

# MEXICO 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Andres Manuel Lopez Obrador of the National Regeneration Movement won the presidential election on July 1 in generally free and fair multiparty elections and took office on December 1. Citizens also elected members of the Senate and the Chamber of Deputies, governors, state legislators, and mayors.

Civilian authorities generally maintained effective control over the security forces.

Human rights issues included reports of the involvement by police, military, and other state officials, sometimes in coordination with criminal organizations, in unlawful or arbitrary killings, forced disappearance, torture, and arbitrary detention by both government and illegal armed groups; harsh and life-threatening prison conditions in some prisons; impunity for violence against journalists and state and local censorship and criminal libel; and violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Impunity for human rights abuses remained a problem, with extremely low rates of prosecution for all forms of crimes. The government's federal statistics agency (INEGI) estimated 94 percent of crimes were either unreported or not investigated.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports the government or its agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups were implicated in numerous killings, acting with impunity and at times in league with corrupt federal, state, local, and security officials. The National Human Rights Commission (CNDH) reported 25 complaints of "deprivation of life" between January and November 30.

On January 7, more than 200 members of the military, Guerrero state police, and Federal Police arbitrarily arrested and executed three indigenous security force members in La Concepcion. The killings occurred in tandem with reports of the

arbitrary arrest of 38 persons, 25 illegal house searches, and the torture of at least eight persons. According to the human rights nongovernmental organization (NGO) Centro de Derechos Humanos de la Montaña Tlachinollan, the security forces arrived to investigate a confrontation between armed persons and community police. Witnesses said state police executed two community police officers during the confrontation. Witnesses alleged two state police officers took a community police officer to a nearby building, where he was later found dead. Representatives of the UN Office of the High Commissioner for Human Rights (OHCHR) in Mexico City condemned the operation, stating there was evidence human rights violations occurred at the hands of security forces.

In September the CNDH concluded soldiers executed two men and planted rifles on their bodies during a 2017 shootout between authorities and fuel thieves in Palmarito, Puebla. The CNDH recommended the army pay reparations to the victims' families. Some of the killings were captured on video, including of a soldier appearing to execute a suspect lying on the ground.

There were no developments in the investigation into the 2015 Tanhuato, Michoacan, shooting in which federal police agents were accused of executing 22 persons after a gunfight and of tampering with evidence.

In May a federal judge ordered the Attorney General's Office (PGR) to reopen the investigation into the 2014 killings of 22 suspected criminals in Tlatlaya, Mexico State, by members of the military, specifically calling for an investigation into the role of the chain of command. The judge ruled that the PGR's investigation thus far had not been exhaustive, adequate, or effective. (The Government of Mexico has appealed the ruling.) According to multiple NGOs, the four former state attorney general investigative police officers convicted of torturing suspects in this case were released from custody.

Criminal organizations carried out human rights abuses and widespread killings throughout the country, sometimes in coordination with state agents.

## **b. Disappearance**

There were reports of forced disappearances--the secret abduction or imprisonment of a person by security forces--and of many disappearances related to organized criminal groups, sometimes with allegations of state collusion. In its data collection, the government often merged statistics on forcibly disappeared persons with missing persons not suspected of being victims of forced disappearance,

making it difficult to compile accurate statistics on the extent of the problem. The CNDH registered 38 cases of alleged “forced or involuntary” disappearances through November 30.

Investigations, prosecutions, and convictions for the crime of forced disappearance were rare. According to information provided by the Federal Judicial Council, from December 1, 2006, to December 31, 2017, only 14 sentences for forced disappearance were issued. At the federal level, as of August 2017, the deputy attorney general for human rights was investigating 943 cases of disappeared persons. Some states were making progress investigating this crime. At the state level, a Veracruz special prosecutor for disappearances detained 65 persons during the year for the crime of forced disappearance.

There were credible reports of police involvement in kidnappings for ransom, and federal officials or members of the national defense forces were sometimes accused of perpetrating this crime.

Nationwide, the CNDH reported the exhumation of the remains of at least 530 persons in 163 clandestine graves between January 1, 2017 and August 31, 2018. The scale and extent of the problem is indicated by the discovery, in the past eight years in Veracruz State, of 601 clandestine graves with the remains of 1,178 victims.

The federal government and several states failed to meet deadlines for implementing various provisions of the November 2017 General Law on Forced Disappearances, and efforts by the federal government were insufficient to address the problem. State-level search commissions should have been established by mid-April; as of August only seven of 32 states had done so. Only 20 states had met the requirement to create specialized prosecutors’ offices focused on forced disappearances. The federal government created a National System for the Search of Missing Persons as required by the law but had not established the required National Forensic Data Bank and Amber Alert System as of this reporting period.

As of April 30, according to the National Registry of Missing Persons, a total of 37,435 individuals were recorded as missing or disappeared, up 40 percent, compared with the total number at the end of 2014. The National Search Commission, created in March, shut down this registry in July as part of the process to create a new registry, which it planned to make public in early 2019. The new database would include more than 24,000 genetic profiles of the relatives

of the disappeared as well as information such as fingerprints, parents' names, and dates of birth of the victims, according to government officials.

In February an estimated 31 former high-ranking Veracruz state security officials and members of the state police involved in disappearances and acts of torture in 2013 were ordered apprehended on charges of forced disappearance. Former state police chief Roberto Gonzalez Meza was among the 19 arrested in February. In June former state attorney general Luis Angel Bravo Contreras was arrested and placed in custody while awaiting trial on charges related to the forced disappearance of 13 individuals. An additional seven Veracruz former state police officers were detained in August for the crime of forced disappearance of two persons in 2013.

In May the OHCHR announced it had documented the disappearance of 23 individuals--including five minors--by Mexican security forces between February and May in Nuevo Laredo, Tamaulipas. The federal Specialized Prosecutor's Office on Disappearances opened an investigation into the disappearances in June, and the navy temporarily suspended 30 personnel while they conducted an investigation.

On June 4, a three-judge panel of a federal appeals court in Tamaulipas ruled that authorities had failed to investigate indications of military and federal police involvement in the disappearance of 43 students from a teacher-training college in Ayotzinapa in Iguala, Guerrero, in 2014. The court faulted the PGR for not investigating evidence that suspects were tortured to coerce confessions while in PGR custody. During the year the PGR indicted 31 municipal police officers for kidnapping, involvement with organized crime, and aggravated homicide related to the case. Victims' relatives and civil society continued to be highly critical of PGR's handling of the investigation, noting there had been no convictions relating to the disappearances of the 43 students. The court ruled that PGR's investigation had not been prompt, effective, independent, or impartial and ordered the government to create a special investigative commission composed of representatives of the victims, PGR, and CNDH. The government appealed the ruling, claiming it infringed upon the principle of separation of powers. An intermediate court upheld the appeal, and the case was scheduled to go to the Supreme Court for review. On December 2, one day after his inauguration, President Andres Manuel Lopez Obrador ordered the creation of a truth commission--headed by the deputy minister for human rights of the Ministry of Interior--to re-examine the disappearances.

