GENERAL OVERVIEW OF THE COMMUNICATIONS ADDRESSED BY THE UN SPECIAL PROCEDURES TO MÉXICO BETWEEN 2013 AND 2017

25th to 36th Session

United Nations Human Rights Council

Clara Lefrançois

The Special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights. The system of Special Procedures covers all human rights: civil, cultural, economic, political and social. There are currently 44 thematic and 12 country mandates. These experts send communications to States in which they bring alleged violations or abuses to their attention.

Communications sent to and received from the State of México between 2013 and 2017:

Within each communication sent to the State of México, several matters can be addressed that will thus be analysed by the relevant Special Rapporteur of the UN in the specific fields addressed.

![Main matters addressed in the communications](image-url)

<table>
<thead>
<tr>
<th>Matter</th>
<th>Number of sent communications</th>
<th>Number of answered communications</th>
<th>Number of non-answered communications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human rights defenders</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom of opinion and expression</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom of peaceful assembly and association</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executions</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disappearances</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arbitrary detention</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violence against women</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indigenous people</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
On the 57 sent communications, the main themes addressed are human rights defenders and torture (both appearing in 32 communications), freedom of opinion and expression (appearing in 21 communications), freedom of peaceful assembly and of association (appearing in 18 communications), executions (appearing in 16 communications) and disappearances (appearing in 13 communications). On a lower scale are the issues of health, independence of judges and lawyers, arbitrary detention, violence against women and indigenous people. The other matters that also appeared on a less recurrent basis are: housing, cultural rights, international order, international solidarity, against women and indigenous people. The other matters that also appeared on a lower scale are: housing, cultural rights, international order, international solidarity, internally displaced people, women in law and in practice, business hazardous substances, truth, justice and reparation and guarantees of non-recurrence.

This report wishes to emphasise issues ignored by the State of México. Therefore, it provides hereafter a detailed analysis of each unanswered communication.

**SUMMARY OF THE COMMUNICATIONS SENT TO MÉXICO THAT WERE LEFT WITHOUT REPLY**

Between 2013 and 2017, the government of México did not reply to 13 of them, which means that a little bit more than 1 out of 5 communications sent by the experts is left without answers. Among these 13 unanswered communications, the matters addressed cover the issues of human rights defenders, disappearances, indigenous communities, torture, execution, women’s rights, extrajudicial executions and internally displaced persons.

1. **November 26th 2013 – Climate of fear and violations perpetrated against human right defenders advocating for a fair access to land and resources**

México did not reply to allegations regarding a climate of fear, intimidation and harassment including murders, detentions and kidnapping against human rights defenders advocating for access to land and natural resources often linked with indigenous and local communities’ rights, within the broader context of energy and mining companies. It concerned mostly the states of Chihuahua, Distrito Federal, Guerrero, Oaxaca and Veracruz. The victims are

- **Alba Cruz** and **Susana Ramírez**, two members of Código DH, a human rights defence committee that positioned itself against a wind project, were subjects of threats and unjustified detention.
- **Herón Sixto López**, representative of COAPI, and representative of the Pueblo indígena Mixteco in various land disputes, was threatened and then murdered.
- Several members of the Coyotepec Community, among whom **Vicente Moreno Domínguez** have been threatened and attacked. **Alberto Cruz Luna** has been murdered from people of the government, despite requests for protective measures. **Efrain Robles Quiroz**, who had required precautionary measures, was threatened by two armed men in front of his house.
- **Jaime Domínguez Pérez** had been arrested and received death threats for his defence activity in the water sector. He has been victim of mistreatment, insulted, and beaten by his captors.
- **Rocio Mesino Mesino**, director of the Organización Campesina de la Sierra del Sur (OCSS), and her brother, **Miguel Ángel Mesino Mesino**, were both murdered after several months of arrest.

The aforementioned threats and harassment would be related to the defence activity for the rights of land access and use of natural resources, specifically for the indigenous peoples and local communities. Those allegations must be understood in a context of increasing violence and insecurity for the human rights defenders in México, especially in the context of major projects of development projects and firms’ operations in the energy and extraction sectors.

2. **March 24th 2014 – Extrajudicial execution of Mr Rojas Aguilar**

The government did not respond to a communication referring to the torture and subsequent extrajudicial execution of **Florencio Rojas Aguilar**, in the Municipal Palace of Cochoapa el Grande, in the state of Guerrero, the 5th of February 2011. According to the facts, Mr Rojas would have received death threats on the grounds of his demand of work. Later on, he would have been beaten to death by thirteen members of the municipal preventive police.
3. November 12th 2014 – Intimidation against members of the Comverdad

The Mexican government did not respond to alleged intimidating acts against Nicomedes Fuentes García and his family. Mr. Fuentes García and Ms Pilar Noriega García, members of the Comverdad, have been attacked in a van bearing the logo of the Comverdad, despite having been granted protection, which appeared to generate more mistrust than trust. Nicomedes Fuentes García is also a survivor of the enforced disappearances from the dirty war that happened in the state of Guerrero. The allegations received indicate that the threats might be directly linked to their work investigating on the enforced disappearances during the dirty war in the state of Guerrero.

