threatened and tortured for more than 17 hours. This last event forced the CAT to close its offices and suspend its activities in Puebla. Both Enrique Morales as well as Blanca Velázquez had to leave the state for their own safety.²³⁴ "It is shame to have to stop accompanying the organizing processes of the workers in Puebla and Tlaxcala, [and] we are angry because of the lack of will by the government in Puebla to find the people responsible for what happened in 2010 and 2012. Given this situation, we had to be creative to protect our integrity," says Blanca Velázquez.

"It is traumatic to have to stop what you were doing, but it is even worse to have to hide, as if you were a criminal."

As a result of the attacks and harassment, the IACHR granted precautionary measures to the CAT. Prior to this, the Puebla Human Rights Commission and the CNDH had already granted precautionary measures to the organization in 2011. Alejandra Ancheita, director of the Economic, Social and Cultural Rights Project (Prodesc), which has supported the CAT, says that "there are five investigations open for attacks and threats [against the CAT] but the investigations do not move forward, everything remains in impunity."²³⁵ For Alejandra Ancheita, impunity is the biggest problem: "Without investigating and punishing the perpetrators, there is no safe return to Puebla for the CAT."

At the beginning of 2012, using an analysis that was not made public and without previously consulting the organization, the Puebla Human Rights Commission took away the precautionary measures from the Center. Blanca states that "there was no real analysis by the Commission about the level of risk, it acted unilaterally, leaving us more vulnerable." At the end of 2012, the CAT was still unable to return to their activities and Blanca remained outside the state because she feared for her security: "It is traumatic to have to stop what you were doing, but it is even worse to have to hide, as if you were a criminal. I had to flee to

²³⁴ PBI Mexico: "CAT forced to close its office due to a lack of protection guarantees," June 1, 2012.

²³⁵ Interview with Alejandra Ancheita, Director of the Economic, Social and Cultural Rights Project, June 20, 2012.

the United States and consider how to continue to defend human rights in a more prudent way.”

HUMAN RIGHTS AND LABOR COMMISSION OF THE TEHUACAN VALLEY, TEHUACAN (PUEBLA)

The municipality of Tehuacan is in the southeast of Puebla state and is the main stage for the labor movement that aims to improve the conditions for workers in the local factories. Tehuacan has a 40-year history of producing clothes, and the municipality is one of the biggest production centers for jeans in the world. The clothing industry represents almost 50% of the local economy.²³⁶ Pants, uniforms, shorts, T-shirts and shoes are made for export as well as for the national market. A large part of this production takes place in the factories and in informal workshops in and near the town. There are about 980 factories in the Tehuacan region (a number that includes hundreds of clandestine workshops). These factories provide clothing for Guess, Tommy Hilfiger, Express, Calvin Klein, Paris Blues and American Eagle Outfitters. In 2010, there were approximately 38,000 workers in the garment sector, including formal and informal jobs. This represents a loss of approximately 32,000 jobs in the garment industry within a decade, which reflects the world economic crisis and the decreased presence of international brands.²³⁷

The Human Rights and Labor Commission of the Tehuacan Valley (CDHLVT) is located in Tehuacan. The organization’s leader, Martin Barrios, has been involved in defending human rights with youth and indigenous groups since the beginning of the 1990s. However, in 1998-99 the organization began to defend workers rights, “There have been factories in the region since the 1960s, but the number increased at the end of the 1990s due to the North American Free Trade Agreement,”²³⁸ says Martin Barrios. In 1999 the Commission began to investigate workers rights and conditions in the factories, based on an agreement with the U.S. union United.

The publication that was produced was called ‘El sufrimiento del otro lado del oriente’ [The suffering on the other side of the east.] “We began to find several things: minors working [in the factory], extremely long

work-days, [and] women having to do urine tests to prove that they were not pregnant,” says Martin Barrios. In 2002, with the Support of Maquila Solidarity Network, the Commission published the book, ‘Del calzón de manta a los blue jeans’ [From fabric pants to blue jeans] in which they uncover worker abuses and environmental contamination by clothing factories in the area.

Martin Barrios and his coworkers from the CDHLVT say that in 2003, many people were fired from a local factory. “We began to work as if we were a union, doing the work that they should be doing. There was a lot of trickery with the workers by the [official] unions. The unions that were supposed to defend the workers acted as if they were part of the department that could fire workers in the company. People did not trust them.” In the end the factory left Tehuacan, but thanks to the Commission the workers received their severance pay.

“The unions that were supposed to defend the workers acted as if they were part of the department that could fire workers in the company. People did not trust them.”

“It is very difficult to create an independent union here; they would never allow it. The best thing is to liberate the struggle from the inside,” says a member of the CDHLVT, who says that the unions do not protect the rights of workers in the way that they should. “Even the day laborers, the farms, they are linked to the [official] unions. They control services, construction, everything.” For the Commission, the lack of union independence is one of the main obstacles to attaining workers’ rights.

The CDHLVT remembers 2007 very well. That was the year in which they fought with Vaqueros Navarra for the collective agreement for the independent trade union called September 19th. “There was a large mobilization of workers, [and] many unions wanted the contract. We had to fight against the official union. They threatened to close the company, many workers were fired, [and] they wanted to give them a severance pay for 30% less than what they owed them.” The mobilization and the work of the CDHLVT led to elections in November 2007 in which the September 19th union won. Martin Barrios and his coworkers were excited: “It was a victory, for the first time a collective agreement for an independent union won. People were very happy, it was an accomplishment to get a recount.”

²³⁶ Maquila Solidarity Network and Hernandez, Rodrigo Santiago: Tehuacan’s garment industry in times of crisis, pg. 2, December 2010.

²³⁷ Ibid., pgs. 3-4.

²³⁸ Interview with Martin Barrios, President of the Human Rights Commission of the Tehuacan Valley, and other members of the organization, July 6, 2012.

However, a few months later the company decided to close. “The factories are deceitful and they could not leave this precedent,” says Martin Barrios and he adds: “After the victory was the defeat, and the company closed and everyone that voted for September 19th was put on blacklists or obligated to join the official unions.” After this case, the Commission shared how they became known as the “company closers.” “They said that because of us there was no more work. A newspaper accused us of scaring the companies. The employers publicly said that we do not want the citizens of Tehuacan to have work. There is a dark campaign against the Commission.”

Defamations are not the only form of attacks that CDHLVT has faced for defending workers. After their first investigative report in 1999, the private police from the factories pointed a firearm at Martin Barrios in front of his home. “The work that we were doing made the companies extremely mad,” he says. In 2003 Martin Barrios was beaten once again outside his home. “While they were hitting me, my attackers told me that it had to do with the factory. We filed a complaint but we felt more harassment than defense. We have the authorities against us; many politicians are factory owners.”

At the end of December 2005 Martin Barrios was detained. “At that time, we were doing this work in different factories, [and] the owners were furious.” Due to pressure from organizations and international unions (like letters sent by Maquila Solidarity Network) and marches, Martin Barrios was released from jail two weeks later. He says that when he was freed, “there were rumors that several factory owners were looking to hire someone to kill me.” With the support of the Prodh Center, the CDHLVT requested precautionary measures from the IACHR and as a result Martin had a police escort for six months.

In spite of the defamation and attacks, the Commission is proud of their accomplishments. For them, the election of the independent union in 2007, “can be considered the breaking point for the labor struggle in Puebla.” In addition, thanks to his work, “Tehuacan has had national and international visibility for the labor rights situation.” He also notes that since 2003, they have defended the rights of more than 10,000 workers.

The Commission continues to work on contracts, safety in the workplace, gender and ethnic discrimination, institutional violence and other topics. Its members are still motivated to continue with the work, since they see that “more than 60% of the people in Tehuacan work in the maquilas, salaries are very low, [and] they earn between 350 and 500 pesos [\$28-40 USD] a week.” They also have a reason to be proud. They

say, “one of the accomplishments of our work is that workers can see that they can defend themselves.”

INSUBORDINATE WOMEN WORKERS COLLECTIVE, TEHUACAN (PUEBLA)

Tehuacan is also home to the Insubordinate Women Workers Collective. They specialize in sewing and they aim to achieve economic independence for women workers in this industry. The clothing factories in Tehuacan have absorbed much of the workforce and thousands of women work there, several of whom see the Collective as an ally in the struggle for their rights and for dignity. The organization offers training workshops in the working-class neighborhoods of Tehuacan, mainly for women workers, in which they discuss workers’ rights, economic autonomy, workers’ health, the right to information and political rights.

In 2011 the Collective led the way to achieving a great milestone for the labor struggle in Tehuacan. Reyna Ramirez, who has worked in the clothing factory for 10 years, and Rodrigo Santiago, both of whom are part of Insubordinate Women Workers, remember those days very well: “It was July and the workers went on strike for [better] wages; many of them earned 200 pesos [\$16 USD a week]. There were 64 workers who were older in age, [and] they spent two weeks sleeping in the rain at the door to the factory. The company decided to close and so the women asked for repossession of the machinery.”²³⁹ This was the only legal process that the organization has accompanied and they received support from FAT. The Conciliation and Mediation Board of Tehuacan reviewed the case and decided on behalf of the women. “This was the first time that an authority granted repossession on behalf of the workers,” said Reyna Ramirez and Rodrigo Santiago.

However, their ambitions are greater. “The idea with those 64 workers is to be able to use the machinery to form a cooperative,” they say and add, “We are working very hard for economic autonomy and that is where these ideas and goals come from. Women cannot be free and independent if they do not have economic autonomy. It is slow work but we want to show authorities and other workers that it is possible.” On September 5, 2012, the people who were fired from Exportadora de Pantalones SA de CV received praise, (in a resolution from a mediator about the conflict) and they won the labor trial against the owner. In December of that same year, the machinery was split amongst the wor-

²³⁹ Interview with Reyna Ramirez Sanchez and Rodrigo Santiago, Insubordinate Workers Collective, July 6, 2012.

kers. The struggle lasted a year, with delays in court orders and arrest warrants for the workers throughout the process.

The question of economic autonomy is not the only focus of the Collective. The organization also works on improving conditions for women workers. “Many of what threatens the women workers, in addition to the owner, the corrupt union, the work environment, is also the family environment. They can get training and everything but if they cannot



Caution: Empowering Women © Collective of Insubordinate Women Workers

bring this back to the home, they cannot be empowered,” says Reyna Ramirez. Due to this, the workshops are also given to male workers on issues such as masculinity. The organization is concerned about providing information about the rights of women by showing documentaries and movies in neighborhood settings. The Collective believes that they have to overcome existing obstacles in order to exercise women’s rights in Tehuacan, “from the family, parents, friends, the community, at work.”

Women workers faced a series of difficulties in their work environment. Reyna Ramirez and Rodrigo Santiago explain that the most serious aspects of working in the factories for women are, “her health, wages, the conditions, sexual harassment, her psychological health.” They also emphasize the obstacles to organizing women: “They threaten to fire them, to take away social security for their families, there is intense sexual violence, [and] if you do not assent they accuse you of provoking it, they discredit you, they start rumors and the worker ends up quitting. They directly told the women that if they continued with us that something was going to happen to them.”

“The blacklists discourage workers. Many no longer wanted to join a protest movement.”

It is not only the women workers who are subject to attacks and harassment. The human rights defenders that protect them also suffer the consequences. Rodrigo Santiago says that, “the workers hear rumors that there is a price on their heads [of the members of the Collective]. We received three threats in less than three weeks. A man on a motorcycle threatened me the day of the repossession. On November 22, 2011 at 2 a.m. they threw a rock at our office with a piece of paper that said that they were going to hurt us.” Reyna has also been the victim of attacks: “In the Mediation Meeting a member of the union hit me. That was in 2008, I filed a crime report but there were a lot of irregularities in the process and the case was closed. There were witnesses, there was pressure from other organizations, but the Public Prosecutor did not pay attention to that.”

The Insubordinate Women Workers Collective was the target of 8% of the total attacks to human rights defenders in the country in 2011, making them one of five organizations that was attacked the most in Mexico.²⁴⁰ With the support of Prodesc, the organization requested pre-

²⁴⁰ ACUDDEH: Informe de Violaciones de Derechos Humanos Cometidas Contra las Personas Defensoras de los Derechos Humanos en el Periodo 2011-Primer Trimestre de 2012 [Report on Human Rights

cautionary measures from the Public Prosecutor, which granted them a police patrol at their office and at their home. However, after three months the police “stopped coming by.” Reyna Ramirez and Rodrigo Santiago explain the consequences of the harassment: “One woman stopped participating because of the threats. It starts to affect the work, you do not work the same anymore. For the workers, the most latent threat is unemployment. As an organization the threat is that they attack us for educating the workers about their rights, but for them, the harshest threat is unemployment, because they enter into economic chaos and a chain of debt. The people who have been here the longest are already disappointed or apathetic.”