In other developments related to the Ayotzinapa case, on March 15 the OHCHR released a report of gross violations of human rights and due process in the Ayotzinapa investigation, including arbitrary detention and torture. The OHCHR found “solid grounds” to conclude at least 34 individuals were tortured in the course of the investigation, most of them while in the custody of the PGR’s Sub-Prosecutor for Organized Crime. The report highlighted the possible extrajudicial killing of one suspect, Emmanuel Alejandro Blas Patino, who was allegedly tortured to death by asphyxiation with a plastic bag and multiple blows to his body by officials from the Ministry of the Navy (SEMAR) on October 27, 2014.

On June 5, the Inter-American Commission on Human Rights Special Mechanism issued a follow-up report that found the government’s investigation into the Ayotzinapa case had been fragmented, with many lines of investigation proceeding slowly or prematurely dismissed. The report acknowledged some progress in the investigation, including the creation of a map of graves and crematorium ovens in the region, steps taken to investigate firearms possibly used on the night of the events, topographic survey work conducted using remote sensing technology, and following up with ground searches for possible burial sites.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, and confessions obtained through illicit means are not admissible as evidence in court. Despite these prohibitions, there were reports that security forces tortured suspects.

As of November 30, the CNDH registered 57 complaints of torture. Between January 1, 2017, and August 2018, the CNDH recorded 496 complaints of cruel, inhuman, or degrading treatment. The majority of these complaints were from Tamaulipas, Mexico City, Mexico State, and Veracruz; federal police and PGR officials were accused of being responsible in most torture cases. NGOs stated that in some cases the CNDH misclassified torture as inhuman or degrading treatment.

Less than 1 percent of federal torture investigations resulted in prosecution and conviction, according to government data. The PGR conducted 13,850 torture investigations between 2006 and 2016, and authorities reported 31 federal convictions for torture during that period. The federal Specialized Torture Investigation Unit, created in 2015 within the PGR, reported in February it had opened 8,335 investigations but had presented charges in only 17 cases.

According to the national human rights network “All Rights for All” (*Red TDT*), as of August only two states, Chihuahua and Colima, had updated their state torture law to comply with the federal law passed in 2017. Only eight states had assigned a specialized torture prosecutor, and many of them lacked the necessary resources to investigate cases. According to the NGO INSYDE, there were not enough doctors and psychologists who could determine if psychological torture had occurred, and authorities were still struggling to investigate torture accusations from incarcerated victims.

In March the OHCHR found “solid grounds” to conclude at least 34 individuals were tortured in the course of the investigation of the disappearance of 43 students in Iguala in 2014 (see section 1.b.).

In June the World Justice Project reported the ongoing transition to an oral-accusatory justice system from the previous written, inquisitorial system had reduced the frequency of torture.

In July 2017, INEGI published the National Survey of Detained Persons, which surveyed individuals held in all municipal, state, or federal prisons. Of detainees who had given a statement to a public prosecutor, 46 percent reported being pressured by the police or other authorities to give a different version of the events. Of detainees who had confessed, 41 percent said they declared their guilt due to pressure, threats, or physical assaults. Detainees reported physical violence (64 percent) and psychological threats (76 percent) during their arrest and reported that, while at the public prosecutor’s office, they were held incommunicado or in isolation (49 percent), threatened with false charges (41 percent), undressed (40 percent), tied up (29 percent), blindfolded (26 percent), and suffocated (25 percent). According to 20 percent, authorities made threats to their families, and 5 percent reported harm to their families.

On September 6, the CNDH called upon federal authorities to investigate the alleged illegal detention and torture of 17 persons between 2013 and 2017 by SEMAR marines. The CNDH stated that 17 federal investigators ignored or delayed acting on reports made by the victims. The CNDH detailed sexual assaults, beatings, electric shocks, and suffocation committed by marines against their captives before turning them over to federal law enforcement. The detentions and torture allegedly occurred in the states of Coahuila, Nuevo Leon, Sinaloa, Veracruz, and Zacatecas.

There was one report that torture was used to repress political speech. The Oaxaca Consortium for Parliamentary Dialogue and Equity reported a series of escalating attacks, including torture against human rights defenders in Oaxaca in retaliation for their activities. For example, after Oaxaca human rights defenders Arturo Villalobos Ordonez and Patricia Mendez publicly denounced police repression and other abuses in Nochixtlan and other abuses, their minor daughter suffered threats and harassment starting in January and culminating in an incident May 7 in which two men entered her home, stomped on her head, submerged her in water, showed her pictures of mutilated corpses, and threatened that her parents would face the same fate if she did not reveal their whereabouts.

On April 30, the CNDH issued a formal report to the director of the National Migration Institute (INM), indicating that INM personnel committed “acts of torture” against a Salvadoran migrant in October 2017. According to the CNDH document, the victim accompanied another migrant to a migratory station in Mexicali, where an INM official and two guards repeatedly physically struck the migrant and threatened him for 15 to 20 minutes. The CNDH concluded the victim suffered a fractured rib and other injuries as well as psychological trauma.

In a November report, the NGO Centro Prodh documented 29 cases of sexual torture between 2006 and 2015 in 12 states (Baja California, Ciudad de Mexico, Coahuila, Estado de Mexico, Guerrero, Michoacan, Nuevo Leon, Quintana Roo, San Luis Potosi, Sonora, Tamaulipas, and Veracruz); 16 of the 29 cases were reported as rape. Twenty-seven women had reported their torture to a judge, but in 18 cases, no investigation was ordered. Members of the Ministry of National Defense (SEDENA), SEMAR, federal police, and state police of Tamaulipas, Veracruz, and Coahuila were allegedly involved.

In December 2017 the OHCHR Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment issued a report based on a 2016 visit that noted torture was a widespread practice in the country. The subcommittee noted that disparities in the classification of the crime of torture in the states continued to generate real or potential gaps that lead to impunity.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention centers were harsh and life threatening due to corruption; overcrowding; abuse; inmate violence; alcohol and drug addiction; inadequate health care, sanitation, and food; comingling of pretrial and convicted persons; and lack of security and control.

Physical Conditions: According to a 2017 CNDH report, federal, state, and local detention centers suffered from “uncontrolled self-government in aspects such as security and access to basic services, violence among inmates, lack of medical attention, a lack of opportunities for social reintegration, a lack of differentiated attention for groups of special concern, abuse by prison staff, and a lack of effective grievance mechanisms.” The most overcrowded prisons were plagued by riots, revenge killings, and jailbreaks. Criminal gangs often held de facto control. Inmates staged mass escapes, battled each other, and engaged in shootouts using guns that police and guards smuggled into prisons.

