



**MEXICO**  
**Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status

for the 31st Session of the Working Group on the Universal Periodic Review

November 2018

Submitted 29 March 2018

Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication.

The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing extrajudicial killings, gender-based violence, and violence targeting LGBTI persons in Mexico have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations that they experienced in Mexico has been used in this submission with their permission.

## I. EXECUTIVE SUMMARY

1. Widespread violence, particularly gender-based violence and violence targeting LGBTI persons, continues to increase throughout Mexico largely stemming from the activities of criminal gangs. The problem is compounded because Mexico has not yet established a genuinely independent and impartial system for combatting impunity, fighting corruption, and carrying out independent and impartial criminal investigations.
2. The 2007 General Law on Women's Access to a Life Free of Violence has not been fully implemented across Mexico. Further, certain legal mechanisms introduced under the General Law have not proven to be effective, as violence against women remains a major concern. In 2016, officials estimated that 2,668 Mexican women were victims of homicide. Most cases of gender-based violence are inadequately investigated, with perpetrators enjoying impunity. Moreover, LGBTI persons in Mexico experience discrimination, harassment, and the threat of violence, with murders of LGBTI persons occurring at a rate of nearly six homicides per month.
3. Despite significant reforms to the criminal justice system over many years, individuals continue to lack adequate protection from violence and human rights abuses to which law enforcement is complicit, if not directly involved. Even where cases are brought to trial, there is significant pressure against the pursuit of justice on behalf of victims of human rights abuses.

## II. BACKGROUND AND FRAMEWORK

### A. 2013 Universal Periodic Review of Mexico

4. During Mexico's second Universal Periodic Review, the State noted 10 and accepted 176 recommendations.<sup>1</sup>

#### *1. Ratification of international conventions and protocols*

#### **Status of Implementation: Partially Implemented**

5. Mexico has ratified a range of human rights treaties<sup>2</sup>, but has failed to ratify the Optional Protocol to the ICESCR even though it accepted this recommendation during its second UPR.<sup>3</sup> During its 2013 UPR, Mexico further accepted five recommendations related to ratification of additional international treaties and protocols<sup>4</sup>, but has failed to ratify such instruments. Mexico did not support recommendations related to the Convention on Enforced Disappearances, among others.<sup>5</sup>

#### *2. Measures to improve human rights situation*

### **Status of Implementation: Partially Implemented**

6. Mexico accepted numerous recommendations related to strengthening and promoting human rights generally<sup>6</sup>, and developing its domestic human rights program.<sup>7</sup> Significantly, Mexico accepted all 57 recommendations related to strengthening the rule of law<sup>8</sup>, as well as ending violence against women<sup>9</sup>, and addressing discrimination on basis of gender and sexual orientation.<sup>10</sup>
7. However, Mexico rejected four recommendations related to criminal justice and pretrial detention conditions.<sup>11</sup> The practice of “*arraigo*” is permitted under the constitutional reforms in 2008.<sup>12</sup> *Arraigo* is the preventive detention of an individual without charge and without due process for as many as 80 days.<sup>13</sup> Although *arraigo* is designed specifically to combat organized crime<sup>14</sup>, “in practice, it has been criticized for being used by the authorities to coerce confessions from suspects under torture, especially detainees held at military facilities”.<sup>15</sup> In its 2013 national report to the Working Group on the Universal Periodic Review, Mexico announced plans to reform the constitutional provision permitting *arraigo*, to ensure that it is applied as intended by law – for use only in exceptional cases as a “precautionary measure” where “required in order to protect life”.<sup>16</sup> However, Mexico rejected all four recommendations during its second UPR related to abolishing entirely the practice of *arraigo*.

#### *3. Combatting impunity*

### **Status of Implementation: Not Yet Implemented**

8. Mexico accepted numerous recommendations to continue efforts toward combatting impunity.<sup>17</sup>
9. Nevertheless, Mexico has not yet implemented the recommendations to establish a genuinely independent and impartial system for criminal investigation.<sup>18</sup> The UN OHCHR found that the Mexican government’s investigation into the enforced disappearance of 43 students in 2014 involved “arbitrary detentions, torture and other human rights violations”, as well as a systematic cover up by the federal Office of Attorney General in the face of internal oversight, ensuring impunity for the perpetrators.<sup>19</sup> The OHCHR urged the Mexican Congress “to adopt legal reforms to effectively guarantee the independence, autonomy and professionalism of the [Office of Attorney General], including internal oversight bodies and accountability processes.”<sup>20</sup> The OHCHR also called for Mexico to “implement the High Commissioner’s recommendation to create an advisory council to combat impunity”.<sup>21</sup>

### **B. Domestic Legal Framework**

10. The 1917 Constitution of Mexico, as amended, establishes the nation’s federal system of representative government and protects fundamental human rights.<sup>22</sup> A 2013 decision of the