Reyna also highlights the blacklists and the problems they create: “The politicians put many people on blacklists. They are called ‘lists of people who are not recommended.’ They have photos, names, who you were with and who you are organized with. I was on one of those lists. It is very obvious, you go to look for employment and they say ‘wait a moment’ and they take out that list. They do not only distribute them in the factories, but also in restaurants, shoe stores. The blacklists discourage women workers, many no longer want to join a protest movement.”

On top of these difficulties, the Collective does not feel the support of the government for their work. “Here many politicians have factories. There were cases of physical attacks because [the workers] did not want to stay late to sew bags for the [political] party [for the electoral campaign]. They locked them in and told them that they could not leave until they were ready.” They also say that the audits are never done: “The factories are very closed [environments], no one can get in. An inspector from the Ministry of Labour is supposed to do visits, but they do not do them. Here we have not seen that. We have never seen an investigation. When Social Security [agents] come to a factory, they send the minors and workers to their homes. They also hide pregnant women. This is common.”

In spite of these difficulties, the risks, harassment and the obstacles, the Collective is committed to continue with their work. They have participated in publishing reports and videos about the conditions and the situation for workers. They have received support from Maquila Solidarity Network and other national and international organizations. They have a reason to remain motivated: “The struggle of the workers was a process that has changed them. They no longer accept the corruption. They did their own analysis as a result of this struggle.”

Violations Committed against Human Rights Defenders from 2011-First trimester of 2012], pág. 41, 2012.

PASTA DE CONCHOS FAMILY ORGANIZATION, SABINAS (COAHUILA)

In Minas de Barroteran, a small town in the north of Coahuila, the Pasta de Conchos Family Organization has worked to document different cases of workers’ rights violations. The town is in a coal mining region of Coahuila, an area of about 15,000 square km (9,320 square miles) that extends from the town of Monclova to the border with the United States. Here about 270 coal mining companies are in operation. Coahuila provides more than 90% of the national coal production. This coal-producing region supplies electric plants for the Federal Electricity Commission (CFE), and generates 10% of the energy in the country. Many of the coal mines use wells or small mineshaft,²⁴¹ structures that are not at all safe for the miners.

The Pasta de Conchos Family Organization started its work in 2006 after the Pasta de Conchos mine collapse on the Santa Maria property in San Juan Sabinas, on February 19th. This collapse led to the death of 65 miners. Since then, the organization has documented precarious safety and hygiene conditions for the miners, errors committed by the companies and cases of accidents and injuries. Cristina Auerbach, member of the Pasta de Conchos Family Organization has been with the organization since the beginning. “This year [2012] we documented 24 deaths in the coal mines. Apart from the year in which Pasta de Conchos took place, this was the year with the most deaths,”²⁴² says Cristina Auerbach.

In November 2011, the CNDH published a report on the working conditions for miners in the coal-producing region in Coahuila. In this document, the CNDH shows that the majority of the mines do not comply with safety and hygiene norms: the mineshafts do not have an emergency exit, there are no safety or hygiene commissions as specified by law, the workers do not receive training for this work nor do they have minimum safety equipment, and the props that they use (which hold up the roof and the walls) are not safe. The CNDH concluded that, “the employment generated by the mineshafts is unsafe, under registered and highly dangerous.”²⁴³ Cristina Auerbach also sees negligence by the companies: “In order to work in a carbon well, you need at least

²⁴¹ Mineshafts or small mineshafts: rudimentary vertical mines that descend between 20 and 100 meters (65-328 feet). The miners work bent over and have poor access to ventilation.

²⁴² Interview with Cristina Auerbach, Coordinator for the Pasta de Conchos Family Organization, December 4, 2012.

²⁴³ CNDH: Informe Especial Sobre las Condiciones de Seguridad e Higiene en la Zona Carbonífera del Estado de Coahuila [Special Report on the Safety and Hygiene Conditions in the Coal Region in Coahuila State], pp. 26-27, 2011.



In memory of the miners killed in Pasta de Conchos (Coahuila)
© Pasta de Conchos Family

15 workers at a time. Of the 115 companies that have or have had contracts with PRODEMI [Promoter for Mining Development, a state run agency that is an intermediary between the businesses and the CFE], 74 have less than 15 workers. There are companies that have contracts for thousands of tons [of coal] and they have four workers.”

The labor problem in the mines, highlighted in the CNDH’s report, has to do with the lack of registration of workers. “Of all the miners who died in 2010, 2011 and 2012, 77% were not registered in the IMSS [Mexican Institute for Social Security]. This means that 3.3 of every 10 workers has insurance and the others are working without social security,” explains Cristina Auerbach. The inspections by the Ministry of Labour and Social Prevision [a federal agency] have

not had an impact. Cristina Auerbach says: “It is impossible to control the mineshafts. The mineshaft from here in Florida that exploded in July [2012, seven miners were killed] had been inspected 15 times. I have been to that mineshaft that was inspected 15 times, I have the inspection certificate, 15 times they were told that workers cannot go in there, and 15 times this was violated.”

Cristina Auerbach notes a serious problem of impunity behind the ongoing deaths in the mines. “We arrived and we found we could not move forward. Of all the miners that have died since Pasta de Conchos, we know that there is only one open investigation. None of the cases, not even in Pasta de Conchos has had a successful prosecution. Of course, no one has even stepped inside a jail. The legal resources that the families have are inefficient, totally exhausting, and in the end the government determines that damages can be repaired with 180 thousand pesos [about \$14,500 USD]. When the families receive this money, the investigation is closed without a finding of guilt. So there is

no way, there is no option for the families.” In November 2012, Proceso magazine published a report on alleged connections between politicians and businesses in the coal industry, and argued that this has allowed these acts by the companies to remain in impunity.²⁴⁴

“Here, the lack of workers’ rights means death.”

The nature of coal mines means danger for workers. Coal is an explosive mineral, which produces methane gas when it is exposed to air during the extraction process. When it combines with oxygen in confined spaces and exposed to a heat source, the methane gas can be highly explosive. For this reason, taking the gas out of the coal mines is an essential process for the safety of miners. However, the mineshafts in Coahuila do not include this process. “They have the obligation to take the gas out of the mines by law, based on norm 032, [Mexican Official NORM NOM-032-STPS-2008, Safety for subterranean coal mines.²⁴⁵] they should have the gas controlled in the mines,” explains Cristina Auerbach who argues that the companies do not extract the gas out of the mines because the sale of gas is not profitable.

Pasta de Conchos Family Organization has suffered from harassment and attacks because of their documentation work. For example, Cristina Auerbach was beat up, she has been the target of defamation, murder attempts, and her house was raided. Because of this, she has precautionary measures granted by the state and federal government. However, according to her, the application of these measures has been weak. “I have precautionary measures that do not mean anything at all. As a human rights defender you have to find ways to protect yourself. I have a dog named ‘Mecau’, Only Precautionary Measure [a play on words from the Spanish].” For Cristina Auerbach, being a human rights defender is not a simple task: “It is especially difficult work, especially complex because at the end of the day we do not have allies. No company sees our work as good work. They know all about the human rights defenders, they know where we live, who we work with, everything.” Cristina Auerbach says that a colleague’s office was raided on two occasions.

244 “Los Pocitos, Negocio de Políticos, Empresarios... y Zetas” [The Mineshafts, Business of Politicians, Businessmen... and Zetas], Arturo Rodríguez García, Proceso Magazine, no. 1880, pgs. 12-15, November 11, 2012.

245 Mexico has not ratified ILO Convention 176, on health and safety in mines. Article 7 of the Convention states that, “[e]mployers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control”, including adequate ventilation. The ICESCR and the Protocol of San Salvador on workers rights protect miners, as well as article 123 of the Mexican constitution. In addition, the norm NOM-032-STPS-2008 aims to create safe conditions in underground coal mines to prevent accidents. The Ministry of Economy and the Ministry of Labour and Social Prevision are the two federal agencies in charge of safety in the mines.

The organization, faced with the difficulty of attaining justice within Mexico, has presented the Pasta de Conchos case at the IACHR and is awaiting a response regarding the admissibility of the case. In addition, the collective is also working on other cases of deaths, mutilations and other injuries. The families of the victims look to Cristina Auerbach and her colleagues for support in the legal process. In addition, the organization has done important work to accompany the families. “The families started to look for us when the government did not fulfill its promises. There are cases in which we accompany the family at the scene of the accident and then up until the person is rescued. Then there are other moments that are more about memorializing loss. At the one-year anniversary of an accident, we put crosses up at the entrances to the mines where they died, with the families, and each year we put crosses on a curve on the way to Pasta de Conchos for all the people that died that year,” says Cristina Auerbach.

The dedication of the members of Pasta de Conchos Family organization has generated important accomplishments. According to the coordinator: “I believe that coal mines, with more than 100 years of history and more than 2,000 miners who have been killed in them, are beginning to become an issue with a large social dimension. Here, human rights violations do not only have to do with lack of access to education, recreation, possibilities and aspirations, but to life itself. Here the lack of workers’ rights means death. I think that we have accomplished a lot, it is an issue that people are now aware of. It is an issue in which the causes of death are clear. It was their [the workers] fault, then the methane gas, someone else was always at fault except the owner of the company. I think we have won the battle; now there is no doubt about the company’s responsibility.” It is difficult for Cristina Auerbach to make predictions, but she believes that they are close to prohibiting the use of coal mineshafts, substituting them with safer ways to extract the mineral.

MEXIQUENSE SOCIAL MOVEMENT, MEXICAN VALLEY (STATE OF MEXICO)

The Mexiquense Social Movement is a group of different social movements who defend ESCR in the State of Mexico. These groups mainly come from the north and east of the state, an area that is highly urbanized and which borders Mexico City. Many of these people travel daily between the two states for work. In this context of poverty, this large urban zone faces serious problems including a lack of access to education, dignified housing and basic services.

“We serve people who do not have a way to acquire housing, we fight for the right to housing and basic services,” says Juan Ramos Alejo, one of the members of the Only Alliance of the Valley.²⁴⁶ The Unique Alliance began its work in 1997 based on the needs of the working-class areas in the north of the State of Mexico. They work on the case of the “Guadalupe land,” in the Nicola Romero municipality. The people on the land have the original documents of ownership and they want to use the land to build housing. Jose Antonio Lara, a member of the Alliance, explains the difficulties that they have had: “We work within a collective framework, and for this reason we are opposed to the property developer’s way of thinking.” Antonio Lara refers to several occasions in which there were land invasions by people who showed false documents claiming ownership to the land. These invasions led to the detention of members of the collective by the police and public officials. From July 2011 to May 2012, 41 members of Unique Alliance were detained for crimes that they did not commit. “What is going on is that the property developers want the land to earn money. These entities are very strong, they have a capacity to move the authorities,” says Antonio Lara. Juan Ramos also points out the repression of the movement: “We have the original documents to the land. Still, the municipal and state governments support these false owners in their attempts to evict us.” The land is currently occupied by the police. Unique Alliance’s strategy at this time is to do political advocacy and public campaigns in order to avoid violent confrontations.

The Coordinator of Ecatepec Neighborhoods has been working for years with Unique Alliance. Alejandro Mena explains how they began: “Around 1986-87 there was a need to organize the community to solve the problem of flooding in the fifth zone of the municipality [Ecatepec]. Around that time there was a lot of industrial growth in Ecatepec, which paradoxically created a lot of poverty and marginalization, [as] many people came from Mexico City to look for work here. There were problems related to housing, education, recreation, safety, peace. These are problems that the organization recognized, accepted and took on as part of its struggle.”²⁴⁷ The Coordinator then decided to work on popular housing projects. “It is very difficult because you have to find a piece of land, get money together, get a loan. Then there is the problem of services, getting sewers, potable water, pavement, electricity. All of this is guaranteed by the Mexican constitution and the government is not able to provide this,” says Alejandro Mena. The members of the Coordinator have also been victims of repression. Between 1998 to 2007 the organization had four harsh episodes, with incarcerations and police violence.

²⁴⁶ Interview with Juan Ramos Alejo and Jose Antonio Lara, Unique Alliance of the Valley, August 6, 2012. Jose Antonio Lara is also part of the “Zeferino Ladrillero” Center for Human Rights.

²⁴⁷ Interview with Alejandro Mena Serrano, Coordinator of Ecatepec Neighborhoods, August 6, 2012.

“The only thing that we do is peacefully protest to ask the government to comply with what is guaranteed in the Constitution, especially around housing, education and basic services,” says Alejandro Mena. The Coordinator is made up of about 100 families from Ecatepec.

Another collective that fights for the right to dignified housing and belongs to the Mexiquense Movement is the People’s Front. The Front began its work in the middle of the 1980s by supporting people who lost everything in the 1985 earthquake. In the State of Mexico they have worked with families from La Cuesta neighborhood, along the highway that runs from Mexico to Pachuca, where there was a large fire in February 2005. “There were some 70 families there, there were people with serious injuries, including children. Then the police took over the neighborhood,”²⁴⁸ says Lucas Alvarez, coordinator for the organization. In 2006, the Mexiquense Social Movement made an agreement with the state government to relocate 50 families to Tecamac. The Front remains active around housing construction projects. In 2012 they handed over the last houses that were left to give to the victims of the 1985 earthquake. The group’s work goes above and beyond the right to housing: “We have three basic demands: no exploitation, no impunity and no misery,” explains Lucas Alvarez. As with the other collectives, the Front has also faced harassment for their work. “They took our radio program away from us in 2006 because we were reporting the electoral fraud from that year. We had a legal concession for the program.” In 2007, there was an attempt to evict the families in Tepito and the Front and other activists resisted. “There were riot police who were closing in on the zone, but suddenly they saw a car from the United Nations and they left,” says Lucas Alvarez. On that occasion they receive support from the OHCHR.