Health and sanitary conditions were often poor, and most prisons did not offer psychiatric care. Some prisons were staffed with poorly trained, underpaid, and corrupt correctional officers, and authorities occasionally placed prisoners in solitary confinement indefinitely. Authorities held pretrial detainees together with convicted criminals. The CNDH noted that the lack of access to adequate health care, including specialized medical care for women, was a significant problem. Food quality and quantity, heating, ventilation, and lighting varied by facility, with internationally accredited prisons generally having the highest standards.

The CNDH found several reports of sexual abuse of inmates in the state of Mexico’s Netzahualcoyotl Bordo de Xochiaca Detention Center. Cases of sexual exploitation of inmates were also reported in Mexico City and the states of Chihuahua, Guerrero, Nayarit, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Veracruz.

In March the CNDH released its 2017 National Diagnostic of Penitentiary Supervision. The report singled out the states of Nayarit, Guerrero, and Tamaulipas for poor prison conditions. The report highlighted overcrowding, self-governance, and a lack of personnel, protection, hygienic conditions, and actions to prevent violent incidents. The report faulted prisons for failing to separate prisoners who have yet to be sentenced from convicts.

The CNDH found the worst conditions in municipal prisons. The CNDH determined that public security agents used excessive force in an October 2017 Cadereyta prison riot that left 18 persons dead and 93 injured. Self-governance at the prison led to the riot, which was exacerbated by the state public security and civil forces’ inadequate contingency planning. This was the fifth lethal riot at a Nuevo Leon prison since 2016.



In December 2017 the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment published a report based on a 2016 visit, concluding municipal prisons had deplorable conditions. The report found infrastructure, hygiene, and services were inadequate. There was little natural light and ventilation, cells were cold at night, and prisoners did not have access to blankets. The subcommittee encountered numerous prisoners, including minors, who had not received water or food for 24 hours. The subcommittee observed some centers lacked medical equipment and basic medication. Prisoners had to rely on family members to provide medication, thus low-income prisoners were sometimes left without medical care.

A 2016 INEGI survey of 211,000 inmates in the country's 338 state and federal penitentiaries revealed that 87 percent of inmates reported bribing guards for items such as food, telephone calls, and blankets or mattresses. Another survey of 64,000 prisoners revealed that 36 percent reported paying bribes to other inmates, who often controlled parts of penitentiaries. Six of 10 LGBTI prisoners were victims of abuse such as sexual violence and discrimination at the hands of other prisoners or security officials, according to a 2015 Inter-American Commission on Human Rights (IACHR) report.

According to civil society groups, migrants in some migrant detention centers faced abuse when comingled with MS-13 gang members. In addition, they reported some migration officials discouraged persons from applying for asylum, claiming their applications were unlikely to be approved, and that some officials from the National Institute of Migration kidnapped asylum seekers for ransom.

Administration: Prisoners and detainees could file complaints regarding human rights violations. Authorities did not always conduct proper investigations into credible allegations of mistreatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions.

Improvements: Federal and state facilities continued to seek or maintain international accreditation from the American Correctional Association. As of September the total number of state and federal accredited facilities was 92, an increase of 11 facilities from August 2017. Chihuahua and Guanajuato were the only states to have all their prisons accredited.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government sometimes failed to observe these requirements. Between January 1, 2017 and August 2018, the CNDH recorded 618 complaints of arbitrary detention.

#### **Role of the Police and Security Apparatus**

Federal, state, and municipal police have primary responsibility for law enforcement and the maintenance of order. The Federal Police are under the authority of the interior minister and the National Security Commission. State police are under the authority of the state governors. Municipal police are under the authority of local mayors. SEDENA and SEMAR also play an important role in domestic security, particularly in combatting organized criminal groups. The constitution grants the president the authority to use the armed forces for the protection of internal and national security, and the courts have upheld the legality of the armed forces' role in undertaking these activities in support of civilian authorities. The INM, under the authority of the Interior Ministry, is responsible for enforcing migration laws and protecting migrants.

In December 2017 the president signed the Law on Internal Security to provide a more explicit legal framework for the role the military had been playing for many years in public security. The law authorized the president to deploy the military to assist states in policing at the request of civilian authorities. The law subordinated civilian law enforcement operations to military authority in some instances and allowed the president to extend deployments indefinitely in cases of "grave danger." With some exceptions, the law required military institutions to transfer cases involving civilian victims, including in human rights cases, to civilian prosecutors to pursue in civilian courts. SEDENA, SEMAR, the Federal Police, and the PGR have security protocols for the transfer of detainees, chain of custody, and use of force. At least 23 legal challenges were presented to the Supreme Court of Justice seeking a review of the law's constitutionality, including one by the CNDH. On November 15, the Supreme Court ruled the Law on Internal Security was unconstitutional.

As of August 2017 the PGR was investigating 138 cases involving SEDENA or SEMAR officials suspected of abuse of authority, torture, homicide, and arbitrary detention. By existing law, military tribunals have no jurisdiction over cases with civilian victims, which are the exclusive jurisdiction of civilian courts.

Although civilian authorities generally maintained effective control over security forces and police, impunity, especially for human rights abuses, remained a serious problem.

By law, civilian courts have jurisdiction in cases involving allegations of human rights violations against civilians committed by members of the military. Military authorities, however, can and do investigate such cases in parallel with civilian authorities, and can charge military suspects with crimes under military law in military courts.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is responsible for promoting a culture of respect for human rights within the institution. The directorate, however, has no power to prosecute allegations of rights violations or to take independent judicial action.

### **Arrest Procedures and Treatment of Detainees**

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person's involvement in a crime, such as having witnessed the commission of a crime. This arrest authority, however, is applicable only in cases involving serious crimes in which there is risk of flight. Bail is available for most crimes, except for those involving organized crime and a limited number of other offenses. In most cases the law requires that detainees appear before a judge for a custody hearing within 48 hours of arrest during which authorities must produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects up to 96 hours before they must seek judicial review.

The procedure known in Spanish as *arraigo* (a constitutionally permitted form of pretrial detention, employed during the investigative phase of a criminal case before probable cause is fully established) allows, with a judge's approval, for certain suspects to be detained prior to filing formal charges.

Some detainees complained of a lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally failed to provide impoverished

detainees access to counsel during arrest and investigation as provided for by law, although the right to public defense during trial was generally respected. Authorities held some detainees under house arrest.

In August the CNDH concluded an investigation that revealed eight persons, including five minors, had suffered violations at the hands of Federal Police in Ciudad Victoria, Tamaulipas, in 2013. The CNDH sent a recommendation to the National Security Commission concerning the investigation. According to the investigation, federal police agents entered a home without a warrant and arrested three persons. One adult was reportedly tortured.

Human rights NGOs and victims alleged numerous incidents between January and July in which Coahuila state police forces abused detainees in custody in the border city of Piedras Negras and surrounding areas. The state prosecutor general's office was investigating the accusations.

On May 14, the CNDH withdrew without action more than 90 percent of the 2,972 complaints filed against SEDENA from 2012 to May.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. The IACHR, the UN Working Group on Arbitrary Detention, and NGOs expressed concerns about arbitrary detention and the potential for arbitrary detention to lead to other human rights abuses.