Mexico Supreme Court “transformed human rights into the centerpiece of the Mexican legal order” by interpreting Article 1 of the Constitution of Mexico, as reformed in 2008, to represent an amalgam of human rights that included international legal standards and treaty obligations.<sup>23</sup> That decision constitutes “very considerable progress in promoting human rights through its interpretations and enforcement of Mexico’s constitution and its obligations under international law.”<sup>24</sup>

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **A. Human rights developments in Mexico**

11. June 2016 marked the close of an eight-year period of sweeping reforms to Mexico’s criminal justice system.<sup>25</sup> However, the new adversarial justice system has replicated old problems,<sup>26</sup> with government actors “implicated in repeated, serious human rights violations”, including abuses committed by police, in the name of combatting organized crime.<sup>27</sup> Further, most judges, prosecutors, and public defense lawyers have little confidence in the police to prevent crime and to effectively investigate cases.<sup>28</sup>
12. The Advocates for Human Rights has received direct information about extrajudicial killings, gender-based violence, and violence targeting LGBTI persons in Mexico, as well as problems with impunity and police corruption, from survivors seeking asylum in the United States.<sup>29</sup> While each of our clients’ cases is different, their experiences confirm that the legal system and policies in Mexico fail to provide individuals with adequate protection from violence and human rights abuses to which law enforcement is complicit, if not directly involved.

#### **B. Administration of justice, including impunity, and the rule of law**

13. Impunity and corruption in the law enforcement and justice system remain serious problems in Mexico.<sup>30</sup> Criminal gangs are “at times in league with corrupt state, local, and security officials”<sup>31</sup>, resulting in “extremely low rates of prosecution for all forms of crimes.”<sup>32</sup>
14. Moreover, criminal justice officials face significant pressure against the pursuit of justice on behalf of victims of human rights abuses.<sup>33</sup> For example, one client of The Advocates, a career police officer, was the target of the local drug cartel’s threats for many years. As threats against him and his family intensified, senior government officials warned our client that they could no longer ensure his family’s safety and urged him to flee.<sup>34</sup>

#### **C. Right to Life, Liberty and Security of Person**

##### *1. Extrajudicial killings*

15. Violence has increased throughout Mexico since 2016,<sup>35</sup> with “a marked increase in the number of homicides, with 42,583 recorded nationally” in 2017 (the highest annual number

since 2012).<sup>36</sup> The real number of homicides probably was higher, due to underreporting of crime and inaction by the police in launching official investigations.<sup>37</sup> The widespread killings throughout Mexico and other human rights abuses stems largely from the activities of criminal gangs.<sup>38</sup>

## *2. Violence against women*

16. In 2007, the Mexican Congress established a comprehensive state and federal framework “to ensure the right of women to live free from violence and discrimination”.<sup>39</sup> The 2007 law specifically addresses femicide, and also protects against physical and sexual violence, and “violence against the woman’s dignity, integrity or freedom”.<sup>40</sup> However, the law has not been fully implemented across Mexico, and some legal mechanisms have proven ineffective<sup>41</sup> with inadequate protection for women and girls against domestic and sexual violence.<sup>42</sup>
17. Significantly, violence against women remains a major concern.<sup>43</sup> In 2016, an estimated 2,668 Mexican women were victims of homicide.<sup>44</sup> Further, 66.1% of girls and women aged 15 and older “experienced gender-based violence at least once in their lives”.<sup>45</sup> Most cases of gender-based violence are inadequately investigated, with perpetrators enjoying impunity.<sup>46</sup>
18. Data shows that 43.5% of women experience gender-based violence committed by their intimate partners.<sup>47</sup> For example, one client fled to the United States out of fear of being killed by her former partner, a member of a Mexican drug cartel. The police told her that they were unable to do anything about her partner’s violent abuse and his threats to her family—the cartel “had the police”, she told us. Our client fled to another Mexican state, but her former partner made threats on social media and left messages on her phone, saying that he would find her, kill her and chop her up.<sup>48</sup>

## *3. Human rights of LGBTI persons*

19. Same-sex marriage has been legal in Mexico City since 2010, and several states have legalized it in the years since, bolstered by recent Mexican Supreme Court rulings upholding same-sex couples’ rights to marry and to adopt children without discrimination.<sup>49</sup>
20. Nevertheless, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in Mexico continue to experience discrimination, harassment, and the threat of violence.<sup>50</sup> In fact, between 2014 and 2016, at least 202 LGBTI persons were murdered—a rate of nearly six homicides per month—of whom most were female transvestites, transgender individuals, or transsexuals.<sup>51</sup>

## **IV. RECOMMENDATIONS**

21. The Advocates make these recommendations related to impunity:

- Enact laws to effectively guarantee the independence, autonomy and professionalism of the Office of Attorney General, including internal oversight bodies and accountability processes, as recommended by the Office of the High Commissioner for Human Rights.
- Combat impunity by enacting laws to ensure oversight and accountability of Mexico's state and municipal police forces.
- Implement the UN High Commissioner's recommendation to create a national advisory council to combat impunity.