Another common demand by the collectives that belong to the Mexiquense Movement is the right to education. Since 1999, the Popular Democratic Left has tried to provide this for inhabitants of the municipality of Los Reyes de la Paz. “Most of the schools in the marginalized areas come from the community, they are created and constructed by the community,”²⁴⁹ says Ricardo Mejia, member of the collective. The community organization has been able to construct three schools in the municipality, a preschool, an elementary school and a middle school. The entire infrastructure has been provided by the community. However, constructing the schools is not the only task: “We have to demand that they are recognized by school groups, that they are recognized and that teachers are paid, that they are given a code for the work center [an offi-

²⁴⁸ Interview with Lucas Alvarez, Coordinator for the Puebla Front, August 6, 2012.

²⁴⁹ Interview with Pablo Torres Hernandez and Ricardo Mejia, Popular Democratic Left, August 6, 2012.

cial registration number from the Ministry for Public Education], and that matriculation in these schools increases,” explains Pablo Torres, another member of the movement. Ricardo Mejia and Pablo Torres say that the only thing that the government has given the schools is recognition and payment for some teachers, but not for all of them. Pablo Torres says that it has not been an easy process: “We have undergone a tenacious struggle so that our teachers and our schools could be recognized by the state government.” In June 2012, members of the community set up a protest in front of the National Senate building so that the government of the State of Mexico would attend to their demands for education. Together with a commission of senators, they agreed to create a permanent working group between the movement and authorities to work to improve the infrastructure of the schools and to pay the salaries owed to the teachers. Ricardo Mejia explains how they tried to solve this situation: “The teachers who have salaries, the community, and the organization cooperate so that the teachers who do not receive salaries have resources to survive.”

“Most of the schools in the marginalized areas come from the community, they are created and constructed by the community.”

This groups are also dedicated to solving problems related to housing and services, as Pablo Torres explains: “We organized ourselves and we directly bought land. Amongst everyone, we divided the land and we started to build together. From there, we went to find out how to get water, we bought a tank of water and we shared the water. For electricity we bought the poles, the transformers and we did the work. We put in the sewers, we did the digging.” Pablo Torres and Ricardo Mejia see the lack of governmental presence in these marginalized areas as the greatest obstacle: “What we are doing is an act of justice, the Mexican constitution says that all Mexicans have the right to dignified housing and services. We are in an area that is lacking all services, we do not have access to the most basic needs. There is no electricity, sewer system, potable water networks, much less paved roads [or] areas for sports, that would be a luxury. We continue to search for what we believe is a right that belongs to us, and better conditions for everyone.” Like the other groups of the Mexiquense Social Movement, the Democratic Left has also faced repression: “Nine years ago, the municipal government implemented an operation to evict us from the area. We formed a pacific front and nothing else happened,” says Ricardo Mejia.

The Democratic Left Social Movement was created in 2000 in the municipality of Ecatepec. On one piece of land they created the “Professor Misael Nuñez Acosta” Integral Teaching Unit. “We founded the school and the main thing was the teachers and the students. Later we had to fight for the government to recognize it,”²⁵⁰ says Patricia Sanchez, one of the members of the movement. The important thing for this group is the education of the children, as Patricia Sanchez points out: “We started to work on a project for alternative education. Education should be a way to help children receive comprehensive training so that they have the ability to actively participate. We are interested in providing them with tools so they can make the correct decisions in their lives.” The movement faces serious difficulties in their work. “It is a shame that after having the school for twelve years, we continue to have classrooms made of tin. We fought for them to give us school breakfasts, the children get to school without anything in their stomachs. It has been a constant struggle with the state and municipal government in order to move forward with this educational project,” Patricia Sanchez said and added, “The poverty in this area is notorious, the needs of the community are not being resolved. There are many family problems, alcoholism, we have had cases of children who are sexually abused.” One concern for the collective is where the children will go once they leave school. “When they finish middle school is the most dramatic time because the students do not have options. We have former students who are already involved with drugs or organized crime.” However, Patricia Sanchez sees the accomplishments of recent years as very positive. Today they have about 200 students between preschool and middle school. The teachers and parents are part of the collective. “Attendance is at 80%, we do not require uniforms or school fees, that is why services are not cut if they are not paid. 2012 has been the first cycle in which the graduates will have been with us since preschool. They have learned with us their whole lives. We feel like a family.”

Access to education is also the main focus of the work of the “José María Morelos y Pavón” Popular Union. They have worked in the area of La Cañada, in Ecatepec, since 1988. Leticia Fragoso, a member of the group explains how they began: “There were not enough schools in the area and we gave ourselves the task of creating them, constructing them. We created the ‘Cuauhtlali’ School for Adult Education in 1993. Later we founded the ‘Jose Martí’ kindergarten in Tlanepantla in 1994. There was nothing in this area. In 1994 we also founded the ‘Heroes of the Revolution’ Elementary School and the ‘General Francisco Villa’ High School.”²⁵¹ Leticia Fragoso remembers the difficult process of bringing this education to these communities: “We did not have a code

²⁵⁰ Interview with Patricia Sanchez, Democratic Left Social Movement, August 6, 2012.

²⁵¹ Interview with Leticia Fragoso, “José María Morelos y Pavón” Popular Union, August 6, 2012.



Mexiquense Social Movement: Education, Health, Work © Mexiquense Social Movement

for any of the schools when we began, we had to fight to obtain official recognition from the authorities. It has been a very long struggle, we are talking about 22 years in which these demands for services have progressed very slowly.” The group was able to get all the communities to provide space for the schools.

In addition to the difficulties in obtaining recognition for the school by authorities, the organization has fought for the government to provide them with the necessary infrastructure. “In the high school we have 12 groups but only 6 classrooms, of which 5 were constructed by the school community. They are provisional classrooms, with tin roofs, ugly chairs donated by other schools. In 11 years we did half the foundation of one building, we did not have enough for any more. Our list of demands includes the total construction of the school,” explains Leticia Fragoso. The human rights defender emphasizes that at many times

the process has been at the periphery, the accomplishments have been achieved thanks to the efforts of activists and the families. “No authority has asked us, what do you need? We had to go to different spaces and see what was needed. It has been like pulling teeth: I’m going to you and I’m going to do a march, it is not resolved, another march, lists of demands, reports, repression... that is how it goes.” The Popular Union was evicted from a donated space for the high school in 1999, which the organization believed was an act of repression by the government. The Popular Union now works with more than 500 youth in an effort to educate and teach solidarity and respect in marginalized areas, where external help only comes through the social organization.

*“No authority has asked us, what do you need?
We had to go to different spaces and see what
was needed.”*

After years of work, the grassroots groups of the Mexiquense Social Movement saw the need for a human rights center in the state to document cases of human rights violations and acts of repression, as well as to serve as a mediator between authorities and social initiatives. After the detention of members of Unique Alliance, the “Zeferino Ladrillero” Human Rights Center was created in 2012. The center was created as an initiative of the organizations, and as a result, it is closely linked to the Mexiquense Movement. “Many times what happens to social movements is that they feel like they are alone. What we want to do is bring the movements together so that their struggles are not isolated,”²⁵² explains Victor Hugo Dominguez, one of the new members of the Center. Antonio Lara, member of Only Alliance, believes it is an opportunity to defend human rights in the State of Mexico: “We will be able to generate solid reports about issues related to housing, indigenous communities, and gender violence, because there is a close link between the communities and the Center.” The “Zeferino Ladrillero” Human Rights Center’s goal is to accompany social organizations and processes in order to provide visibility to problems in the state and work with authorities to arrive at solutions.

²⁵² Interview with Victor Hugo Dominguez, Fabiola Salazar Paz, Cintya Hernandez Rivera, Itzia Mirguete Veraza and Antonio Lara, “Zeferino Ladrillero” Human Rights Center, August 6, 2012.



Natural resources and mega projects

Businesses, collective rights and water

The Mexican territory is a source of a large variety of natural resources like forests, mineral deposits and water reserves. The value of these resources has raised the interest of private, national, international and state-run companies. These resources are found in rural regions, where indigenous and rural populations are located, and where access to basic services like sanitation, education or potable water is scarce. Similarly, economic development projects (also known as “mega projects” because they are included in large-scale development plans), include the construction of dams, highways or other infrastructure to produce energy in rural areas. Human rights organizations and the affected communities report that they are not always included in the elaboration of these plans and that they do not obtain benefits from these projects that are equivalent to the impact it has on their life and their territory.

This context has led to the creation of organizations and groups that aim to defend the land, the territory and the environment in Mexico. They say that in the first place, the permits to use the resources or to develop the projects are granted without consulting the communities, which is contrary to what is specified in the International Labor Organization's Convention (ILO) 169 and other international treaties,²⁵³ as well as the UN Declaration on the Rights of Indigenous Peoples,²⁵⁴ all of which have been ratified or recognized by Mexico. According to the organizations, the contracts are signed without necessarily doing an adequate environmental impact evaluation or the evaluation is biased towards the interests of the companies.

In the case of occupied land or land belonging to indigenous communities, the treaties and the interpretation made by the courts recognize that the members of the community have the right to participate in the design of any development plan or investment plan that affects them. The community should be previously consulted before the land is used for exploration or extraction. The UN Human Rights Committee and the Inter-American Court have also stated that consultation is not enough;²⁵⁵ extraction of resources from the land can only be decided

253 Article 27 of the ICCPR states that ethnic, religious and linguistic minorities have the right to live in community with other members of their group.

254 Adopted on September 13, 2007 by the UN General Assembly (A/RES/61/295), 107th plenary session.

255 The UN Human Rights Committee, in General Comment number 23 from 1994, states that culture includes the traditional way of life for these minorities, especially in terms of use of the land and its resources for indigenous people. For the Human Rights Committee, the article therefore includes the right to enjoy other social and economic activities that are part of the culture of the indigenous community. (See: Lubicon Lake Band v. Canada, Communication No 167/1984, March 26, 1990, U.N. Doc.Supp. No.40/A/45/40). Similarly the I/A Court H.R. has interpreted article 21 of the American Convention of Human Rights to include the right to members of indigenous people to the collective ownership of their ancestral land and natural resources that are found there, and which are directly or indirectly needed for their development and continuity of their way of life and their culture. (See the cases of the Mayagna Community (Sumo) Awastingi v. Nicaragua, Judgment of August 31, 2001, Series C, No. 79 and Case of Pueblo Saramaka People v. Surinam, Judgment of November 28, 2007. Series C No. 172).

through free and informed consent from the community. In addition, a study of the social, cultural and environmental impact must also be done together with the community. This kind of project can also lead to forced displacement of the population; in such a case, the international human rights standards are reflected in the UN Guiding Principles on Forced Displacement.²⁵⁶

Article 27 of the Mexican Constitution authorizes the expropriation of private property by the government and states that “[this] can only take place for public use and with financial compensation.” The Expropriation Law states the requirements that should be met to apply this measure. In 2009, the definition of “public use” was amplified to allow the government to expropriate land for almost any kind of public work. According to the law, the compensation granted in cases of expropriation of land should be paid no more than 45 days following the publication of the expropriation decree; however, some communities fight for years to get a fair compensation for property lost.²⁵⁷

The use of resources and the creation of development projects are a point of dispute between the affected communities and private, foreign or state-run companies, which creates a division in the population that can also lead to violence. In order to bring attention to their demands, the local population and human rights organizations sometimes block the roads, in this way preventing companies from carrying out their activities. These actions affect economic interests, and have made them the object of defamation campaigns, fabrication of crimes, persecution or incarceration and in the worse case scenario, death. Between 2006 and 2012 in Mexico, 12 environmental rights defenders were killed, making environmental defense one of the most risky activities in the country.²⁵⁸ Similarly, in 2010, the Inter-American Court issued a judgment against Mexico, finding the state responsible for human rights violations including violating the right to personal integrity of Rodolfo Montiel and Teodoro Cabrera, two environmental activists who opposed the deforestation of the Costa Grande region of Guerrero.²⁵⁹ In terms of women, from 2010-2011 women who defended the right to land were at the greatest risk and were the most vulnerable.²⁶⁰

256 UN: Report of the Secretary General, Sr. Francis M. Deng, Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), February 11, 1998.

257 Prodh: Megaproyectos, Violaciones a Derechos Humanos y Daños Ambientales en Mexico [Megaprojects, Human Rights Violations and Environmental Damages in Mexico], pgs. 27-28, June 2012.