In February, Yucatan state police detained three persons near Dzitas, on the grounds that their car had extremely dark tinted windows and the driver did not have a driver's license. The victims alleged that later they were falsely charged with threatening the police officers and drug possession. The victims reported being blindfolded and tortured by electric shock to their hands and genitalia. One of the three was allegedly forcibly disappeared. Once he reappeared, the others withdrew their complaints.

Pretrial Detention: Lengthy pretrial detention was a problem. The new accusatory justice system allows for a variety of pretrial measures, including electronic monitoring, travel restrictions, and house arrest, that reduced the use of the prison system overall, including the use of pretrial detention. A 2018 World Prison Brief report showed that 39.4 percent of individuals detained were in pretrial detention, compared to 42.7 percent in 2005. The law provides time limits and conditions on pretrial detention, but federal authorities sometimes failed to comply with them,

since caseloads far exceeded the capacity of the federal judicial system. Violations of time limits on pretrial detention were endemic in state judicial systems.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons who are arrested or detained, whether on criminal or other grounds, may challenge their detention through a writ of habeas corpus. The defense may argue, among other things, that the accused did not receive proper due process, suffered a human rights abuse, or had his or her constitutional rights violated. By law individuals should be promptly released and compensated if their detention is found to be unlawful, but authorities did not always promptly release those unlawfully detained. In addition, under the criminal justice system, defendants apprehended during the commission of a crime may challenge the lawfulness of their detention during their court hearing.

#### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, as well as by transnational criminal organizations. Authorities sometimes failed to respect court orders, and arrest warrants were sometimes ignored. Across the criminal justice system, many actors lacked the necessary training and resources to carry out their duties fairly and consistently in line with the principle of equal justice.

#### **Trial Procedures**

In 2016 all civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an accusatory trial system reliant upon oral testimony presented in open court. In some states alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the accusatory system, all hearings and trials are conducted by a judge and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in many categories of crimes. Defendants have the right to an attorney of their choice at all

stages of criminal proceedings. By law attorneys are required to meet professional qualifications to represent a defendant. Not all public defenders were qualified, however, and often the state public defender system was understaffed. Administration of public defender services was the responsibility of either the judicial or the executive branch, depending on the jurisdiction. According to the Center for Economic Research and Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Defendants have the right to free assistance of an interpreter if needed, although interpretation and translation services into indigenous languages at all stages of the criminal process were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were instructed to sign.

The lack of federal rules of evidence caused confusion and led to disparate judicial rulings.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights violations. For a plaintiff to secure damages against a defendant, authorities first must find the defendant guilty in a criminal case, a significant barrier in view of the relatively low number of criminal convictions.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such practices and requires search warrants. There were some complaints of illegal searches or illegal destruction of private property.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Most newspapers, television, and radio stations were privately owned. The government had minimal presence in the ownership of news media but remained the main source of advertising revenue for many media organizations, which at times influenced coverage. Media monopolies, especially in small markets, could constrain freedom of expression.

Violence and Harassment: Journalists were murdered or subject to physical attacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) due to their reporting. This limited media's ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. According to the NGO Article 19, as of December 5, nine journalists had been killed because of their reporting.

Perpetrators of violence against journalists acted with impunity. According to Article 19, as of August the impunity rate for crimes against journalists was 99.7 percent. In 2017 there were 507 attacks against journalists, according to Article 19. Since its creation in 2010, the Office of the Special Prosecutor for Crimes Against Journalists (FEADLE), a PGR unit, won only eight convictions, and none for murder, in the more than 2,000 cases it investigated. On August 25, FEADLE won its first conviction in the new justice system, obtaining a sentence against Tabasco state police officers for illegally detaining a journalist because of his reporting.

Government officials believed organized crime to be behind most of these attacks, but NGOs asserted there were instances when local government authorities participated in or condoned the acts. According to Article 19, in the last five years, 48 percent of physical attacks against journalists originated with public officials. Although 75 percent of those came from state or local officials, federal officials and members of the armed forces were also suspected of being behind attacks against journalists.

In April 2017 the government of Quintana Roo offered a public apology to journalist Pedro Canche, who was falsely accused by state authorities of sabotage and was detained for nine months in prison. In May the PGR detained a police officer, Tila Patricia Leon, and a former judge, Javier Ruiz, for undermining Canche's freedom of expression through arbitrary detention in retaliation for his critical reporting about state government authorities.

There were no developments in the March 2017 killing of Miroslava Breach, a prominent newspaper correspondent.

In March, two police officers, Luigi Heriberto Bonilla Zavaleta and Jose Francisco Garcia, were sentenced to 25 years in prison for the murder of Moises Sanchez, a newspaper owner and journalist in Veracruz. Sanchez was kidnapped in 2015 and found dead three weeks after his disappearance. The local mayor, accused of ordering the murder, remained a fugitive.

In 2005 journalist Lydia Cacho wrote a book exposing a pedophile ring in Cancun. She was arrested in December 2005 and driven 20 hours to Puebla, during which time police threatened her and forced a gun down her throat. On August 8, a federal court in Quintana Roo upheld the October 2017 decision that found Puebla state police officer Jose Montano Quiroz guilty of torture. In the 2017 sentence, the judge recognized Cacho was tortured psychologically and physically and that the torture inflicted was in retaliation for her reporting.

Between 2012 and June 2018, the National Mechanism to Protect Human Rights Defenders and Journalists received 301 requests for protection for journalists. According to Article 19, there had been 62 requests as of October.

On July 24, Playa Del Carmen-based journalist Ruben Pat became the third journalist killed while under protection of the mechanism. Pat had been arrested, threatened, and allegedly tortured by municipal police in Quintana Roo on June 25, according to the OHCHR. Pat was the second journalist killed from the *Seminario Playa* news outlet in one month. His colleague Jose Guadalupe Chan Dzib was killed on June 29.

A June joint report from IACHR Special Rapporteur for Freedom of Expression Edison Lanza and UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye stated journalists in Mexico lived in a “catastrophic” situation given the number of journalists killed since 2010. The report claimed vast regions of the country were “zones of silence” where exercising freedom of expression was dangerous. Observers noted that journalists were often required to publish messages at the behest of organized criminal groups.

Censorship or Content Restrictions: Human rights groups reported some state and local governments censored the media.



Journalists reported altering their coverage due to a lack of protection from the government, attacks against members of the media and newsrooms, and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship due to threats from criminal groups and government officials, especially in the states of Tamaulipas and Sinaloa.

According to Freedom House's 2017 *Freedom of the Press* report, the federal government and some state governments used advertising expenditures to influence the editorial policies of media outlets. Article 19 reported in March the government had a strong financial impact and influence on the largest media companies.