22. The Advocates make these recommendations related to violence against women:

- Amend the Criminal Code so the severity of punishments for sexual offenses is never contingent upon the "chastity" of the victim.
- Establish oversight bodies and accountability processes to ensure the full implementation of the General Law on Women's Access to a Life Free of Violence.
- Train members of the law enforcement and judiciary on the dynamics of domestic violence and best practice standards on responding to domestic violence. Such trainings should be led by or done in consultation with organizations that serve victims of domestic violence and comport with international human rights standards. To ensure consistency for the law enforcement response, provide adequate trainings in relation to the application of legislative norms on restraining orders.

23. The Advocates make these recommendations related to LGBTI persons:

- Amend the Criminal Codes of all Mexican states so that crimes committed on the basis of the victim's sexual orientation or gender identity are considered hate crimes.
- Legalize same-sex marriage throughout the country.
- Remove sexual orientation and gender identity as barriers to adoption.
- Recognize gender identity through the reissuance of birth notices, without a doctor's involvement.
- Take the necessary steps to train federal, state, and municipal law enforcement on international standards.

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<sup>1</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/189/42/PDF/G1318942.pdf?OpenElement>.

<sup>2</sup> Mexico ratified the International Covenant on Civil and Political Rights on March 23, 1981; the International Covenant on Economic, Social and Cultural Rights on March 23, 1981; the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on January 23, 1986; the Convention for the Protection of All Persons from Enforced Disappearance on March 18, 2008; and the Convention on the Elimination of All Forms of Discrimination against Women on March 23, 1981. Further, Mexico ratified the Optional Protocol to the International Covenant on Civil and Political Rights on March 15, 2002; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty on March 18, 2008;

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the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on March 15, 2002; the Optional Protocol of the Convention against Torture on April 11, 2005; the Individual complaints procedure under the Convention against Torture on March 15, 2002; the Inquiry procedure under the Convention against Torture on January 23, 1986; the Individual complaints procedure under the International Convention for the Protection of All Persons from Enforced Disappearance on March 15, 2002; the Inquiry procedure under the International Convention for the Protection of All Persons from Enforced Disappearance on March 18, 2008; and the Inquiry procedure under the Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women on March 15, 2002. U.N. Office of the High Commissioner for Human Rights, *Acceptance of the inquiry procedure for Mexico*. Also available online at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN). U.N. Office of the High Commissioner for Human Rights, *Ratification Status for Mexico*. Also available online at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN).

<sup>3</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.2. Sign and ratify the Optional Protocol to the ICESCR (Portugal; Bosnia and Herzegovina). Cf. U.N. Office of the High Commissioner for Human Rights, *Acceptance of individual complaints procedures for Mexico*. Also available online at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN). Mexico also has not ratified Article 11 of the Optional Protocol to the ICESCR. U.N. Office of the High Commissioner for Human Rights, *Acceptance of the inquiry procedure for Mexico*. Also available online at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN).

<sup>4</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.1. Continue reviewing all reservations made to international human rights instruments with a view to withdrawing them (Guatemala); ¶ 148.2. Sign and ratify the Optional Protocol to the ICESCR (Portugal; Bosnia and Herzegovina); ¶ 148.3. Sign and ratify the Optional Protocol to CRC on a communications procedure (Portugal); ¶ 148.8. Consider ratifying the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers (Rwanda); ¶ 148.9. Ratify the ILO Convention 189 on Decent Work for Domestic Workers (Uruguay); ¶ 148.10. Consider ratifying the Convention against Discrimination in Education (Sri Lanka).

<sup>5</sup> Mexico also did not support recommendations related to migrant workers, stateless persons, and Additional Protocol II of the 1949 Geneva Conventions. *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.4. Consider its position with regard to Article 22.4 and Article 76 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bangladesh); ¶ 148.5. Recognize the competence of the Committee on Enforced Disappearances (CED), ensure the integration of the Convention in the domestic legal framework and create an official register of disappeared persons (France)/Accept the competence of CED to receive individual petitions (Spain)/Recognise the competence of CED in conformity with articles 31 and 32 (Uruguay); ¶ 148.6. Accede to Additional Protocol II of the 1949 Geneva Conventions (Estonia); ¶ 148.7. Ratify the 1961 Convention on the Reduction of Statelessness (Paraguay).

<sup>6</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.28. Take necessary measures to adopt or improve subsidiary laws in the alignment of constitutional and legal amendments related to human rights' improvement (Thailand); ¶ 148.35. Continue its efforts to strengthen and promote human rights (Yemen); ¶ 148.38. Continue efforts regarding measures taken and legislation adopted for the effective application of the new constitutional provisions (Morocco).