258 IACHR: Second Report on the Situation of Human Rights Defenders in the Americas, (OEA/Ser.L/V/II), pgs. 136-146, Doc. 66, 2011. The report discusses the risk situation for defenders of ESCR, see pgs. 102-159.

259 I/A Court H.R. Case Cabrera Garcia and Montiel Flores v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 26, 2010. Series C No. 220.

260 JASS, Consortium for Parliamentary Dialog and Equality in Oaxaca, Roundtable Network of Women of Ciudad Juarez: Defensoras de Derechos Humanos en Mexico. Diagnóstico 2010-2011 Sobre las Condi-

The extraction of mineral resources has been one of the most visible topics in recent years,²⁶¹ however communities and people who defend the land, territory and the environment have also focused on infrastructure projects and the right to water. One of the most emblematic cases is the “La Parota” hydroelectric dam project in Guerrero. The opposition to this dam is led by the Council of Ejidos (communal lands) and Communities Opposed to the La Parota Dam (CECOP), an organization that unites landowners from Acapulco, Tierra Colorada, San Marcos and Chilpancingo. The case was presented to the Latin American Water Tribunal (LAWT) in 2006, and the Tribunal decided that it was best to stop the project.²⁶² After 9 years of resistance, in August 2012, the state Governor Angel Aguirre Rivero signed an agreement with Cacahuatpec (one of the communities opposed to the project) in which he agreed to support the cancellation of the project with the federal government.²⁶³

Businesses and human rights

At the international level, there is currently a debate about the responsibility and the duties of transnational businesses regarding human rights. Given the economic interests at play, the creation of legal instruments that impose obligations and sanctions to foreign companies that violate human rights is a complex task. John Ruggie, UN Special Representative for human rights, transnational businesses and other enterprises, presented the Guiding Principles for Businesses and Human Rights²⁶⁴ to the UN General Assembly in June 2011. The Guiding Principles are a set of standards that establish guidelines for conduct for businesses based on the state’s responsibility to comply with rights and fundamental freedoms, the obligation of businesses to respect them, and establishment of effective means for reparation of damages.

Another international instrument is the Guidelines for Multinational Enterprises, which were adopted in 1976 by the Organization for Economic Cooperation and Development (OECD). This document contains recommendations from the governments to the businesses that operate in or come from member states. Since May 2011, the Guidelines inclu-



“I defended the land” © Irma Sanchez

de a chapter on human rights based on the UN Guiding Principles.²⁶⁵ The Guidelines state that companies should respect the human rights of those who are affected by their activities, according to recognized international treaties, the international obligations of the countries in which they operate, and the corresponding national laws and regulations. According to the Guidelines, the States have the duty to protect human rights and in the event of any incapacity to fulfill its obligations, the companies should look for ways to respect them. The Guidelines encourage companies to provide a transparent consultation and inform the local communities about their activities and possible impacts.

nes y Riesgos que Enfrentan en el Ejercicio de su Trabajo [Human Rights Defenders in Mexico: Diagnosis 2010-2011 On the Conditions and Risks that they face for their Work], pg. 35, 2012.

261 To learn more about this topic, please see “Undermining the land: the defense of community rights and the environment in Mexico,” PBI Mexico, November 2011.

262 PBI Mexico: Human rights defenders in the state of Guerrero, pgs. 65-69, 2007.

263 “Se compromete el gobernador Aguirre a no impulsar La Parota” [Governor Aguirre agrees not to push La Parota], La Jornada de Guerrero, August 17, 2012.

264 Special Representative for human rights, transnational companies and other enterprises, John Ruggie attached the Guiding Principles to his final report to the UN Human Rights Council (A/HRC/17/31), adopted by the Human Rights Council in its resolution 17/4, June 16, 2011.

265 OECD: Guidelines for Multinational Companies, Revision 2011, Ch. IV, May 2011.

Since 1994, the Ministry of Energy (Sener) has had the duty to create policies regarding energy in the country, mainly regarding the management of hydrocarbons and resources for the generation and distribution of energy. The Federal Electricity Commission is one of the state-run agencies that since 2009 manages 100% of the electrical resources in the country (part of the resource was previously managed by “Luz y Fuerza”). For this state-run company, these projects are an opportunity for development for these regions. However, human rights organizations and the affected communities report that there is a lack of prior, free and informed consultation with the community, and state that the CFE gives the companies concessions for the projects before they are consulted.

The main public entity in charge of evaluating the effects of these projects on the environment and on health is the Ministry of the Environment and Natural Resources (Semarnat). When necessary, the Semarnat does a technical study and publishes a document, the Manifestation of Environmental Impact, in which it determines if the project in question fulfills the requirements in order to be carried out. In that case, it would obtain the necessary permission to do the work. The operative work is carried out by the Federal Attorney General for Environmental Protection (PROFEPA), which oversees compliance with legal decisions and carries out inspections.

Water: Basic condition for life

Another right that is strongly defended in Mexico is the right to water. Water is a public resource that is basic for life, health and social development. In order to enjoy other human rights like food, health, a clean environment and adequate living conditions, access to quality water is fundamental. In Mexico, about 9 million people do not have access to potable water,²⁶⁶ mostly due to poverty and marginalization. In addition, different studies by the National Water Commission (Conagua) show that several aquifers in the country have been overused and that providing water will be a national challenge in the coming years.²⁶⁷

The right to have access to water is implicit in article 11 (the right to an adequate level of life) and 12 (the right to enjoy the highest level of physical and mental health) of the ICESCR. In 2002, the UN ESCR

²⁶⁶ “Conagua: Nueve millones de mexicanos sin acceso al agua potable” [Conagua: 9 million Mexicans without potable water], *El Informador*, 2010.

²⁶⁷ Conagua: *Estadísticas del Agua en México* [Conagua: *Water Statistics in Mexico*], Edition 2011, pg. 34. March 2011.

Committee adopted General Comment number 15, which states that “[t]he human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.” In addition, in 2010, the UN General Assembly in Resolution 64/292 explicitly recognized the human right to water, reaffirming that clean potable water is essential for the realization of all human rights. Diverse international instruments make explicit reference to the right to water, like in the 1949 Geneva Convention and the Convention on the Elimination of All Forms of Discrimination against Women, from 1979. At the national level, the right to water was elevated to Constitutional level in 2011. Now, according to article 4 of the Mexican constitution, Mexico is obligated to guarantee access to water for all people.

According to Conagua, Comarca Lagunera²⁶⁸ is one of four areas of the country where there is severe over-exploitation of the aquifers. Conagua considers that an aquifer is over-exploited when the volume of extraction is greater than the recharge.²⁶⁹ Of the more than 650 aquifers in Mexico, 100 are over-exploited, and more than half of the underground water in the country is extracted from these aquifers.²⁷⁰ Reports show that 1.10 billion cubic meters of water a year are extracted from the 3,500 wells in La Laguna, while the recharge of these aquifers is at 510 million cubic meters a year.²⁷¹ This represents a deficit of 590 cubic meters of water a year.

ASSEMBLY OF INDIGENOUS PEOPLE OF THE ISTHMUS OF TEHUANTEPEC IN DEFENSE OF THE LAND AND TERRITORY, JUCHITÁN (OAXACA)

The region of the Isthmus of Tehuantepec, in the south of Oaxaca, is a narrow stretch of land between the Atlantic and Pacific Oceans. More than half the population in the region is indigenous, mostly Zapotec and Huave ethnicities. Because of the geographic characteristics of the region, strong gusts of wind come through the region and as a result, there is a great potential for generating wind energy. This area is part of the regions included in the Meso American Project (previously known as Plan Puebla Panama) for development and economic integration of Mexico with Central America. Since 1994 when the Federal Electricity

²⁶⁸ Conagua: Press Release No. 402-11, November 24, 2011.

²⁶⁹ Conagua: *Estadísticas del Agua en México* [Conagua: *Water Statistics in Mexico*], Edition 2011, pg. 34. March 2011.

²⁷⁰ *Ibid.*

²⁷¹ “La Laguna: Los Sobrevivientes del Arsénico” [La Laguna: Survivors of Arsenic], Jesús Peña, *Revista Semanario*, No. 284, August 2011.



Bettina Cruz © PBI Mexico

Commission installed the first pilot project, La Venta I, 13 similar projects have also been installed in the region. Some of the affected communities are asking that their right to information and consultation be respected, and consider that the promises of development are not always fulfilled or do not always satisfy their needs.

The Assembly of Indigenous People of the Isthmus of Tehuantepec in Defense of Land and Territory (APIITDTT) was created in 2007 by the Binni'zaa (Zapotecos) and Ikoojts (Huaves) indigenous peoples in the region of the Isthmus, after the installation of the first wind farms. "As a collective we were already participating as part of a front of people in defense of the land and the territory,"²⁷² says one of the founders of the Assembly, Bettina Cruz Velazquez. The APIITDTT has since accompanied collectives and community organizations to demand their collective

²⁷² Interview with Bettina Cruz Velazquez, Assembly of Indigenous People of the Isthmus in Defense of Land and Territory, June 2012.

rights for the indigenous people in resistance to the wind projects in the region. They also accompany the Zapotec people from Santa Maria Xadani who are against increasing electricity rates established by the CFE.

Bettina Cruz considers that in spite of the large foreign investment to install the wind turbines, the benefits for the local community are few. "They say that it is a multi-million dollar project so that we can develop, and have jobs, when we know that 80% of the resources that will supposedly be invested remain in the countries where the wind turbines are produced, they cost a lot of money," she says. The APIITDTT informs the community about the effects of these projects on their way of life and survival, and they have done campaigns for the right to consultation, access to information and to defend their land and their territory.

"They put a price on wind, they put a price on nature and that is what they are selling, it is not really energy that they say will diminish climate change."

In May 2011, landowners from Hidalgo Union began to mobilize against the Piedra Larga Project and created the Committee in Resistance to the Wind Farm Project of Hidalgo Union (CRPEUH). The concession was granted by the Regulatory Energy Commission (CRE) to Desarrollos Eolicos Mexicanos de Oaxaca 1, SA de CV (Demex) in 2009, an affiliate of the Spanish company Renovalia Energy. Those opposed to the project consider that the company did not provide sufficient information at the time about the conditions of the contracts to rent the land and they wanted to terminate them. In February 2012, Demex representatives and 30 landowners were able to set up a round table discussion with mediation from the Oaxacan government, but the dialogue ended when Demex refused to terminate the rent contracts early, thereby refusing to comply with the landowners' requests.²⁷³

As a result of the accompaniment and the protests to stop the project, Bettina Cruz and other members of the Assembly were attacked by local authorities in October 2011.²⁷⁴ "They brutally beat us up and they evicted us. They came with firearms and they were shooting. They beat me up and they put a pistol to my head and told me: 'Let's see bitch, let's see if you are such a bitch, here you are going to die.'" After this incident the Human Rights Commission for the State of Oaxaca (now known

²⁷³ Prodesc, PODER, Assembly of the Isthmus, CRPEUH: "Detenidos cinco defensores de DH por su oposición al parque eólico de DEMEX" [Five human rights defenders are detained for opposing the DEMEX wind farm], Press release, March 23, 2012.

²⁷⁴ PBI Mexico: "Attacks in the Isthmus for opposition to wind farm projects," November 8, 2011.

as the Ombudsperson) granted precautionary measures to the human rights defender on November 14, 2011. The measures include a police patrol, closed circuit television and cell phones, but Bettina Cruz says that these measures have not been fulfilled and there are only advances when they participate in negotiation meetings in Oaxaca City. “This is also difficult for us because resources are involved, we have to go from here to Oaxaca City each month for a meeting in which nothing moves forward,” laments the human rights defender of Zapotec origin.

Previously in February 2012, an arrest warrant was filed against her, which was originally issued on September 12, 2011 after a complaint was filed by the CFE; agents from the PGR detained Bettina Cruz as she was leaving a meeting at the office of the state-run company in Juchitan, and she was held for several hours.²⁷⁵ “The complaint that they made is mostly political,” she says. The human rights defender believes that the companies use the CFE to carry out these legal actions: “This is the way in which they are criminalizing this resistance movement in defense of territory, and in defense of energy sovereignty.”

This is not the only case that the Assembly has supported. On January 29, 2012, landowners from San Dionisio del Mar rejected the Act from the Assembly on November 7, 2004, as well as the contract signed between Preneal Mexico (now known as Mareña Renovables) with the municipal president (local mayor) to construct a wind farm in Barra de Santa Teresa. Several landowners did not know about the decision and filed for the mandate to be repealed, stating that the operation was done without duly consulting and informing the community.²⁷⁶

Since then, inhabitants from the community and human rights defenders have reported threats, intimidation and legal persecution. “There has been persecution in the press towards us. The companies say that we want to blackmail them because we want money from them, that we are promoting the movement and inconformity of the people,” says Bettina Cruz. On October 6, 2012, both her and Carlos Beas Torres, leader of the Union of Indigenous Communities of the Northern Region of the Isthmus (Ucizoni), were publicly threatened by local authorities; “they said that, at all costs, they would start work on October 9th, and that on October 10th they would forcibly prevent the Solidarity Caravan

275 Prodesc: “Detención de Lucila Bettina Cruz Velázquez” [Detention of Lucila Bettina Cruz Velazquez] (UA), February 22, 2012; and “Sale libre bajo fianza la defensora de derechos humanos Lucila Bettina Cruz Velázquez” [Human rights defender Lucila Bettina Cruz Velazquez is released on bail] (Press release), February 24, 2012.