Libel/Slander Laws: There are no federal criminal laws against defamation, libel, or slander, but there are state criminal laws in eight states. In Guanajuato, Nuevo Leon, Baja California Sur, Nayarit, Michoacan, and Yucatan, the crime of defamation is prosecuted, with penalties ranging from three days to five years in prison, and fines ranging from five to five hundred days of minimum salary for committing defamation or slander, both considered "crimes against honor." Slander is punishable under the criminal laws of the states of Hidalgo, Guanajuato, Nuevo Leon, Baja California Sur, Sonora, Nayarit, Zacatecas, Colima, Michoacan, Campeche, and Yucatan, with sentences ranging from three months to six years in prison, and monetary fines. Five states have laws that restrict the publishing of political caricatures or "memes." These laws were seldom applied.

In May the Supreme Court struck down a law in the state of Nayarit penalizing slander. The court ruled the law violated freedom of expression.

Nongovernmental Impact: Organized criminal groups exercised a grave and increasing influence over media outlets and reporters, threatening individuals who published critical views of crime groups. Concerns persisted about the use of physical violence by organized criminal groups in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence faced by traditional journalists.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2017 *Freedom on the Net* report categorized the country's internet as partly free, noting concerns about illegal surveillance practices in the country and violence against online reporters.

NGOs alleged provisions in secondary laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing authorities to obtain metadata from private communications companies without a court order. While the Supreme Court upheld those mechanisms, it noted the need for authorities to obtain a judicial warrant to access users' metadata.

There were no developments in the criminal investigation the government stated in 2017 that it had opened to determine whether prominent journalists, human rights defenders, and anticorruption activists were subjected to illegal surveillance via a sophisticated surveillance program, "Pegasus." PGR officials acknowledged purchasing Pegasus but claimed to have used it only to monitor criminals. In May a Mexico City district judge ordered the victims' evidence be accepted in the PGR's ongoing investigation. According to a November report by the Citizen Lab at the University of Toronto, 24 individuals were targeted with Pegasus spyware.

According to the International Telecommunication Union, 64 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. There were some reports of security forces using excessive force against demonstrators. Twelve states have laws that restrict public demonstrations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

The government and press reports noted a marked increase in refugee and asylum applications during the year. According to UNHCR statistics, there were 9,900 asylum applications during the first half of the year, compared with a total of 14,596 applications in all of 2017.

At the Iztapalapa detention center near Mexico City, the Twenty-First Century detention center in Chiapas, and other detention facilities, men were separated from women and children, and there were special living quarters for LGBTI individuals. Migrants had access to medical, psychological, and dental services, and the Iztapalapa center had agreements with local hospitals to care for any urgent cases free of charge. Individuals from countries with consular representation also had access to consular services. Commission to Assist Refugees (COMAR) and CNDH representatives visited daily, and other established civil society groups were able to visit the detention facilities on specific days and hours. Victims of trafficking and other crimes were housed in specially designated shelters. Human rights pamphlets were available in many different languages. In addition approximately 35 centers cooperated with UNHCR and allowed it to display posters and provide other information on how to access asylum for those in need of international protection.

Abuse of Migrants, Refugees, and Stateless Persons: The press and NGOs reported victimization of migrants by criminal groups and in some cases by police, immigration officers, and customs officials. Government and civil society sources reported the Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries. An August 2017 report by the independent INM Citizens' Council found incidents in which immigration agents had been known to threaten and abuse migrants to force them to accept voluntary deportation and discourage them from seeking asylum. The council team visited 17 detention centers across the country and reported threats, violence, and excessive force against undocumented migrants. The INM responded to these allegations by asserting it treated all migrants with "absolute respect."

There were media reports that criminal groups kidnapped undocumented migrants to extort money from migrants' relatives or force them into committing criminal acts on their behalf.

A November 2017 Amnesty International report highlighted the dangers Central American LGBTI migrants faced in Mexico. Citing UNHCR data, the report stated two-thirds of LGBTI migrants from El Salvador, Guatemala, and Honduras who applied for refugee status reported having been victims of sexual violence in Mexico.

According to a July 2017 report from the NGO Washington Office on Latin America, of the 5,824 reported crimes against migrants that occurred in the states of Chiapas, Oaxaca, Tabasco, Sonora, Coahuila, and at the federal level, 99 percent of the crimes were unresolved.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by kidnappings and homicides.

### **Internally Displaced Persons (IDPs)**

The NGO Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) attributed the displacement of 10,947 people in 2018 to violence by government forces against civilians in the states of Chiapas, Oaxaca, and Sinaloa. Land conflicts, social and ethnic violence, local political disputes, religiously motivated violence, extractive industry operations, and natural disasters were other causes. The CMDPDH found 74 percent of displaced persons in 2017 came from the states of Chiapas, Guerrero, and Sinaloa. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of IDPs.

During an October 2017 border dispute between two municipalities in the state of Chiapas, 5,323 Tzotziles indigenous individuals were displaced. Violence between the communities resulted in women, children, and the elderly abandoning their homes. By January, 3,858 had returned, and the rest remained in shelters.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status and complementary protection, and the government has an established procedure for determining refugee status and providing protection to refugees. At the end of

2017, the Commission to Assist Refugees (COMAR) had received 14,596 petitions, of which 2,400 were abandoned, 7,719 were pending, and 4,475 were resolved. The number of applicants withdrawing from the process dropped to 16 percent during the year, down from 36 percent in 2014. The refusal rate decreased from 61 percent to 37 percent over that same period. NGOs reported bribes sometimes influenced the adjudication of asylum petitions and requests for transit visas.

The government worked with UNHCR to improve access to asylum and the asylum procedure, reception conditions for vulnerable migrants and asylum seekers, and integration (access to school and work) for those approved for refugee and complementary protection status. In October, the government announced the “You Are at Home” (“Estas en tu casa”) program to address the flow of migrants in so-called caravans from Central America transiting the country to seek asylum in the United States. The program offered migrants the opportunity to stay legally in the country with access to health care, employment, and education for children. Press reports indicated that 546 migrants had registered for the program as of November 11.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The July 1 presidential, legislative, gubernatorial, and other local elections were considered by international observers to have been generally free and fair with only minor reports of irregularities. Local commentators pointed to the electoral authorities’ quick and transparent publishing of results as increasing citizen trust in the electoral and democratic system as a whole.

During the electoral season (September 2017 to June 28), 48 candidates were killed. In Guerrero 14 candidates were killed, followed by five in Puebla. Of the victims, 12 were members of the Institutional Revolutionary Party, 10 belonged to the Party of the Democratic Revolution, seven to the National Regeneration Movement, six to the National Action Party, five to the Citizens’ Movement, two to the Ecologist Green Party of Mexico, one each to the Social Encounter Party and the Labor Party, and three of the victims did not have a party affiliation. As of July

the killings resulted in just one arrest, and none resulted in convictions. In comparison with the 2012 elections, there were 10 times more killings of candidates in 2018.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. As of September women held 49 percent of 128 senate seats and 48 percent of 500 deputies' seats. The law provides for the right of indigenous persons to elect representatives to local office according to "uses and customs" law (See "Indigenous Peoples") rather than federal and state electoral law.