<sup>7</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.29. Consider appropriate steps to ensure that the National Human Rights Commission functions in an independent and impartial manner (India)/Continue its efforts for ensuring the autonomy of national institutions responsible for the protection of human rights (Serbia); ¶ 148.30. Continue to strengthen and develop the National Human Rights Program 2013-2018 (Pakistan); ¶ 148.31. Ensure that the national human rights programme for 2013-2018 takes full account of recommendations accepted by the Government at the 2nd UPR cycle (Ukraine); ¶ 148.32. Continue its efforts to achieve social development and, in line with its national plan 2013-2018, as highlighted in the 4th Chapter in the Report (United Arab Emirates); ¶ 148.33. Continue its efforts to ensure that the new legal framework is effectively applied by all of the country's authorities with the aim that all citizens are able to effectively exercise their rights (Montenegro); ¶ 148.34. Adopt the announced national human rights programme which will serve to define and measure courses of action for ensuring compliance with the constitutional principles relating to human rights (Montenegro).

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<sup>8</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.13. Continue efforts aimed at harmonization of national criminal justice system and legislation with the constitutional reforms (Ukraine); ¶ 148.14. Pursue constitutional reforms with a view to elaborate coherent criminal legislation at federal level (Slovakia); ¶ 148.18. Implement effectively the Victims Act, by harmonizing existing legislation. Include the provisions of the act in the new Penal Procedure Code. Ensure that the law is applied at all levels. (France); ¶ 148.83. Enhance the dissemination of information and figures regarding children and young persons who fall victims to the struggle against drug-trafficking (Italy); ¶ 148.84. Consider establishing mechanisms aimed at early identification, referral, assistance and support for victims of trafficking (Egypt); ¶ 148.85. Increase funding for federal human trafficking prosecutors and take steps to end the impunity for public officials complicit in trafficking (Norway); ¶ 148.90. Provide sufficient resources and capacity building for the Citizens Relations Unit to address dangers of a heavy military presence on the streets designed to curb organised crime (Sierra Leone); ¶ 148.91. Increase efforts in the war on drugs at all levels (Cuba); ¶ 148.92. Continue to enhance efforts to further strengthen the judicial institutions (Kenya); ¶ 148.93. Take measures to ensure the effective and timely implementation of the constitutionally mandated judicial reforms and police professionalization by providing integrated training and capacity building to stakeholders involved in the delivery of justice, including judges, prosecutors, lawyers, police and criminal investigations (Canada); ¶ 148.94. Accelerate the implementation of the 2008 constitutional criminal justice reforms to enhance transparency and provide procedural rights for accused persons (Australia)/ Fully implement the reform of the criminal justice system in all Mexican states as soon as possible (Denmark); ¶ 148.95. Strengthen the criminal justice system in the country, to promptly and effectively investigate all alleged cases of enforced disappearances, disproportionate use of force, attacks, threats, harassments against human rights defenders, and ensure that perpetrators are brought to justice and victims receive reparations (Azerbaijan); ¶ 148.96. Continue to further strengthen the criminal justice system, including through capacity-building of judicial actors and law enforcement institutions so that its measures against organized crime be taken with due consideration paid to the rule of law and human rights and with an emphasis on due process (Japan); ¶ 148.97. Adopt and implement appropriate measures, enabling an effective functioning of public security forces subject to civilian control (Poland); ¶ 148.98. Continue efforts to ensure transparent adjudication of members of the security forces for human rights abuses, and continue efforts to reform the civilian police (United States of America); ¶ 148.99. Continue approving the necessary secondary legislation, regarding the constitutional reform, harmonizing it at state and federal level, and that training of judicial officers to ensure its effective application at both levels be conducted (Spain); ¶ 148.100. Continue the public security and judicial reforms and ensure their implementation (Turkey); ¶ 148.101. Strengthen the state of law and good governance, with more focus on capacity building for federal and local public officers for better law enforcement and human rights promotion and protection (Viet Nam); ¶ 148.102. Reinforce training of police and justice officials on the issue of violence against women in order to improve the response by the Mexican authorities (Portugal); ¶ 148.103. Further pursue the full investigation of alleged incidents of human rights violations by the police force, especially within detention centres (Cyprus); ¶ 148.104. Continue the fight against impunity, especially regarding violence against women, children, human rights defenders, journalists and all other vulnerable groups (Estonia)/Fight against impunity through conducting exhaustive investigations of all allegations of human rights violations (France); ¶ 148.105. Consider fully utilizing the constitutional amendments more effectively to prevent and investigate human rights violations, punish human rights violators, and provide effective redress and remedy to human rights victims (Philippines); ¶ 148.106. Reinforce its efforts to tackle impunity and corruption nationwide via the creation of a federal anti-corruption institution with the ability to prosecute; and through the allocation of adequate resources to investigate and prosecute crimes against women and children (United Kingdom of Great Britain and Northern Ireland); ¶ 148.107. Continue and intensify its efforts to fight corruption at all levels of public administration (Cyprus)/Continue its efforts in fighting corruption at all levels (Cuba); ¶ 148.108. Continue to further strengthen the rule of law to provide a safe and stable living environment for its people (Singapore); ¶ 148.111. Install soon additional ‘Centros de Justicia para las Mujeres’ to improve access to justice for women throughout the national territory (Italy).