276 Código-DH: You can find more information about the case in: ‘Informe sobre la situación de los derechos humanos en Oaxaca Grandes pendientes’ [Report on the situation of human rights defenders in Oaxaca: Pending issues], pgs. 68-78, Oaxaca, Mexico, December 2012.

and Resistance of Ikjot People from entering San Dionisio.”²⁷⁷ The Solidarity Caravan is made up of individuals and human rights organizations, and they confirmed that work began in Barra de Santa Teresa with the presence of public and private security forces, despite the opposition²⁷⁸. “Instead of the authorities protecting us as citizens who live on our territory, they protect and give all the facilities to the businesses that come to loot,” says Bettina Cruz.

According to her, “this project is an imposed project, we do not need electrical energy. It is a green project but it is a project that is in the hands of the multinational [companies] and everything that is in private hands is business. They put a price on wind, they put a price on nature, and that is what they are selling, it is not really energy that they say will diminish climate change. And so, [...] we can continue doing work to benefit the people, and to rescue our culture as indigenous people, to rescue our life.”

PEOPLE’S FRONT IN DEFENSE OF THE LAND AND WATER, PUEBLA, TLAXCALA AND MORELOS (PUEBLA, TLAXCALA AND MORELOS)

The “Comprehensive Morelos Project” is one of the development plans aimed at supplying energy to the central region of Mexico. This project involves the construction of a gas pipeline to transport natural gas through Tlaxcala, Puebla and Morelos, in addition to two power plants, an aqueduct and a series of high-tension towers. The gas pipeline will be about 160 kilometers (99 miles) long, with a diameter of 30 inches, and it will transport 9,000 million liters (2,377 million gallons) of gas a day.²⁷⁹

The project began ten years ago with a U.S. Company, the Williams Companies, through its Mexican affiliate Transportadora de Gas Zapata. At that time, some of the affected communities in Puebla and Tlaxcala were able to stop the project after they showed that the company did not conduct the environmental impact study in order to construct the pipeline.²⁸⁰ The CFE conceded the permit to construct the pipe and the

277 Código-DH: “Amenazas contra opositores en San Dionisio del Mar y Caravana de Solidaridad”

[Threats against those opposed to San Dionisio del Mar and The Solidarity Caravan](UA), October 8, 2012.

278 Código-DH: “En complicidad con el Estado, Mareña Renovables despoja de su territorio a pobladores de la región del Istmo” [In collusion with the state, Mareña Renovables deprives residents of the Isthmus of their territories], Urgent Release, November 1, 2012.

279 Regional Environmental Impact Statement - MOD A: Not including risk. Project: STGNM-GASODUCTO MORELOS, EDOS.DE TLAXCALA, PUEBLA Y MORELOS. Clave: 21PU2011G0009.

280 FPDTA-Morelos Puebla Tlaxcala: Declaración pública en conferencia de prensa [Public statement at a press conference], July 11, 2012.

power plants to the Spanish companies Ecnor and Abengoa, after the Semarnat released the Environmental Impact Statement.

“We believe this is comprehensive information that the people should have, so that they can decide if they are going to sell their land or not, if they are going to give up some of their land, they not only need to know how much they will pay them, but what implications it will have.”

Juan Carlos Flores Solis, from the People's Front in Defense of the Land and Water Morelos-Puebla-Tlaxcala (FPDTA MPT) shares how this Puebla-based organization was created in 2008 as a result of the “projects that were imposed” on the western part of the state capital. A network of 20 towns came together with the goal of defending the land and the water in the region from the construction of a highway that would run through Puebla –they were able to stop construction. “Later we found out that the pipeline project was reactivated and that it would run through Tlaxcala, Puebla and Morelos and once again we organized ourselves, at the end of 2010.”²⁸¹

The FPDTA MPT is a collective that fights against environmental degradation caused by stripping the land, industrial activities and urbanization. Currently, their focus is on the “Comprehensive Morelos Project” because of the contamination and water extraction by the project, the risks for the people, the privatization of the territory, and a lack of information and consultation with the communities affected by the project. When the Puebla Front found out about the mobilizations in other states, they visited some communities to share information about the impact of the project. “What the People's Front wants is for the people to be in communication with each other in order to have a more comprehensive defense,” explains Juan Carlos Flores.



“The Guardian” in Huexca (Morelos) © Joel Henandez Ceron

The power plant is already under construction in Huexca, in the municipality of Yecapixtla. It needs a water supply from the water treatment plant in Cuautla of about 20 million liters (about 5 million gallons) of water a day, which would be discarded into the Tozontitlan ravine near the town. “The power plant not only has implications in the Huexca community but in the entire region, due to the extraction of water and the emission of contaminating gases like nitrogen oxide.” The Front believes that the project also uses high risk compounds (like chlorine gas) which would have a serious effect in the event of leakage or an explosion. “We believe this is comprehensive information that the people should have, so that they can decide if they want to sell their land or not, if they are going to give up a part, they not only need to know how much they will be paid, but what implications it will have.”

The CFE offers leases for 25 years and then the rural populations can continue to use their land normally. However, the Front alleges that the contracts contain the word “acquire,” meaning that the land would no longer belong to the people. The Front calculates that about one million people would be affected. According to Juan Carlos Flores, the project would hurt about 2,000 landowners from 77 sections of commu-

²⁸¹ Interview with Juan Carlos Flores Solis, People's Front in Defense of Land and Water Morelos-Puebla-Tlaxcala, December 19, 2012.

nal lands. He says that more than 100 communities would be affected because the gas pipeline would also affect the evacuation routes in the event that the Popocatepetl volcano erupts.

The project is already in the fourth stage of design and it seems that it is being constructed close to some municipalities and the Popocatepetl volcano. The Scientific Committee on the Risks of the Popocatepetl Volcano from the Geophysical Institute of the UNAM made a recommendation against constructing the pipeline and specialists from the University Center for the Prevention of Disasters at the Distinguished Autonomous University of Puebla (CUPREDER-BUAP) declared the lack of viability of constructing both the pipeline as well as the power plant due to the risks of the project.

On May 14th and 17th, 2012, the people from Huexca met with representatives from the CFE, but according to the community, the information provided by the company was ambiguous. On May 16th, the people from Huexca installed barricades at the entrance to the community and detained the construction work in order to demand truthful information about the power plant and to ask that the community be included in the decision-making process. Later the CFE and the people of Huexca agreed to sit down for a dialogue on June 8th; however, the meeting did not take place because the CFE did not believe that there were adequate conditions for the dialogue.

The Front has reported an increase in harassment towards some members. Juan Carlos Flores believes that the Morelos government wants to publicly discredit him by accusing him of being a “professional agitator” financed by the gas companies with interests in the project. In November 2012, he was threatened in the Center of Cuautla. “After a short meeting with some of the delegates in government from Morelos, two people came up to me and asked me if I thought I was so smart, and that I should stop messing around in Morelos and if not, they were going to mess me up. Then these people left.” The Front went to the CNDH to report what happened and gave this agency information about the confrontation in the three states. Juan Carlos Flores believes that it is important to understand that this is a regional problem and that the mobilizations are not being done by a small group of people. He believes that the businesses involved want to take away the legitimacy of the people’s discontent surrounding the project.

LAGUNEROS FOR PEACE, LAGUNERA CITIZENS FOR HUMAN RIGHTS AND “JUAN GERARDI” HUMAN RIGHTS CENTER, TORREON (COAHUILA)

The arid desert landscape shows the scarcity of water. “Last year it rained three days,” said a woman one Sunday at the San Judas church in Torreon. The city is in the urban center of Comarca Lagunera, which is located in the southwestern part of Coahuila and the eastern portion of Durango. The area, also known as La Laguna, is known for the cultivation of cotton, fodder, alfalfa, walnut, cattle and goats. During thousands of years, water accumulated in the subsoil in La Laguna, but the agricultural and industrial activity from the last decades has led to the over-exploitation of the aquifers. Now human rights defenders fight to preserve the water resources in the region, and publicly report on the water contamination caused by industry.

The Laguneros for Peace, the Lagunera Citizens for Human Rights (Ciladhac) and the “Juan Gerardi” Human Rights Center aim to provide visibility to this situation. “The businesses are extracting water from all the aquifer reserves in the region. There is no ability to supply this high consumption. There is a strong concern for the future of water in La Laguna,”²⁸² says Miguel Valdes of Laguneros for Peace. Miguel Valdes sees the illegality behind the problem: “The legal concessions limit the quantities of water that each company can extract, but there is no monitoring of this and the companies do not respect the limits. The production of alfalfa is a large problem, they illegally extract a lot of water. They do not have permission to strip the aquifers in that way.”

“The businesses are extracting water from all the aquifer reserves in the region. There is no ability to supply this high consumption.”

The production of milk and beer are the economic activities that consume the most water in the region. The LALA Group SA de CV, which produces LALA milk, is one of the biggest companies in the region. “LALA blames the agriculture industry, but they work to supply the company.

282 Interview with Miguel Valdes, Laguneros For Peace; Antonio Esparza and Sandra Velasco, Director and Coordinator of “Fray Juan Gerardi” Human Rights Center and Victor Cabrera, Lagunera Citizens for Human Rights, April 27, 2012.

We have asked LALA to only work with those who can demonstrate that they only use the allotted quantity of water,” says Miguel Valdes. For the human rights defenders, the problem is not only the small producers but also the large businesses that extract enormous quantities of water in an area that has the lowest index of precipitation and water renewal in Mexico.²⁸³

Over-exploitation is not the only problem that La Laguna has to deal with. “The water in La Laguna is contaminated with arsenic²⁸⁴ from the activities of the businesses. The concentrations are very high in the countryside; there have been serious cases of mutilations.” The declarations made by Miguel Valdes coincide with a report published by *Semanario* magazine in August 2011 that states that one million people in Comarca Lagunera are affected by arsenic, making it an international focal point for hydroarsenicism.²⁸⁵ The publication highlights dozens of cases of day laborers and small landowners in the region with mutilations, cancers and skin problems. The World Health Organization considers 0.10 micrograms of arsenic per liter of water to be the maximum recommended amount for human consumption. According to Conagua, La Laguna has concentrations of up to 0.30 micrograms per liter.²⁸⁶

Miguel Valdes says that part of the problem is that “they have to take water from even deeper levels.” Studies have shown that the over-exploitation of water for milk production in one of the largest milk-producing centers in the continent and the activities of the dams in the region have disturbed the natural recharge of the aquifers, leading to large concentrations of arsenic.²⁸⁷

Laguneros For Peace wants authorities to resolve the problem: “We put pressure on the companies and the local government so that they act, but there is a lot of resistance, the companies have a lot of power.” For Miguel Valdes, the little bit that has been done is not enough: “We have been able to get them to put filters in some wells, but that is not enough, the filtered water needs to get to more people.” Miguel Valdes is referring to the 12 wells that the government will install in two municipalities in Torreon (Gomez Palacio and Lerdo), leaving the poorest rural zones out, where the people use the water from the wells to drink and to water their crops, since they do not have money to buy bottled water.

There are many obstacles for the Laguneros. “We met with Cona-

283 Conagua: *Estadísticas del Agua en Mexico* [Water statistics in Mexico], Edition 2011, pgs. 21-22, March 2011.

284 Arsenic: poisonous metal, brittle, grey and metallic in color

285 Hydroarsenicism: Sickness produced by exposure to prolonged ingestion of water containing arsenic.

286 “La Laguna: Los Sobrevivientes del Arsénico” [La Laguna: Survivors of Arsenic], Jesus Peña, *Semanario* magazine, No. 284, August 8, 2011.

287 *Ibid.*

gua but they do not respond to our demands. We have tried to talk to the state Ministry of the Interior but they do not give us a date [for a meeting],” says Miguel Valdes. In addition, it is not easy to find allies. Miguel says that “The media have collaborated with citizens on these issues, but the businesses buy a lot of publicity in the local newspapers, and the papers need money from publicity.” The organizations in Torreon promote the Lagunero Citizens Encounter, where they discuss issues related to environmental defense and citizen participation. It is a way that they can counteract the power of the companies and the lack of attention from authorities to their demands.

INDEPENDENT POTABLE WATER SYSTEM OF TECAMAC, TECAMAC (STATE OF MEXICO)

The main square in Tecamac has a peculiarity that is not found in many plazas in Mexico. A 10 meter (32 foot) tower rises over a water well. At the top, a white tank with the inscription “In defense of water, the land, and the place where we live,” and a picture of a mouth made of stone with a fetus in the shape of a water drop inside. In Nahuatl, Tecamac means “stone mouth.” The municipality, in the State of Mexico, is about 40 kilometers (about 25 miles) north of Mexico City and has a population of about 365,000 inhabitants. It is part of the Metropolitan Region of the Valley of Mexico, in the central plateau of the country. Here, the human rights defenders are fighting for water and environmental sustainability in the region.