On September 8, the Chiapas Electoral and Citizen Participation Institute (IEPC) reported 36 women elected to political office in Chiapas resigned so that men could take their places. IEPC claimed the women were forced to give up their positions as part of a premeditated strategy to install men in office. The president of the National Electoral Institute, Lorenzo Cordova, stated the replacement of successful female candidates with men was "unacceptable in a democratic context" and that "it constitutes regression on the principle of gender parity and inclusion."

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not enforce the law effectively. There were numerous reports of government corruption during the year. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials or security forces. More sophisticated and less apparent forms of corruption included funneling funds to elected officials and political parties by overpaying for goods and services.

Although by law elected officials enjoy immunity from prosecution while holding public office, state and federal legislatures have the authority to waive an official's immunity. As of November, 17 of the 32 states followed this legal procedure to strip immunity.

By law all applicants for federal law enforcement jobs (and other sensitive positions) must pass an initial law enforcement vetting process and be recleared every two years. According to the Interior Ministry and the National Center of Certification and Accreditation, most active police officers at the national, state, and municipal levels underwent at least initial vetting. The press and NGOs reported that some police officers who failed vetting remained on duty.

The CNDH reported that some police officers, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers.

In July 2017 the National Anticorruption System entered into force, but pending state legislation and lagging federal and state appointments prevented the system from being fully operational. The law gives autonomy to federal administrative courts to investigate and sanction administrative acts of corruption, establishes harsher penalties for government officials convicted of corruption, provides the Superior Audit Office with real-time auditing authority, and establishes an oversight commission with civil society participation. A key feature of the system is the creation of an independent anticorruption prosecutor and court. The Senate had yet to appoint the special prosecutor at year's end.

Corruption: Authorities opened federal and state corruption investigations against former Veracruz governor Flavino Rios. In addition, former Quintana Roo governor Roberto Borge was extradited from Panama and detained pending trial on money-laundering charges. In October former Veracruz governor Javier Duarte agreed to a plea deal on charges of money laundering in one of the highest-profile recent corruption cases. As of November nearly 20 former governors had been sentenced, faced corruption charges, or were under formal investigation.

Financial Disclosure: The law requires all federal and state-level appointed or elected officials to provide income and asset disclosure, statements of any potential conflicts of interests, and tax returns. The Ministry of Public Administration monitors disclosures with support from each agency. Regulations require disclosures at the beginning and end of employment, as well as annual updates. The law requires declarations be made publicly available unless an official petitions for a waiver to keep his or her file private. Criminal or administrative sanctions apply for abuses.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views, and the president or cabinet officials met with human rights organizations such as the OHCHR, IACHR, and CNDH. Some NGOs alleged that

individuals who organized campaigns to discredit human rights defenders sometimes acted with tacit support from officials in government. Between 2012 and June 2018, the National Mechanism to Protect Human Rights Defenders and Journalists received 396 requests for protection of human rights defenders.

Government Human Rights Bodies: The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It may call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. If the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that failure known publicly, and it may exercise its power to call government authorities who refuse to accept or enforce its recommendations before the Senate.

All states have their own human rights commission. The state commissions are funded by the state legislatures and are semiautonomous. The state commissions did not have uniform reporting requirements, making it difficult to compare state data and therefore to compile nationwide statistics. The CNDH may take on cases from state-level commissions if it receives a complaint that the state commission has not adequately investigated the case.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Federal law criminalizes rape of men or women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Spousal rape is criminalized in 24 states.

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Of the states, 29 stipulate similar penalties, although in practice sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced.



Killing a woman because of the victim's gender (femicide) is a federal offense punishable by 40 to 60 years in prison. It is also a criminal offense in all states. The PGR's Special Prosecutor's Office for Violence against Women and Trafficking in Persons is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 30 prosecutors in total, of whom nine were exclusively dedicated to federal cases of violence against women.

In addition to shelters, there were women's justice centers that provided services including legal services and protection; however, the number of cases far surpassed institutional capacity.

According to Interior Ministry statistics, in the first six months of the year prosecutors and attorneys general opened 387 investigations into 402 cases of femicide throughout the country. Statistics come from state-level reports that often conflate femicides with all killings of women. The states with the highest number of femicides in 2017 were Mexico, Veracruz, Nueva Leon, Chihuahua, Sinaloa, and Guerrero.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. Of the states, 16 criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute, the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem.

On August 1, the Yucatan state congress approved a bill to criminalize the distribution of "revenge pornography" and "sextortion." Individuals may be prosecuted if they publish or distribute intimate images, audio, videos, or texts without the consent of the other party. The sentence ranges from six months to four years in prison.

Coercion in Population Control: There were no confirmed reports of coerced abortion or involuntary sterilization. There were reports that public health doctors occasionally discouraged women from giving birth to HIV-infected babies.

Discrimination: The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." Women tended to earn substantially less than men did

for the same work. Women were more likely to experience discrimination in wages, working hours, and benefits.

## **Children**

Birth Registration: Children derived citizenship both by birth within the country's territory and from their parents. Citizens generally registered the births of newborns with local authorities. Failure to register births could result in the denial of public services such as education or health care.

Child Abuse: There were numerous reports of child abuse. The National Program for the Integral Protection of Children and Adolescents, mandated by law, is responsible for coordinating the protection of children's rights at all levels of government.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states. Some civil codes permit girls to marry at 14 and boys at 16 with parental consent. With a judge's consent, children may marry at younger ages.

According to UNICEF, Chiapas, Guerrero, and Oaxaca were the states with the highest rates of underage marriages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs reported sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

Statutory rape is a federal crime. If an adult is convicted of having sexual relations with a minor, the penalty is between three months and 30 years' imprisonment depending on the age of the victim. Conviction for selling, distributing, or promoting pornography to a minor stipulates a prison term of six months to five years. For involving minors in acts of sexual exhibitionism or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years' imprisonment and a fine.

Perpetrators convicted of promoting, publicizing, or facilitating sexual tourism involving minors face seven to 12 years' imprisonment and a fine. Conviction for sexual exploitation of a minor carries an eight- to 15-year prison sentence and a fine.

**Institutionalized Children:** Civil society groups expressed concerns about abuse of children with mental and physical disabilities in orphanages, migrant centers, and care facilities.

In April, Disability Rights International documented a case at the institution Hogares de la Caridad in Guadalajara, where a 17-year-old who suffered from autism and cerebral palsy was found taped in a blanket around the torso, allegedly to prevent self-harm.

**International Child Abductions:** The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

The 67,000-person Jewish community experienced low levels of anti-Semitism, but there were reports of some anti-Semitic expressions through social media. While an Anti-Defamation League report described an increase in anti-Semitic attitudes in the country from 24 percent of the population in 2014 to 35 percent of the population in 2017, Jewish community representatives reported low levels of anti-Semitic acts and good cooperation with the government and other religious and civil society organizations in addressing rare instances of such acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce the law. The law requires the Ministry of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house poor, neglected, or marginalized persons with disabilities. NGOs reported authorities had not implemented programs for community integration. NGOs

reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions. Public buildings and facilities often did not comply with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities.