<sup>9</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.23. Harmonize the General Act on Women’s Access to a Life Free of Violence and pertinent federal legislation (Spain); ¶ 148.24. Unify, on the basis of objective criteria, the various definitions of femicide in the different Criminal Codes of the country (Paraguay); ¶ 148.66. Enact and enforce laws to reduce incidences of violence against women and girls (Sierra Leone); ¶ 148.67. Implement the designed public policy and launch a comprehensive awareness-raising campaign to end gender-based violence that includes sexual violence and femicide (Slovenia); ¶ 148.68. Adopt a comprehensive program to fight violence and discrimination against women, with special attention to indigenous women (Brazil); ¶ 148.69. Respond to the challenges that prevent the



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effective implementation of the Gender Alert system (Spain); ¶ 148.70. Continue to prevent and combat violence against women, guaranteeing women's access to justice and continue to improve support services (State of Palestine); ¶ 148.71. Ensure investigations of violence against women, and establish victim support programmes for affected women (Maldives); ¶ 148.72. Continue efforts to prevent and combat all forms of violence against women, and bring the perpetrators to justice, while ensuring women's equal access to justice and improving support services, including for indigenous women (Austria); ¶ 148.73. Develop a model of care for violence against women and girls especially focused on indigenous population, in accordance with the acknowledgment made in paragraph 139 of the Report (Chile); ¶ 148.74. Implement in a stringent way on a priority basis the General Act on Women's Access to a Life Free of Violence (Switzerland); ¶ 148.75. Take concrete measures to prevent and punish violence against women in all of Mexico's 31 states, especially those with high reporting of killings and attacks of women and girls (Denmark); ¶ 148.76. Make a priority the prevention and punishment of all forms of violence against women (France); ¶ 148.77. Consider intensifying the implementation of its programmes and policies aimed at combating violence against women (Philippines)/Continue strengthening its actions on the elimination of violence against women (Argentina); ¶ 148.78. Ensure full and effective implementation of the existing legislation and policies combating violence against women and adopt effective measures to reduce violence and impunity (Lithuania); ¶ 148.79. Continue to take the necessary measures to prevent violence against women, particularly migrant women and penalise those who commit these acts of violence (Nicaragua); ¶ 148.80. Adopt inclusive solutions at the state and local levels involving local enforcement agents, judiciary, community organisations and schools; end tolerance of and impunity for gender-based violence against women and girls, and that solutions include the situation of women in prisons (New Zealand); ¶ 148.81. Set up a comprehensive system to protect children's rights and develop a national strategy to prevent and address all forms of violence (Iran (Islamic Republic of)); ¶ 148.82. Ensure a better protection for children and adolescents against violence related to organized crime (Algeria).

<sup>10</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.39. Carry out follow-up mechanisms on UPR recommendations that enable to verify the implementation and impact of norms and measures adopted to promote equal rights and non-discrimination for all citizens, particularly vulnerable groups such as women, children, ethnic minorities and LGBT communities, among others (Colombia); ¶ 148.40. Ensure the implementation of gender equality laws, specifically the General Act for Equality between men and women, in all 32 states (Maldives); ¶ 148.41. Continue its promotion of legislation and actions aimed at eliminating discrimination and strengthening the protection of the rights of disadvantaged groups such as women, children and indigenous peoples (China); ¶ 148.42. Continue and intensify efforts to ensure gender equality and equity (Rwanda); ¶ 148.43. Further combat all forms of discrimination against women by running public awareness campaigns on women's rights (Cambodia); ¶ 148.44. Undertake efforts towards eradication of gender stereotypes that have negative impact on the situation of women, in particular those from the rural areas (Slovenia); ¶ 148.45. Take steps to counteract forms of discrimination against indigenous women in rural areas (Paraguay); ¶ 148.112. Keep ensuring women's access to justice and improving support services (Egypt); ¶ 148.138. Implement the CEDAW recommendations in implementing measures that will enable and encourage more women's participation in state and municipal political life (Bosnia and Herzegovina); ¶ 148.139. Increase measures to guarantee equal opportunities for women and men in the labour market and provide the General Inspection of Labour with necessary human and financial resources requested to supervise and sanction discriminatory practices against women in the field of labour (Uruguay); ¶ 148.144. Focus on marginalised groups or disadvantaged sections of society. Of particular relevance would be measures to improve health and education (India); ¶ 148.146. Further enhance institutions and infrastructure for human rights, policies and measures toward enhancing the social inclusion, gender equality and non-discrimination, favourable conditions for vulnerable groups of women, children, indigenous people, migrants and refugees (Viet Nam).

<sup>11</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.60. Abolish the practice of *arraigo*, as recommended by the Committee against Torture (France)/Abolish the "*arraigo penal*" at the federal and state level as it is contrary to international human rights standards (Germany); ¶ 148.61. Take as soon as possible effective measures to bring conditions of detention in line with international standards, in particular to reduce overcrowding and to abolish the system of '*arraigo*' and promote non-custodial measures (Austria); ¶ 148.62. Eliminate the practice of '*arraigo*' at the Federal and State level and ensure that all detentions are carried out legally and recorded in a national database to which all of the parties will have access (Belgium); ¶ 148.63. Set up specialized bodies to investigate and prosecute allegations of flagrant violations of human rights committed in the framework of '*arraigo*' (Belgium).