The Independent Potable Water System of Tecamac, State of Mexico (SAPTEMAC) has managed water distribution in part of the municipality since the 1950s, without making a profit, as a result of the lack of public investment to provide for this need. This is an independent, community initiative used by about 4,000 people. Gerson Pineda, who is part of SAPTEMAC, says that the well in the main square was the first in the city: “It is a symbol of our social struggle, we want to put an exposition of photos and documents under the tank about the struggle for access to water throughout these decades.”²⁸⁸

In 2011, the state government approved a new Water Law that prohibited independent water management systems.²⁸⁹ “They are trying to take control of the water away from us to give it to the large property

288 Interview with Dr. Mateo Martinez (President), Gerson Pineda (Commission for Public Relations and Diffusion) and Professor Ricardo Ovando, members of Independent Potable Water System for Tecamac, August 10, 2012.

289 Newspaper for the Government of the State of Mexico, no. 16, July 22, 2011, Decree no. 313 “Ley del Agua para el Estado de Mexico y Municipios” [Water Law for the State of Mexico and Municipalities].

developers, they want to privatize services,” says Professor Ricardo Ovando, advisor for SAPTEMAC. The members of the System have tried to fight against the law: “We have challenged the law but the tribunals tell us that we are not a legal entity and that we do not have a legitimate interest. They tell us that there is nothing to complain about,” says Ricardo Ovando.

There is a serious concern for the high costs once the system is privatized. “We have the lowest rates at the national level, precisely because we are a non-profit system. It is a self-supplying system, our grandparents constructed it.” In addition, the new law requires sewage treatment as well as a drainage system, which concerns Ricardo Ovando: “The government does not even treat the sewage, but they are making us do it. It is the pretext to take it away from us.”

For Ricardo and his colleagues, the problem is not only privatization. The government of the State of Mexico has an urbanization program called “Cities of the Bicentennial,” a plan to construct thousands of houses in Tecamac, Huehuetoca, Zumpango, Jilotepec, Atlacomulco and Almoloya de Juarez. Ricardo Ovando explains that, “it is a kind of wild urbanization, they want to urbanize areas that contain forests, aquifer recharge zones, and agricultural areas. It is irrational, the politicians have made a commitment with the property developers. We are concerned about the scarcity of water, we do not have anything against our neighbors, who are also victims of the government and the greedy developers; we only want sustainable development. The cities are important sources of knowledge, technology, education, but they also have to have a real human dimension. Where will we get the water from?”

The members of SAPTEMAC say that the Conagua studies show the critical situation of the aquifers in the Valley of Mexico. Technical analyses show that the over-exploitation of these aquifers is the most serious situation in the country. In the Texcoco basin, the annual extraction of water is four times more than its recharge.²⁹⁰ SAPTEMAC produced a video titled “The basin of the Valley of Mexico is in danger of death” which exposes the over-exploitation and poor management of water resources. “50 years ago we got water 10 meters deep, now we have to go 150 meters to find water,” says Dr. Mateo Martinez, President of SAPTEMAC.

²⁹⁰ Conagua: Aviso 054-12, May 10, 2012. Additional information about the situation of the aquifers can also be found at (in Spanish) <http://www.conagua.gob.mx/SalaPrensa.aspx?n1=1817&n2=Comunicados>, and about the Program for Water Sustainability in the Basin of the Valley of Mexico (in Spanish) <http://www.conagua.gob.mx/sustentabilidadhidricadelvalledemexico/introduccion.aspx>.

In July 2008, the SAPTEMAC and the Mexican Pro Human Rights Front presented a complaint to the Latin American Water Tribunal regarding “Cities of the Bicentennial,” emphasizing the lack of sustainability of the project in terms of water resources. The complaint was presented collectively, through the National Assembly of Environmentally Affected [People] of Mexico (ANAA) –which is made up of about 60 organizations and social movements throughout the country. The hearing took place from November 5-9, 2012 in Buenos Aires, Argentina²⁹¹ and at this hearing the Mexican state was condemned for violating the right to water; this is an unprecedented sentence since the LAWT had not previously condemned the state as a whole.

“They are trying to take away control of the water away from us to give it to the large property developers, they want to privatize services.”

The environmental struggle for these defenders is not limited to the issue of water. In May 2009 a norm was published in the State of Mexico Newspaper that would allow for the incineration of trash in the state.²⁹² Previously, in 2003 the municipal government approved the construction of an incinerator to burn 30,000 tons of trash daily as part of the Municipal Plan for Urban Development. The opposition by SAPTEMAC together with the popular mobilizations during 2004 and 2005 stopped the project. “This is trash from Canada, the United States, the Dominican Republic. They want to bring the trash here on boats and on trains, the infrastructure is all ready,” explains Mateo Martinez. For him, the project will release large amounts of contaminants, which will generate negative effects for human health and for the environment. SAPTEMAC is affiliated with the Global Alliance for Incinerator Alternatives (GAIA). Mateo Martinez and his colleagues want the state to legislate the “Zero Trash” project, elaborated by GAIA and Greenpeace, a more sustainable alternative to incineration.

The environmental defense by the System has led to repression and harassment. “Due to our struggle against the Municipal Plan for Urban development, they took five water wells away from us in 2005. With the support of agents from the municipal government, they went in through windows, they broke the glass. There were mobilizations and we filed a complaint with the Administrative Dispute Tribunal. We won the case but the municipal government did not hand over the wells,” says Ricardo

²⁹¹ For more information about cases and verdicts (in Spanish): <http://tragua.com/audiencias/argen-tina-2012/>

²⁹² Official Newspaper of the Government of the State of Mexico, no. 91, May 21, 2009.



"For the defense of water, the land, and the place where we live" © PBI Mexico

Ovando. Eleven people were detained during the mobilizations, including Dr. Mateo Martínez and Profesor Ricardo Ovando.

In 2006, given the municipal government's lack of compliance with the tribunal's decision, there was a 100 day sit-in at the municipal palace, and in the end the authorities returned the wells to SAPTEMAC. At that time another act of repression came. Mateo Martínez was accused of

sedition: "They said that I was inciting people to take up arms against the government. Since that did not take place, they accused me of illegally occupying public buildings. It was a three-year process but they were not able to prove any of the crimes and I won. They are trying to scare us and make up crimes that do not exist." In addition, the human rights defenders say that authorities do not pay attention to them: "they do not listen to us, they send us to talk to governmental officials who do not have the power to make a decision, or tell us to come back another day."

In spite of the difficulties, SAPTEMAC is not about to give up their fight. They organize events, workshops, and courses on human rights. In addition to GAIA, they are also part of the National Assembly of Environmentally Affected [People]. "We have not handed over our water system and we do not want to do it," says Ricardo Ovando proudly. "There is a lot to do, no one is going to resolve our problems. We live here, our families live here."

CUCAPA INDIGENOUS PEOPLE, MEXICALI (BAJA CALIFORNIA)

The Cucapa people are an indigenous tribe located on both sides of the border between the United States and Mexico. Together with the Cochimies, Kiliwas, Kumiais and the Pai Pais, they are one of five native groups in Baja California State. This group of people, also known as "people from the river" because of their location on the edge of the Colorado River, is a society based on fishing, an activity that is also linked to their cultural roots. Due to development in the region, the community was forced to move their fishing to the Colorado River delta, in the Northeast part of Baja California. Currently there are about 300 Cucapa people that live in the Mexicali municipality.

The construction of dams like the Hoover Dam in the United States in the 1930s provoked changes in the regional habitat. The project affected the flow of the river and displaced the Cucapa people to the south. Before the construction of the dam, the Colorado River flowed from the Rocky Mountains in Utah to the Sea of Cortes, says Ricardo Rivera de la Torre,²⁹³ an expert on the subject and secretary for the Northeast Citizens Commission for Human Rights (CCDH), an organization that has been working on the case of the Cucapa people both nationally and internationally.

²⁹³ Interview with Ricardo Rivera, Secretary for the Northeast Citizens Commission for Human Rights (CCDH), July 20, 2012.

As of 1993, with the creation of the Biosphere Reserve for the High Gulf of California and the Colorado River, the authorities from the Semarnat –(through the National Commission on Naturally Protected Areas (CONANP)) together with the Biosphere Reserve created environmental legislation to conserve the ecosystems; however they did this without previously consulting the Cucapa. The reserve was established on land that was considered to be ancestral land by the community, where this people have lived and fished for thousands of years. “And so, as of 1993, the Cucapa began a terrible ordeal that has still not ended. Why? Because applying the decree to the biosphere reserve means the creation of a program for managing the reserve and that prevents the indigenous people from doing what they have always done to survive: fish,” says lawyer Ricardo Rivera.

“Applying the decree to the biosphere reserve means the creation of a program for managing the reserve, and that prevents the indigenous people from doing what they have always done to survive: fish.”

The Cucapa people, who are organized in a cooperative, have since demanded their rights as a native people: their autonomy, uses and customs, and access to natural resources. In 2002, after presenting a complaint, the National Human Rights Commission released a recommendation, 8/2002 for the Cucapa case. The CNDH recognized the people as an ancestral group, in accordance with article 2 of the Mexican constitution, and recognized their cultural relationship to fishing. In the document, the CNDH asked the Semarnat and the Ministry of Agriculture to modify and apply policies that would allow the Cucapas to exercise their right to fish in the area of the reserve,²⁹⁴ given that the law, the General Law of Environmental Equilibrium and Environmental Protection (LGEEPA) does not strictly prohibit this.

In spite of these recommendations, the Cucapas still do not have an exclusive place to fish. They are being accused of catching an endangered species, the gulf croaker, however they allege that this species is not endangered and that the number that are caught by the Cucapas does not have an impact on their survival. According to Rivera: “there

²⁹⁴ CNDH: Case of the inhabitants of the Cucapa indigenous community, Recommendation 8/2002 to the Ministry for the Environment and Natural Resources and Ministry of Agriculture, Cattle, Rural Development, Fishing and Food, 2002.

is documentation that fishers in the Gulf of Santa Clara fish more than 1,000 tons in just one day. And the Cucapas in 6 months fish 300 tons.” The Commission reports that Profepa inspectors, who are in charge of keeping watch of endangered species, use the Army and the SEDENA to accompany them during inspections: “The military intimidate them, harassing them so that they will not go in and fish.”

The Commission has presented the case to the Inter-American Commission on Human Rights. In a hearing in October 2008, they told this entity that the Cucapa were not consulted about the project, nor did they give free and informed consent, and they hoped to modify the decree that created the protected area, the program for management of the reserve, the LGEEPA and its regulations, as well as the agreement to prohibit catching the croaker in these waters that are under federal jurisdiction.²⁹⁵

For now, the Citizens Commission aims to exhaust the national legal system first. In 2012, an appeal was filed to “invoke last year’s constitutional reforms in human rights,” explains Ricardo Rivera. The Commission does not believe that the problem will be resolved in the short term, however the fact that the Cucapas are being talked about on the international stage is already a success. Ricardo Rivera says that he only sees two ways to close the case: “The first, when the government understands, attends to and resolves this problem and respects it; that is one way, and years can go by. The second, when the Cucapas no longer exist.”

²⁹⁵ IACHR: Rights to the use and exploitation of natural resources and prior consultation with respect to the Cucapá indigenous people of Mexico, 133rd Period of Sessions; October 22, 2008.

By the train tracks, near "Un paso a la Esperanza" Day Center in Torreon (Coahuila) © PBI Mexico



Conclusion and Recommendations

Through the voice of human rights defenders, this publication presents six relevant human rights themes in Mexico which require the attention of civil society, the Mexican government, and the international community because of their impact on the Mexican population. The organizations and people mentioned in this publication represent initiatives that aim to provide a response to the persistent human rights problems and conflicts in the country. The testimonies illustrate some of the greatest obstacles faced by those who defend human rights in Mexico. These obstacles not only affect human rights defenders but also the entire Mexican population, since they slow down social change that aims to create a more democratic and just society.

Through this publication, PBI hopes to support local initiatives and direct greater attention from the international community and the Mexican government towards these problems. The analysis by the human rights defenders can help formulate recommendations for key actors that, once implemented, can increase the spaces for human rights defenders in Mexico. This is of utmost importance in order to work towards the full enjoyment of human rights.

The human rights defenders who were interviewed for this publication request certain changes from the Mexican government in order to fully apply the UN Declaration on Human Rights Defenders, which Mexico has signed. These changes fall into four categories: investigation of human rights violations, effective protection mechanisms, recognition of their work, and consultation and dialogue with authorities.

It is especially important to have initiatives that investigate crimes committed against human rights defenders and sanction the perpetrators. Currently, more than 90% of the crimes committed against human rights defenders remain in impunity, leaving the perpetrators free to continue, and letting potential aggressors know that they can commit this kind of crime without being punished.²⁹⁶ Specifically, these initiatives should have resources, expertise, and the necessary political will to have a real impact.