Abuses in mental health institutions and care facilities, including those for children, were a problem. Abuses of persons with disabilities included the use of physical and chemical restraints, physical and sexual abuse, trafficking, forced labor, disappearance, and the illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation services, privacy, and clothing; they often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking. Access to justice was limited.

Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections in Mexico City, but these services were inconsistently available for local elections elsewhere in the country.

### **Indigenous People**

The constitution provides all indigenous peoples the right to self-determination, autonomy, and education. Conflicts arose from interpretation of the self-governing "uses and customs" laws used by indigenous communities. Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes, with limited federal or state government involvement. Communities and NGOs representing indigenous groups reported that the government often failed to consult indigenous communities adequately when making decisions regarding development projects intended to exploit energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They often experienced racism and discrimination and were often victims

of violence. Indigenous persons generally had limited access to health-care and education services.

In August, UN Special Rapporteur on Indigenous Rights Victoria Tauli published her report on Mexico, concluding that “current development policies, which are based on megaprojects (in mining, energy, tourism, real estate, and agriculture, among other areas) pose a major challenge to indigenous peoples’ enjoyment of human rights. Lack of self-determination and prior, free, informed, and culturally appropriate consultation are compounded by land conflicts, forced displacement, and the criminalization of and violence against indigenous peoples who defend their rights.”

On January 7, violent clashes involving gunmen, an indigenous community police force, and state police led to the death of 11 persons in Guerrero who had campaigned against a hydroelectric project in the region for more than a decade (see section 1.a.).

On February 12, three members of the Committee for the Defense of Indigenous Rights in Oaxaca were killed after participating in a meeting with government authorities, according to Oaxacan NGOs and press reports. On July 17, the organization’s regional coordinator, Abraham Hernandez Gonzalez, was kidnapped and killed by an armed group.

There were no developments in the April 2017 killing of Luis “Lucas” Gutierrez in the municipality of Madera, Chihuahua. He was an indigenous rights activist and a member of a civil society group called the Civil Resistance Group.

In 2017, 15 environmental activists were killed, compared with three in 2016, according to a Global Witness Report. A majority of the victims came from indigenous communities. Since 2016, six ecologists in the indigenous territory of Coloradas de la Virgen, Chihuahua were killed in fighting over logging. Mining was also a cause of violence.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against LGBTI individuals.

A Mexico City municipal law provides increased penalties for hate crimes based on sexual orientation and gender identity. Civil society groups claimed police routinely subjected LGBTI persons to mistreatment while in custody.

Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public tolerance of LGBTI individuals, according to public opinion surveys. There were reports the government did not always investigate and punish those complicit in abuses, especially outside Mexico City.

On May 17, the CNDH called for a halt of discrimination against LGBTI persons.

In November 2017 the NGO Transgender Europe documented 56 cases of reported killings of transgender individuals in the country. According to the OHCHR, in the first eight months of the year, there were 17 hate crime homicides in Veracruz, committed against nine transgender women and eight gay men.

On August 5, an 18-year-old man was beaten to death allegedly by a group of 10 taxi drivers who worked at a taxi stand outside a gay bar in San Luis Potosi. Local LGBTI human right defenders claimed the killing was a hate crime because the victim was attacked due to his sexual orientation; the president of the San Luis Potosi State Commission for Human Rights agreed. Advocates also argued negligence in investigating the case due to homophobia in police ranks. As of October no one had been arrested in connection with the killing.

### **Other Societal Violence or Discrimination**

The Catholic Multimedia Center reported criminal groups targeted priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. As of October, the center reported seven priests killed. There were two attacks with explosives in the diocese of Matamoros, Tamaulipas--one in the Cathedral of Matamoros and another in the church of Our Lady of Refuge. No victims were reported in either attack.

According to a 2017 INEGI survey, one in five citizens was a victim of discrimination in 2017. The reasons listed for discrimination included appearance, skin tone, indigenous background, gender, age, or disability. The survey found that in the last five years, nearly 20 million persons were denied medical services, government support, and financial services because of discrimination. According to the CNDH, only 10 percent reported this discrimination to an authority.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, to bargain collectively, and to strike in both the public and private sectors; however, conflicting law, regulations, and practice restricted these rights.

The law requires a minimum of 20 workers to form a union. To receive government recognition, unions must file for registration with the appropriate conciliation and arbitration board (CAB) or the Ministry of Labor and Social Welfare. For the union to be able to function legally, its leadership must also register with the appropriate CAB or the ministry. CABs operated under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part due to the prevalence of representatives from “protection” unions on the boards. Protection unions and “protection contracts”--collective bargaining agreements signed by employers and these unions to circumvent meaningful negotiations and preclude labor disputes--were common in all sectors.

By law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, however, a union must file a “notice to strike” with the appropriate CAB, which may find that the strike is “nonexistent” or, in other words, it may not proceed legally. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the CAB finds the employer fired the worker unfairly and the worker requests reinstatement; however, the law also provides for broad exemptions for employers from such reinstatement, including employees of confidence or workers who have been in the job for less than a year.

The government, including the CABs, did not consistently protect worker rights. The government’s common failure to enforce labor and other laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor problems. The CABs’ frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining.

February 2017 labor justice revisions to the constitution replace the CABs with independent judicial bodies, which are intended to streamline the labor justice process, but require implementing legislation to reform federal labor law. Under the terms of the constitutional reform, CABs would continue to administer new and pending labor disputes until the judicial bodies are operational.

Penalties for violations of freedom of association and collective bargaining laws were rarely applied and were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals.

Workers exercised their rights to freedom of association and collective bargaining with difficulty. The process for registration of unions was politicized, and according to union organizers, the government, including the CABs, frequently used the process to reward political allies or punish political opponents. For example, the government rejected registration applications for locals of independent unions, and for unions, based on technicalities.

In September the Senate ratified the International Labor Organization (ILO) Convention 98 on collective bargaining. By ratifying the convention, the government subjects itself to the convention's oversight and reporting procedures. Ratification also contributes, according to the independent unions, to ensuring the institutions established as a result of the labor justice reform are, in law and practice, independent, transparent, objective, and impartial, with workers having recourse to the ILO's oversight bodies to complain of any failure.

According to several NGOs and unions, many workers faced violence and intimidation around bargaining-rights elections perpetrated by protection union leaders and employers supporting them, as well as other workers, union leaders, and vigilantes hired by a company to enforce a preference for a particular union. Some employers attempted to influence bargaining-rights elections through the illegal hiring of pseudo employees immediately prior to the election to vote for the company-controlled union. CABs were widely alleged to administer these elections with a bias against new, independent unions, resulting in delays and other procedural obstacles that impacted the results and undermined workers' right to organize.