<sup>12</sup> Constitution of Mexico, Art. 16.

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<sup>13</sup> Justice in Mexico, *Detention Without Charge: The Use of Arraigo for Criminal Investigations in Mexico*, by Janice Deaton and Octavio Rodríguez Ferreira (San Diego, CA: Justice in Mexico, Jan. 2015), 5-6. Also available at [https://justiceinmexico.org/wp-content/uploads/2015/01/150112\\_ARRAIGO\\_Final.pdf](https://justiceinmexico.org/wp-content/uploads/2015/01/150112_ARRAIGO_Final.pdf).

<sup>14</sup> Justice in Mexico, *Detention Without Charge: The Use of Arraigo for Criminal Investigations in Mexico*, by Janice Deaton and Octavio Rodríguez Ferreira (San Diego, CA: Justice in Mexico, Jan. 2015), 5. Also available at [https://justiceinmexico.org/wp-content/uploads/2015/01/150112\\_ARRAIGO\\_Final.pdf](https://justiceinmexico.org/wp-content/uploads/2015/01/150112_ARRAIGO_Final.pdf).

<sup>15</sup> Christina M. Cerna, *Status of Human Rights Treaties In Mexican Domestic Law*, 20 *American Society of International Law* 4 (Feb. 23, 2016). Also available at <https://www.asil.org/insights/volume/20/issue/4/status-human-rights-treaties-mexican-domestic-law>. See also Human Rights Watch, *Mexico: Abolish “Arraigo” Detention from Constitution*, accessed Mar. 16, 2018, <https://www.hrw.org/news/2013/04/25/mexico-abolish-arraigo-detention-constitution>.

<sup>16</sup> *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution: Mexico*, (Aug. 6, 2013), U.N. Doc. A/HRC/WG.6/17/MEX/1. ¶ 65.

<sup>17</sup> *Report of the Working Group on the Universal Periodic Review: Mexico*, (December 11, 2013), U.N. Doc. A/HRC/25/9. ¶ 148.78. Ensure full and effective implementation of the existing legislation and policies combating violence against women and adopt effective measures to reduce violence and impunity (Lithuania); ¶ 148.80. Adopt inclusive solutions at the state and local levels involving local enforcement agents, judiciary, community organisations and schools; end tolerance of and impunity for gender-based violence against women and girls, and that solutions include the situation of women in prisons (New Zealand); ¶ 148.103. Further pursue the full investigation of alleged incidents of human rights violations by the police force, especially within detention centres (Cyprus); ¶ 148.104. Continue the fight against impunity, especially regarding violence against women, children, human rights defenders, journalists and all other vulnerable groups (Estonia)/Fight against impunity through conducting exhaustive investigations of all allegations of human rights violations (France); ¶ 148.105. Consider fully utilizing the constitutional amendments more effectively to prevent and investigate human rights violations, punish human rights violators, and provide effective redress and remedy to human rights victims (Philippines); ¶ 148.106. Reinforce its efforts to tackle impunity and corruption nationwide via the creation of a federal anti-corruption institution with the ability to prosecute; and through the allocation of adequate resources to investigate and prosecute crimes against women and children (United Kingdom of Great Britain and Northern Ireland); ¶ 148.107. Continue and intensify its efforts to fight corruption at all levels of public administration (Cyprus)/Continue its efforts in fighting corruption at all levels (Cuba); ¶ 148.108. Continue to further strengthen the rule of law to provide a safe and stable living environment for its people (Singapore); ¶ 148.109. Expedite the process of amending Article 57 of the Code of Military Justice to ensure that human rights violations committed by armed forces against civilians are tried in civilian courts (Sierra Leone) /Promote the completion of existing initiatives to reform national legislation so that cases of alleged violation of human rights by the armed forces are considered in civilian courts (Peru) /Revise relevant legal provisions to ensure that all offences committed against human rights by military forces are submitted to civil courts (Brazil) /Undertake all necessary measures to ensure that Article 57 of the Code of Military Justice conforms with the Mexican constitution (Canada) /Launch a reform of the Code of Military Justice, so that the military cannot claim jurisdiction over human rights violations’ cases (Czech Republic) /Complete without delay the reform aiming to restrict the jurisdiction of military courts (Italy) /Provide its civilian courts with jurisdiction over human rights violations committed against civilians by members of the armed security forces to ensure accountability (Australia) /Ensure that all those responsible for human rights violations are brought to justice before civilian jurisdiction (France) /Continue to make every effort to end impunity, especially for armed forces’ human rights violations (Republic of Korea); ¶ 148.127. Pursue their efforts to reinforce legislative and institutional guarantees for human rights defenders and journalists exercising their right to freedom of expression and strengthen the fight against impunity in this regard (Slovakia); ¶ 148.130. Step up its efforts to guarantee security of human rights defenders and journalists, and to put an end to all impunity in this area (Tunisia); ¶ 148.131. Ensure the effective implementation of the Protection Mechanism, under the Human Rights Defenders and Journalists Protection Act, to reduce impunity, especially the crimes against defenders of the human rights of migrants (Spain); ¶ 148.132. Improve the implementation of the existing framework in order to ensure the protection of human rights defenders and journalists (Romania); ¶ 148.133. Put an end to threats, attacks and deaths of journalists by allowing for comprehensive and impartial investigations (Belgium); ¶ 148.134. Strengthen measures to effectively prevent the violence against journalists and human rights defenders and impunity (Japan); ¶ 148.135. Fully and effectively implement the recently adopted laws in order to end threats, attacks and killings of human rights defenders and journalists and ensure prompt and effective investigation to bring those responsible to justice (Lithuania); ¶ 148.136. Integrate gender perspective when addressing impunity and lack of safety of journalists and