Human rights defenders ask for an effective summary of the measures taken for their protection. Although national and international entities grant protection measures for their security, the Mexican state does not currently fully implement these measures: there is a lack of coordination, a lack of resources, a lack of consultation with the beneficiary and a lack of adequate analysis of the threat. Human rights defenders are re-

victimized when they have to invest resources and energy to lobby for their own protection. However, the approval of the Law for the Protection of Human Rights Defenders and Journalists is an excellent opportunity for the State to fulfill its duty to protect. If this is adequately implemented, it will be a flexible instrument that can be adapted to the risk situation of each defender.

Legitimizing the work of activists can also decrease their risk. For this reason, human rights defenders ask for public statements that recognize their important role, and they condemn defamatory communications against them by state actors and the media. Defamation is the first step towards criminalizing and attacking social movements. There are positive examples in Mexico of statements that have been made in support of the work of human rights defenders. However, it is crucial that public officials from all government entities and all levels of government take steps to recognize the risk situation for human rights defenders and the government's responsibility to protect them.

Throughout the chapters of this publication, there are examples of the lack of consultation and dialogue between the Mexican state and civil society regarding the impact of public policies and governmental actions on behalf of human rights. Human rights defenders offer a vision "from the field" but require spaces in which they can share this vision. The creation of spaces for dialogue and participation by some governmental agencies in the last few years has allowed for a rich interaction between civil society and the state, but only when these spaces have had the resources and the political will to assure a tangible impact.

It is worth mentioning that while it is the state's obligation to provide spaces for participation for human rights defenders, some representatives of civil society believe that the international community can take initiatives to encourage the state to take positive steps. This way, the international community can support the government as well as civil society in the effective implementation of these steps.

The following recommendations are based not only on these testimonies, but also on PBI's 30 years of experience working for human rights and protecting human rights defenders. The participation of human rights defenders in the elaboration of any policy to guarantee their protection is of utmost importance, and should be a criterion for the implementation of these recommendations.

²⁹⁶ OHCHR: Defending human rights: between a commitment and a risk. Report on the situation of human rights defenders in Mexico, 2009 and update 2010.

RECOMMENDATIONS TO THE MEXICAN STATE

- recognize, through public declarations or campaigns, the important and legitimate role of human rights defenders, the risk situation that they face for their work, and the commitment to protect them;

- completely and urgently implement protection measures for human rights defenders granted by state and national human rights commissions and international entities; ensure that beneficiaries of these measures can easily attend meetings regarding the implementation of these measures;

- when it comes time to carry out a risk analysis and define actions to protect human rights defenders: (1) consult the beneficiary, and provide alternative measures when they are in disagreement with the initial governmental proposal²⁹⁷, (2) take into account the protection of the beneficiary's family members and coworkers, (3) contemplate the particular needs of human rights defenders in specific risk situations²⁹⁸, especially in the case of women human rights defenders, (4) include the prevention of attacks and not just reactionary measures to attacks that have already occurred;

- prioritize the complete implementation of the Protection Mechanism, according to the conditions stipulated by the Law for the Protection of Human Rights Defenders and Journalists; provide spaces and channels so that civil society and the beneficiaries of the Mechanism can participate in the monitoring and strengthening of the Mechanism;

- ensure that the Protection Mechanism has the necessary material and human resources, and that it is run by governmental officials that are trained in protecting human rights defenders and are knowledgeable about the functioning of the Mechanism;

- create and strengthen the Unit for Prevention, Monitoring and Analysis of the Protection Mechanism, with the goal of assuring the effective implementation of the protection measures, developing proposals about how to improve the functioning of the Mechanism, and proposing public policies for prevention; this entity should consider a feedback system

²⁹⁷ ACUDEH: 'Informe de violaciones de los derechos humanos cometidas contra las personas defensoras de los derechos humanos en el periodo 2011 – primer trimestre de 2012' [Report on human rights violations committed against human rights defenders during 2011-first trimester of 2012], pg. 66, 2012, details minimum criteria for granting effective measures.

²⁹⁸ Protection International: 'Protection of human rights defenders, best practices and lessons from experience', Vol. II, p. 69, 2011, identifies the following categories of human rights defenders who are at particular risk: women, isolated rural defenders, groups with distinct characteristics such as indigenous people, and groups of human rights defenders that might suffer particular discrimination – sex workers or defenders of sexual and reproductive rights.

from civil society;

- ensure the accessibility of the Protection Mechanism for the beneficiaries, through publicity and by disseminating information;

- an immediate telephone response by staff trained in attending to victims, and management of sensitive information according to a protocol of international best practices;

- guarantee that the Protection Mechanism always has the economic resources for its effective functioning;

- ensure that the catalogue of possible protection measures that fall under the Protection Mechanism be listed in a document that can be modified according to the experiences and the needs of human rights defenders;

- provide training on human rights, that includes a class on the work of human rights defenders, for municipal, state, and federal security and armed forces, with the goal of creating awareness around the importance of a global protection strategy for this population that responds to their particular situation of vulnerability;

- encourage greater dialogue between security forces and human rights defenders;

- consult human rights defenders to ensure that a human rights perspective is taken into account in the elaboration and implementation of public policies and legislation;

- implement recommendations made by the Inter-American system and the diverse UN human rights mechanisms in consultation with civil society;²⁹⁹ apply rigorous scrutiny of any legal procedure against human rights defenders, to ensure that the justice system is not used to stop their activism;³⁰⁰

- develop investigation protocols that can be applied in cases of crimes against human rights defenders; these protocols should be developed with the participation of human rights defenders;

²⁹⁹ The complete list of recommendations received by the Mexican state can be found (in Spanish) at <http://recomendacionesdh.mx/>; also see: Prodh: Recomendaciones de Derechos Humanos al Estado Mexicano 2000-2010: Compendio tematico de recomendaciones y sentencias de los organismos internacionales de proteccion de derechos humanos dirigidas al Estado Mexicano en la década 2000-2010 [Human Rights Recommendations to the Mexican State 2000-2010: Thematic compendium of recommendations and verdicts from international human rights protection organizations to the Mexican state from 2000-2010], Mexico City, May 2011.

³⁰⁰ See supra note 10, pg. 250, for more information.

- ensure effective investigations, trials and sanctions in the event of attacks, harassment, defamatory statements, or discrediting campaigns, undue use of the justice system and the public forces against human rights defenders; systematically consider the possibility that these crimes have been committed in reprisal for their work on behalf of human rights; in cases in which human rights defenders are the victim of several crimes, ensure that all of these crimes are grouped together in the same investigation;

- ensure a fair, sensible, and procedural treatment of any human rights defender that reports a human rights violation with the goal of preventing further victimization;³⁰¹

- ensure adequate protection against possible reprisals against human rights defenders who report abuses; the responsibility for this protection should not fall on the same authority who is suspected of the initial abuse;

- allow and consider audits, additional legal support, and an independent evaluation by national or international experts or special witnesses to review the cases of unresolved crimes against human rights defenders;

- state governments should sign collaboration agreements with the Protection Mechanism, and ensure coordination between their local protection processes and those that are generated in the Mechanism;

- at the petition of civil society, the state governments can call human rights defenders to round table discussions to establish agreements about how to improve security and protection for this population;

- establish protocols and spaces for communication and coordination between the distinct entities of state government and with civil society, to ensure a coordinated protection for human rights defenders,

- and operate with a maximum level of transparency and provide close monitoring of the recommendations, especially by the CNDH and the state commissions; changes to the legal framework should be considered to ensure greater legal adherence to the recommendations by human rights ombudsmen and professional and/or legal sanction in the event that an official or a governmental entity does not implement the recommendation.

³⁰¹ See supra note 4, pg. 72, highlights poor practices in this subject and proposes norms to prevent double victimization of defenders.

RECOMMENDATIONS TO FOREIGN GOVERNMENTS AND THEIR DIPLOMATIC REPRESENTATIONS IN MEXICO

- The EU should make their human rights strategy in Mexico public; when it comes time to implement the strategy, the EU and the member states should consider the recommendations formulated by civil society on November 27, 2012, in the context of the Third Dialogue on Human Rights;

- the EU Delegation in Mexico, and the embassies of the EU member states, should prioritize the implementation of the EU Guidelines on human rights defenders; they should implement the Guidelines in a coordinated, transparent way that can be monitored by civil society, taking into account the evaluations of best practices; the guidelines should be distributed in indigenous languages and distributed by local organizations or human rights defenders that work in isolated areas;

- non-member states of the EU should adopt guidelines on human rights defenders similar to those of the EU and Norway, considering the evaluations that have been made about the efficacy of these guidelines;

- compile and take into account the input from Mexican civil society about the effectiveness of working together with human rights defenders, in order to constantly strengthen this work;

- continue to organize round table discussions, in situ visits and meetings with human rights defenders, with the goal of compiling first-hand information about the situation for human rights defenders, providing moral support, and protection to them by legitimizing their work;

- include a human rights perspective in all bilateral dialogue with the Mexican government; include security and protection for human rights defenders and for high-risk cases in this dialogue; improve this dialogue so that it is transparent, capable of being monitored by civil society, and includes their concerns;

- organize events on human rights topics that are relevant in Mexico, or on issues of special interest to the host embassy, such as the impact of public security, labor rights, or the extraction of natural resources; this should be done with the goal of exchanging best practices and opinions to improve Mexican governmental policies as well as the policies of the foreign states in Mexico.

- ensure close monitoring of any legal process that is opened against human rights defenders to ensure that due process is strictly applied and to avoid the undue use of the justice system;

- apply and enforce the UN Guiding Principles on business and human rights from 2011; implement initiatives in which foreign businesses (and their affiliates) that operate in Mexico consult human rights defenders about the impact of operations and fully measure the effect on human rights before implementing them;

- prioritize "human rights defenders" so that it is a transversal theme in all of the embassies in Mexico, and facilitate joint work with the diplomatic corps regarding the protection of human rights defenders;

- create programs for international cooperation with Mexico that are based on the input of local human rights defenders;

- consult human rights defenders in Mexico and consider referencing their situation and themes at the UPR; afterwards, monitor the implementation of the recommendations of the UN Review;

- the Foreign Affairs Ministries should hold meetings with human rights defenders from Mexico and evaluate their requests; it is important that visits to Mexico by public officials contain a human rights focus and include meetings with human rights defenders;

- and members of Parliament from all of the countries should visit Mexico, meet with human rights defenders, ask parliamentary questions about how the government monitors their situation, and establish direct dialogue with the Mexican Congress about this issue.

Appendix

List of interviews carried out in 2012

Human Rights Organizations, Institutions and International Entities

Baja California

Albergue en el Desierto / Shelter in the Desert
Asociación Ciudadana contra la Impunidad / Citizen Association against Impunity
Centro Binacional de Derechos Humanos / Binational Center for Human Rights
Coalición ProMigrante / Pro Migrant Coalition
Colectivo para la Promoción del Desarrollo Individual (COPRODI) / Collective for the Promotion of Individual Development
Comisión Ciudadana de Derechos Humanos del Noroeste (CCDH) / Northeast Citizens Human Rights Commission
Comisión de familiares internos y exinternos del sistema penitenciario / Commission of relatives of inmates and former inmates of the penitentiary system
Corredor Bilateral / Bilateral Corredor
Programa de Derechos Humanos de la Universidad Iberoamericana / Human Rights Program of the Ibero American University
Red Casas del Migrante Scalabrini / Scalabrini Migrant Shelters Network
Revista Contralínea Baja California / Contralinea Magazine Baja California
Unidos en Apoyo a Grupos Vulnerables / United in Support of Vulnerable Groups

Chihuahua

Centro de Derechos Humanos de la Mujer (CEDEHM) / Center for the Human Rights of Women
Centro de Derechos Humanos “Paso del Norte” / “Paso del Norte” Human Rights Center
Comisión de Solidaridad y Defensa de los Derechos Humanos (COSYD-HAC) / Commission for Solidarity and Human Rights Defense
Comité de Familiares de Desaparecidas / Committee of Relatives of the Disappeared
Justicia para Nuestra Hijas / Justice for our Daughters
Mujeres por México / Women for Mexico
Pastoral Obrera / Workers Ministry
Red Mesa de Mujeres / Round table Network of Women

Coahuila

Alianza Cívica / Civic Alliance
Casa del Migrante Saltillo / Frontera con Justicia A.C. / Saltillo Migrant Shelter, Border with Justice A.C.
Centro de Derechos Humanos “Juan Gerardi” / “Juan Gerardi” Human Rights Center
Centro de Desarrollo Integral de las Mujeres, Santa Escolástica (Cedimse) / Center for the Integral Development of Women, Saint Scholastica
Centro de Día de Torreón / Torreon Day Center
Centro Diocesano de Derechos Humanos “Fray Juan de Larios” / “Fray Juan de Larios” Diocese Center for Human Rights
Ciudadanía Lagunera por los Derechos Humanos (Ciladhac) / Lagunera Citizens for Human Rights
Familia Pasta de Conchos / Pasta de Conchos Family
Fuerzas Unidas por Nuestros Desaparecidos (as) en Coahuila (Fuundec) / United Forces for Our Disappeared in Coahuila
Laguneros por la Paz / Laguneros for Peace
Programa de Derechos Humanos de la Universidad Iberoamericana de Torreón / Human Rights Program of the Ibero American University in Torreon
Voluntades por Coahuila / Willpower for Coahuila