Other intimidating and manipulative practices were common, including dismissal of workers for labor activism. For example, a garment factory in Morelos failed to halt workplace sexual harassment and sexual violence and instead fired the whistleblowers who reported the problem to management.



## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. While penalties for conviction of forced labor violations range from five to 30 years' imprisonment, very few cases reached the court system or were successfully prosecuted.

Forced labor persisted in the industrial and agricultural sectors, especially in the production of chili peppers and tomatoes, as well as in the informal sector. Women and children were subject to domestic servitude. Women, children, indigenous persons, and migrants (including men, women, and children) were the most vulnerable to forced labor. In July authorities rescued 50 agricultural workers on three commercial tomato farms in Coahuila. Authorities in Coahuila freed an additional 25 agricultural workers--including nine children--from a chili pepper and tomato farm in August. In both cases the forced labor victims reportedly lived in unsanitary conditions, worked excessive hours under the threat of dismissal, and received subminimum wage payments or no payment at all.

Day laborers and their children were the primary victims of forced and child labor in the agricultural sector. In 2016 INEGI reported 44 percent (2,437,150) of persons working in agriculture were day laborers. Of the day laborers, 33 percent received no financial compensation for their work. Only 3 percent of agricultural day laborers had a formal written contract, 4 percent had access to health services through their employment, and 7 percent received vacation days or Christmas bonuses--all benefits mandated by federal labor law.

Indigenous persons in isolated regions reported incidents of forced labor, in which cartel members forced them to perform illicit activities or face death. Minors were recruited or forced by cartels to traffic persons, drugs, or other goods across the border.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution prohibits children younger than age 15 from working and allows those ages 15 to 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission. The law requires children

younger than 18 to have a medical certificate to work. The minimum age for hazardous work, including all work in the agricultural sector, is 18. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially in the factory (maquiladora) sector and other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in agriculture and construction, and nearly absent in the informal sector, in which most child laborers worked.

At the federal level, the Ministry of Social Development, PGR, and National System for Integral Family Development share responsibility for inspections to enforce child labor laws and to intervene in cases in which employers violated such laws. The Ministry of Labor is responsible for carrying out child labor inspections. Penalties for violations range from 16,780 pesos (\$840) to 335,850 pesos (\$16,800) but were not sufficiently enforced to deter violations.

According to a 2017 INEGI survey, the number of employed children ages five to 17 was 3.2 million, or approximately 11 percent of children in the country. This represented a decrease from 12.4 percent of children in the 2015 INEGI survey. Of these children, 2.1 million, or 7.1 percent of the population ages five to 17, were under the minimum age of work or worked under conditions that violated federal labor laws, such as performing hazardous work. Child labor was most common in the agricultural sector; children worked in the harvest of beans, chili peppers, coffee, cucumbers, eggplants, melons, onions, tobacco, and tomatoes, as well as in the production of illicit crops such as opium poppies. Other sectors with significant child labor included services, retail sales, manufacturing, and construction.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation on the basis of “race, nationality, age, religion, sex, political opinion, social status, handicap (or challenged capacity), economic status, health, pregnancy, language, sexual preference, or marital status.” The government did not effectively enforce the law or regulations. According to a 2017 INEGI survey, 12 percent of Mexican women had been illegally asked to take a pregnancy test as a prerequisite to being hired. Job announcements specifying desired gender, marital status, and parental status were common.

INEGI reported in 2017 that 23 percent of working women experienced violence in the workplace within the past 12 months, and 6 percent experienced sexual violence.

Penalties for violations of the law included administrative remedies, such as reinstatement, payment of back wages, and fines (often calculated based on the employee's wages), and were not generally considered sufficient to deter violations. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

#### **e. Acceptable Conditions of Work**

The general minimum wage was below the official poverty line. Most formal-sector workers received between one and three times the minimum wage. The tripartite National Minimum Wage Commission, whose labor representatives largely represented protection unions and their interests, is responsible for establishing minimum salaries but continued to block increases that kept pace with inflation.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work over eight hours in a day is considered overtime, for which a worker is to receive double pay. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the Ministry of Labor and Social Welfare and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor is responsible for enforcing labor laws and inspecting workplaces. Neither the number of labor inspections nor the penalties for violations of labor law were sufficient to secure compliance with labor law. For example, in June, seven workers disappeared at a mine in Chihuahua when a dam holding liquid waste collapsed. Through its DECLARALAB self-evaluation tool,

the ministry provided technical assistance to almost 4,000 registered workplaces to help them meet occupational safety and health regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers informally or by submitting falsified payroll records to the Mexican Social Security Institute. INEGI estimated 57 percent of the workforce was engaged in the informal economy during the year.

Observers from grassroots labor rights groups, international NGOs, and multi-national apparel brands reported that employers in export-oriented supply chains were increasingly using hiring methods that lessened job security. For example, manufacturers commonly hired workers on one- to three-month contracts, and then waited a period of days before rehiring them on another short-term contract, to avoid paying severance and to prevent workers from accruing seniority. This practice violates federal labor law and restricts worker’s rights to freedom of association and collective bargaining. Observers noted it also increased the likelihood of work-related illness and injury. Outsourcing practices made it difficult for workers to identify their legally registered employer, limiting their ability to seek redress of labor grievances.

Private recruitment agencies and individual recruiters violated the rights of temporary migrant workers recruited in the country to work abroad, primarily in the United States. Although the law requires these agencies to be registered, they often were unregistered. There were also reports that registered agencies defrauded workers with impunity. Some temporary migrant workers were regularly charged illegal recruitment fees. The Labor Ministry’s registry was outdated, inaccurate, and limited in scope. Although the government did not actively monitor or control the recruitment process, it reportedly was responsive in addressing complaints.

The situation of agricultural workers remained particularly precarious, with similar patterns of exploitation throughout the sector. Labor recruiters enticed families to work during harvests with verbal promises of decent wages and a good standard of

living. Rather than pay them daily wages once a week, as mandated by law, day laborers had to meet certain harvest quotas to receive the promised wage. Wages may be illegally withheld until the end of the harvest to ensure the workers do not leave, and civil society organizations alleged workers were prohibited from leaving by threats of violence or by nonpayment of wages. Workers had to buy food and other items at the company store at high markups, at times leaving them with no money at the end of the harvest after settling debts. Civil society groups reported families living in inhuman conditions, with inadequate and cramped housing, no access to clean water or bathrooms, insufficient food, and without medical care. With no access to schools or childcare, many workers brought their children to work in the fields.

News reports indicated there were poor working conditions in some maquiladoras. These included low wages, contentious labor management, long work hours, unjustified dismissals, a lack of social security benefits, unsafe workplaces, and no freedom of association. Many women working in the industry reported suffering some form of abuse. Most maquiladoras hired employees through outsourcing with few social benefits.

INDEX, the association of more than 250 factories in Ciudad Juarez, signed an agreement in March to prevent and eradicate violence against women with the Chihuahua Institute of Women and the National Commission.