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human rights defenders (Slovenia); ¶ 148.137. Develop an investigation protocol with gender and ethnicity perspectives that can be used by the offices of Attorneys General of States in all cases where women human rights defenders report threats or attacks (Ireland).

<sup>18</sup> Office of the High Commissioner for Human Rights, *Mexico: Ayotzinapa investigation marred by torture and cover-ups - UN report*, accessed Mar. 16, 2018,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22830&LangID=E>.

<sup>19</sup> Office of the High Commissioner for Human Rights, *Mexico: Ayotzinapa investigation marred by torture and cover-ups - UN report*, accessed Mar. 16, 2018,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22830&LangID=E>.

<sup>20</sup> Office of the High Commissioner for Human Rights, *Mexico: Ayotzinapa investigation marred by torture and cover-ups - UN report*, accessed Mar. 16, 2018,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22830&LangID=E>.

<sup>21</sup> Office of the High Commissioner for Human Rights, *Mexico: Ayotzinapa investigation marred by torture and cover-ups - UN report*, accessed Mar. 16, 2018,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22830&LangID=E>.

<sup>22</sup> A 2013 decision of the Mexico Supreme Court “transformed human rights into the centerpiece of the Mexican legal order” by interpreting Article 1 of the Constitution of Mexico, as reformed in 2008, to represent an amalgam of human rights that included international legal standards and treaty obligations. Christina M. Cerna, *Status of Human Rights Treaties In Mexican Domestic Law*, 20 American Society of International Law 4 (Feb. 23, 2016). Also available at <https://www.asil.org/insights/volume/20/issue/4/status-human-rights-treaties-mexican-domestic-law>. Other constitutional provisions upholding fundamental human rights include the right to life (Art. 14), the right to be free from slavery (Art. 2), the right to be free from torture or cruel, inhuman or degrading treatment or punishment (Arts. 21-22), the freedom of expression (Arts. 6-7), the freedom of assembly and of association (Art. 9), the freedom of religion (Art. 24), and the right to due process (Arts. 14, 16, 20). Additionally, the Constitution guarantees the independence of the courts (Art. 49).

<sup>23</sup> Christina M. Cerna, *Status of Human Rights Treaties In Mexican Domestic Law*, 20 American Society of International Law 4 (Feb. 23, 2016). Also available at <https://www.asil.org/insights/volume/20/issue/4/status-human-rights-treaties-mexican-domestic-law>.

<sup>24</sup> Office of the High Commissioner for Human Rights, *2013 United Nations Human Rights Prize: Winners of the United Nations Human Rights Prize for 2013 announced*, accessed Mar. 16, 2018,

<http://www.ohchr.org/EN/NewsEvents/Pages/hrprize.aspx>.

<sup>25</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 257. Also available at

<https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>. The constitutional reforms were “intended to dramatically improve the administration of justice” by transitioning from an inquisitorial system to an “adversarial model of criminal procedure”. Justice in Mexico, *2016 Justiciabarómetro—Perspectives on Mexico’s Criminal Justice System: What Do Its Operators Think?*, by Nancy G. Cortés, Octavio Rodríguez Ferreira, and David A. Shirk (San Diego, CA: University of San Diego, 2017), 1. Also available at [https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro\\_English-Version\\_Online.pdf](https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro_English-Version_Online.pdf). See also Justice in Mexico, *Criminal Procedure Reform in Mexico, 2008-2016: The Final Countdown for Implementation*, by Octavio Rodríguez Ferreira and David A. Shirk (San Diego, CA: Justice in Mexico, 2015), 5. Also available at [https://justiceinmexico.org/wp-content/uploads/2015/10/151008\\_FINALCOUNTDOWN\\_Full-Finallow-res.pdf](https://justiceinmexico.org/wp-content/uploads/2015/10/151008_FINALCOUNTDOWN_Full-Finallow-res.pdf).