Mexico City

Centro de Derechos Humanos “Fray Francisco de Vitoria” / “Fray Francisco de Vitoria” Human Rights Center
Centro de Derechos Humanos “Miguel Agustín Pro Juárez” (Centro Prodh) / “Miguel Agustín Pro Juárez” Human Rights Center
Centro Mexicano de Derecho Ambiental (CEMDA) / Mexican Center for Environmental Rights
Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH) / Mexican Commission for the Defense and Promotion of Human Rights
Comité Cerezo México / Cerezo Committee Mexico
Comunicación e Información de la Mujer (CIMAC) / Communication and Information on Women
Dimensión Pastoral de la Movilidad Humana (DPMH) / Catholic Migrant Ministry
Instituto para la Seguridad y la Democracia (Insyde) / Institute for Security and Democracy
Proyecto de Derechos Económicos Sociales y Culturales (PRODESC) / Economic, Social and Cultural Rights Project
Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todos y Todos” (Red TdT) / “All Rights for All” National Network of Civil Human Rights Organizations

State of Mexico

Albergue de Migrantes “San José” en Tultitlán / “San Jose” Migrant Shelter in Tultitlan
Albergue de Migrantes en Huehuetoca / Migrant Shelter in Huehuetoca
Alianza Única del Valle / Unique Alliance of the Valley
Centro de Derechos Humanos “Zeferino Ladrillero” / Zeferino Ladrillero Human Rights Center
Coordinadora de Colonias de Ecatepec / Coordinator of Colonies of Ecatepec
Frente del Pueblo / People’s Front
Izquierda Democrática Popular / Popular Democratic Left
Movimiento Social Izquierda Democrática / Leftist Social Democratic Movement
Sistema de Agua Potable de Tecámac / Potable Water System for Tecamac
Unión Popular José María Morelos y Pavón / Jose Maria Morelos y Pavon Popular Union

Puebla/Tlaxcala

Centro de Apoyo al Trabajador (CAT) / Center for Worker Support
Centro de Economía Social “Julián Garcés” / “Julian Garces” Social Economy Center
Centro “Fray Julián Garcés” Derechos Humanos y Desarrollo Local / “Fray Julian Garces” Center for Human Rights and Local Development
Colectivo Obreras Insumisas / Insubordinate Women Workers Collective
Comisión de Derechos Humanos y Laborales del Valle de Tehuacán / Commission for Human Rights and Workers Rights of the Tehuacan Valley
Comité Independiente por la Defensa de los Derechos Humanos del Estado de Puebla / Independent Committee for the Defense of Human Rights in Puebla State
Coordinación Nacional Plan de Ayala – Movimiento Nacional (CNPA-MN) / Miocup / Plan de Ayala National Coordination – National Movement
Frente de Pueblos en Defensa de la Tierra y Agua Puebla, Tlaxcala y Morelos / People’s Front in Defense of the Land and Water, Puebla, Tlaxcala and Morelos
Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo / Citizens Initiative for the Promotion of a Culture of Dialogue
Instituto de Derechos Humanos Ignacio Ellacuría (Universidad Iberoamericana) / Ignacio Ellacuria Institute for Human Rights (Ibero American University)
Observatorio Ciudadano de Derechos Sexuales y Reproductivos / Citizens Observatory for Sexual and Reproductive Rights
Red de Defensa de los Derechos Humanos (Reddh) / Human Rights

Defense Network

Taller Centro de Sensibilización y Educación Humana / Studio Center for Awareness and Human Education (El Taller)
Unión Popular de Vendedores Ambulantes – 28 de octubre (UPVA 28 de Octubre) / Popular Union of Street Vendors – October 28th
Vida Plena Puebla (No Dejarse es Incluirse) / Full Life Puebla (No Dejarse es Incluirse)

Guerrero³⁰²

Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones de los Derechos Humanos en México (Afadem) / Association of Relatives of the Detained, Disappeared and Victims of Human Rights Violations in Mexico
Centro de Estudios y Proyectos para el Desarrollo Humano Integral (Ceprodehi) / Center for Studies and Projects for Comprehensive Human Development
Colectivo La Madeja / Madeja Collective
Monitor Civil de la Policía y de los Cuerpos de Seguridad Pública de la Montaña de Guerrero (Mocipol) / Civil Monitor of the Police and Public Security Forces of the Montana in Guerrero

Oaxaca³⁰³

Albergue de Migrantes “Hermanos en el Camino” / “Hermanos en el Camino” Migrant Shelter
Asamblea de Pueblos Indígenas del Istmo de Tehuantepec en Defensa de la Tierra y el Territorio / Assembly of Indigenous People of the Tehuantepec Isthmus in Defense of Land and Territory
Comité de Defensa Integral de Derechos Humanos “Gobixha” (Codigo-DH) / Committee for Comprehensive Defense of Human Rights “Gobixa”

International

Project Counselling Service (PCS)
International Service for Peace (SIPAZ)
United Nations Office for the High Commissioner of Human Rights (OHCHR)
Delegation of the European Union in Mexico
U.S. Consulate in Ciudad Juarez
U.S. Consulate in Tijuana

³⁰² Due to PBI’s work in the field in both states, meetings with civil society and accompanied organizations are ongoing. Here we highlight only those organizations that we interviewed specifically in the context of the exploratory work.

³⁰³ Ibid.

Individual experts

Axel Garcia, migrant rights defender
Blanca Mesina, human rights defender
Clemencia Correa, Psychologist
Iñigo Prieto, Former, former member of PBI Mexico
Javier Puga, Journalist for La Jornada East
Monseñor Raul Vera, Bishop from Saltillo

Government³⁰⁴ (including Ombudsperson)

Federal

Comandancia de la Policía Federal Preventiva / Commander of the Federal Preventative Police
Comisión Nacional de Derechos Humanos / National Human Rights Commission
Secretaría de Seguridad Pública / Public Security Ministry
Unidad de Derechos Humanos de la Secretaría de Gobernación / Human Rights Unit of the Ministry of the Interior

State

Comisión de Derechos Humanos del Distrito Federal / Human Rights Commission for Mexico City
Comisión de Derechos Humanos del Estado de México / Human Rights Commission for the State of Mexico
Comisión de Derechos Humanos del Estado de Puebla / Human Rights Commission for Puebla State
Comisión Estatal de Derechos Humanos de Coahuila / Coahuila State Human Rights Commission
Comisión Estatal de Derechos Humanos de Chihuahua / Chihuahua State Human Rights Commission
Procuraduría Estatal de Derechos Humanos de Baja California / Baja California Human Rights Ombudsman
Procuraduría General de Justicia del Estado de Baja California / Baja California State Attorney General's Office for Justice
Secretaría de Seguridad Pública de Baja California / Baja California Public Security Ministry
Comandancia Regional de la Policía Federal en Baja California / Regional Commander for the Federal Police in Baja California
Secretaría de Seguridad Pública de Puebla / Puebla Ministry for Public Security

³⁰⁴ This number excludes ongoing meetings with sectors of the government in Oaxaca and Guerrero, due to the ongoing work in the field in both states, as well as the ongoing work with the federal government.

Dirección de Derechos Humanos de la Procuraduría General de Justicia de Puebla / Human Rights Department of the Puebla State Attorney General's Office

Subsecretaría de Vinculación y Gobernanza de la Secretaría de Gobernación de Puebla / Department for Connection and Government of the Puebla State Ministry of the Interior

Comandancia Regional de la Policía Federal en Chihuahua / Regional Commander for the Federal Police in Chihuahua

Secretaría de Gobernación de Chihuahua / Chihuahua Ministry of the Interior

Instituto de Atención a Víctimas del Delito de la Procuraduría General de Justicia de Estado de México / Institute for Attention to Crime Victims of the State Attorney General's Office for Justice in the State of Mexico

Subsecretaría General de Gobierno de Estado de México / Department for Government in the State of Mexico

Unidad de Derechos Humanos de la Procuraduría General de Justicia de Estado de México / Human Rights Unit of the Attorney General's Office for Justice in the State of Mexico

Unidad de Derechos Humanos de la Subsecretaría de Asuntos Jurídicos de Estado de México / Human Rights Unit of the Department for Legal Affairs in the State of Mexico

Departamento de Derechos Humanos de la Secretaría de Seguridad Ciudadana de Estado de México / Human Rights Department of the Ministry for Citizen Security for the State of Mexico

Titular de Derechos Humanos del Ejecutivo de Coahuila / Head of Human Rights for the Executive Branch in Coahuila

Comandancia Regional de la Policía Federal en Coahuila / Regional Commander of the Federal Police in Coahuila

Secretaría de Seguridad Pública de Coahuila / Ministry for Public Security in Coahuila

Municipal

Secretaría de Seguridad Pública Municipal de Ciudad Juárez, Chihuahua / Ministry of Municipal Public Security for Ciudad Juarez, Chihuahua

Defensor Municipal de Derechos Humanos de Tultitlán, Estado de México / Municipal Defender of Human Rights in Tultitlan, State of Mexico

Dirección de Gobernación de Tultitlán, Estado de México / Interior Department for Tultitlan, State of Mexico

Glossary

AFI Agencia Federal de Investigaciones / Federal Investigation Agency
CDHDF Comisión de Derechos Humanos del Distrito Federal / Human Rights Commission for Mexico City
CFE Comisión Federal de Electricidad / Federal Electricity Commission
CNDH Comisión Nacional de los Derechos Humanos / National Human Rights Commission
CODDEHUM Comisión Estatal de Derechos Humanos de Guerrero / State Human Rights Commission for Guerrero
ESCR Economic, Social, Cultural Rights
EU European Union
FEMOSPP Fiscalía Especial para Movimientos Sociales y Políticos del Pasado / Special Prosecutor for Social and Political Movements of the Past
FUUNDEC/FUUNDEM Fuerzas Unidas por Nuestros Desaparecidos(as) en Coahuila / Mexico / United Forces for Our Disappeared in Coahuila / Mexico
I/A Court H.R. Inter-American Court of Human Rights
IACHR Inter-American Commission on Human Rights
ICCPR International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
ILO International Labor Organization
LGBTI Lesbian, Gay, Bisexual, Transgender and Intersex
LWT Latin American Water Tribunal
NAFTA North American Free Trade Agreement
NGO Non-governmental Organization
OAS Organization of American States
OHCHR Office of the High Commissioner for Human Rights
PAN Partido de Acción Nacional / National Action Party
PRD Partido de la Revolución Democrática / Revolutionary Democratic Party
PRI Partido Revolucionario Institucional / Institutional Revolutionary Party
PFP Policía Federal Preventiva / Federal Preventative Police
PGJE Procuraduría General de Justicia del Estado / State Attorney General's Office for Justice
PGR Procuraduría General de la República / National Attorney General's Office
SCJN Suprema Corte de Justicia de la Nación / Supreme Court of Justice for the Nation
SEDENA Secretaría de la Defensa Nacional / Ministry of National Defense

SEGOB Secretaría de Gobernación / Ministry of the Interior
SEMARNAT Secretaría de Medio Ambiente y Recursos Naturales / Ministry for the Environment and Natural Resources
SIEDO Subprocuraduría de Investigación Especializada en Delincuencia Organizada / Department for Specialized Investigation of Organized Crime
SRE Secretaría de Relaciones Exteriores / Ministry of Foreign Affairs
SSC Secretaría de Seguridad Ciudadana / Ministry for Citizen Security
SSP Secretaría de Seguridad Pública / Ministry for Public Security
UA Urgent Action
UN United Nations
U.S. United States

This edition was printed in April 2013
Mexico City
500 copies

Peace Brigades International (PBI) is a nongovernmental organisation with 30 years of experience in international accompaniment and has been present in Mexico since 1999. International accompaniment is a conflict transformation tool and PBI's goal is to protect the political space for people and organisations that promote human rights in a non-violent manner and who suffer repression for their legitimate work.

PBI only works at the request of local organisation and does not replace efforts by Mexican human rights defenders to promote respect for human rights. Rather, it merely seeks to support their initiatives by standing next to them.

PBI regularly visits conflict areas, distributes information, and dialogues with civil and military authorities, as well as with human rights organisations and other civil society actors in Mexico. To promote international attention to the Mexican situation, and to help create the necessary conditions for human rights defenders to continue with their work, PBI also maintains a dialogue with international community and international organisation such as the United Nations, disseminates information, and generates support from abroad in order to ensure the safety of Mexican defenders.

More information about PBI's work in Mexico can be found in our web site: www.pbi-mexico.org



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