<sup>26</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 257. Also available at

<https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>27</sup> Human Rights Watch, *Country Summary: Mexico*, (New York, N.Y.: Human Rights Watch, January 2017), 1. Also available at [https://www.hrw.org/sites/default/files/mexico\\_1.pdf](https://www.hrw.org/sites/default/files/mexico_1.pdf).

<sup>28</sup> Justice in Mexico, *2016 Justiciabarómetro—Perspectives on Mexico’s Criminal Justice System: What Do Its Operators Think?*, by Nancy G. Cortés, Octavio Rodríguez Ferreira, and David A. Shirk (San Diego, CA: University of San Diego, 2017), 18. Also available at [https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro\\_English-Version\\_Online.pdf](https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro_English-Version_Online.pdf).

<sup>29</sup> The case information presented in this submission is compiled from intake and other interviews conducted by The Advocates for Human Rights with asylum seekers from Mexico between 2015 and 2018 (hereinafter referred to as

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“Interviews conducted by The Advocates (2015-2018)”). Some details have been removed to maintain confidentiality and to protect the identities of clients and their families.

<sup>30</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 256. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>. See also U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Mexico* (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, Apr. 7, 2017), 3. Also available at <https://www.state.gov/documents/organization/265812.pdf>.

<sup>31</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Mexico* (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, Apr. 7, 2017), 3. Also available at <https://www.state.gov/documents/organization/265812.pdf>.

<sup>32</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Mexico* (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, Apr. 7, 2017), 3. Also available at <https://www.state.gov/documents/organization/265812.pdf>.

<sup>33</sup> Justice in Mexico, *2016 Justiciabarómetro—Perspectives on Mexico’s Criminal Justice System: What Do Its Operators Think?*, by Nancy G. Cortés, Octavio Rodríguez Ferreira, and David A. Shirk (San Diego, CA: University of San Diego, 2017), 17. Also available at <https://justiceinmexico.org/wp-content/uploads/2017/03/2016-Justiciabarometro-English-Version-Online.pdf>.

<sup>34</sup> Interviews conducted by The Advocates (2015-2018).

<sup>35</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 256. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>36</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 257. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>37</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 257. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>38</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Mexico* (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, Apr. 7, 2017), 3. Also available at <https://www.state.gov/documents/organization/265812.pdf>.

<sup>39</sup> Católicas por el Derecho a Decidir (CDD) and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), *Femicide and Impunity in Mexico: A context of structural and gearalized violence*, Jul. 17, 2012. Also available at [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CDDandCMDPDH\\_forthesession\\_Mexico\\_CEDAW52.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CDDandCMDPDH_forthesession_Mexico_CEDAW52.pdf).

<sup>40</sup> Research Directorate, Immigration and Refugee Board of Canada, *Mexico: Adoption of the General Law on Women’s Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia), its implementation regulations, and local implementation laws in the Federal District and the states of Mexico, Jalisco and Querétaro* (Ottawa, ON: Immigration and Refugee Board of Canada, 12 June 2008), accessed 16 March 2018, <http://www.refworld.org/docid/48a3028817.html>.

<sup>41</sup> For example, the “Alerts of gender-based violence against women” which are now active in 12 states, have not reduced gender-based violence against women and girls. Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>42</sup> Human Rights Watch, *Country Summary: Mexico*, (New York, N.Y.: Human Rights Watch, January 2017), 6. Also available at [https://www.hrw.org/sites/default/files/mexico\\_1.pdf](https://www.hrw.org/sites/default/files/mexico_1.pdf). For example, some legal provisions in Mexico “make the severity of punishments for some sexual offenses contingent upon the ‘chastity’ of the victim”. *Id.*

<sup>43</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 257. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>44</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World’s Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

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<sup>45</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>46</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>47</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>.

<sup>48</sup> Interviews conducted by The Advocates (2015-2018).

<sup>49</sup> Amnesty International, *Amnesty International Report 2017/2018: The State of the World's Human Rights* (London, U.K.: Amnesty International Ltd., 2018), 260. Also available at <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>. In May 2016, however, the national Congress vetoed a bill introduced by President Peña Nieto that would “legalize same-sex marriage, to remove sexual orientation and gender identity as barriers to adoption, and to recognize gender identity through the reissuance of birth notices, without a doctor’s involvement.” Human Rights Watch, *Country Summary: Mexico*, (New York, N.Y.: Human Rights Watch, January 2017), 6. Also available at [https://www.hrw.org/sites/default/files/mexico\\_1.pdf](https://www.hrw.org/sites/default/files/mexico_1.pdf).

<sup>50</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2016: Mexico* (Washington, D.C.: Bureau of Democracy, Human Rights, and Labor, Apr. 7, 2017), 3. Also available at <https://www.state.gov/documents/organization/265812.pdf>.

<sup>51</sup> EFE, *More than 200 members of LGBT community killed in Mexico over three-year period*, Al Dia, May 18, 2017, <http://aldianews.com/articles/politics/more-200-members-lgbt-community-killed-mexico-over-three-year-period/48171>.