4. April 30th 2015 – Intimation against human rights defence national network related with enforced disappearances

The Mexican government did not reply to alleged intimidation against the member organisations of the human rights defence national network (RENDHH). The 2nd of February 2015, members of the Comité de Familiares de Detenidos Desaparecidos ‘Hasta Encontrarlos’ and the Frente Nacional de Lucha por el Socialismo (FNLS), noticed the presence and pursuit from persons watching their activities and the surroundings of Margarita Cruz Sánchez, sister of Gabriel Alberto Cruz Sánchez, disappeared detainee. Those intimidations and harassments would have had the purpose of limiting the acts of denunciation that several organisations had started with the National Tour “Gira Nacional: Desaparición Forzada en México, Caso Gabriel Alberto Cruz Sánchez y Edmundo Reyes Amaya”.

5. August 14th 2015 – Lack of participation and unjustified detentions of indigenous peoples in a construction project and violation of indigenous rights

The Mexican government did not reply to a communication regarding alleged impacts on the substantive rights of the Yaqui people community related to its lands, territories and resources, including its livelihood. This happened due to a lack of an appropriate consultative process with the Yaqui indigenous people within the framework of the construction and operation of the aqueduct and allegations of criminalising the indigenous opposition to the project. In 2010, the State of Sonora engaged in the construction of an aqueduct. However, it had not done any previous consultation with the Yaqui indigenous people. Following those events, members of the community have been illegally arrested, Francisco Delgado Romo has been found dead, Mario Luna has been arrested without motives and without any communication during six hours. Fernando Jiménez had been arrested with inadequate means as well. The leader of the Yaqui people has been illegally arrested.

6. August 17th 2015 – Violence against women by state agents

México did not reply to a communication regarding violence against women from military men. The 10th July 2013, several soldiers, face covered, entered a hotel room where a 15-years-old girl was waiting for her boyfriend. They then insulted her, asked her for identification and forced her to smoke marijuana before one man raped her and another one forced her to give him oral sex while all the other were watching and laughing. A month after the opening of an investigation, it was alleged that the victim received around 30’000 pesos to buy her silence to avoid going further in the investigation. On September 19th 2013, a 22-years-old woman was beaten and raped in a military room, following a concert where she had been invited by two members of the Secretary of the National Defence, known by the experts. She and her family were threatened. The investigation was not duly done as several instances declared themselves incompetent to address the issue. The lack of independent, duly done investigation and the supposed threats and intimidation from militaries to avoid denunciation impedes to bring the perpetrators in front of Justice, and contribute to a climate of impunity for sexual assault and rape. In addition, the lack of penal persecution for serious violations of human right by militaries encourage impunity towards abuses perpetrated by state agents.

7. March 24th 2016 – Demand for the implementation of a law against torture

The Mexican State did not respond to a communication regarding the adoption of the general Law in terms of torture and other mistreatment and of the National Criminal Enforcement Law. Experts were asking the
government to implement the Law that would comply with the broader requirements of the Interamerican Convention to classify, prevent and punish torture. They also recommended the State to approve the legislation that would render possible the judicial control over the sentences execution.

8. May 4th 2016 – Risk of women’s sexual and reproductive rights’ criminalisation

The government of México did not reply to a communication regarding the draft decree adding a paragraph in article 4 of the Political constitution of the state of Veracruz. The experts feared that the decree would limit the access of women and girls to basic services of sexual and reproductive health, which could lead to the criminalisation of abortion and the stigmatisation of women that could be detrimental to their access to their sexual and reproductive rights.


México did not proceed with a recommendation regarding the arbitrary detention and deportation of indigenous people. According to experts, indigenous Mexican migrants have been arrested on Mexican territory by migrant authority and deported to Guatemala, which would have occasioned merciless, inhuman and degrading treatment, one of them being even subject of alleged torture. All of them have been threatened of being deported to Guatemala, denied a lawyer, a translator, and issued false Guatemalan identification.

10. October 11th 2016 – Violations against human rights defenders related to enforced or involuntary disappearances

The government of Mexico did not reply to a communication regarding alleged threats and aggressions against the members of the Centre of Human Rights Miguel Augustin Pro Juárez A.C. (Centro Prodh) and against relatives of a victim of forced disappearances. The relatives were a couple leading an organisation providing support to families of forced disappearances victims. On September 22nd 2016 the couple has been threatened and beaten in their house by three armed men. After the threats, the couple received protection, which unfortunately, ended up shortly after, leaving them without any protection. In addition, on the morning of the march for the second anniversary of the disappearance of journalists of Ayotzinapa, the Centro Prodh received threats in Twitter. It is alarming to see the threats against members of the Centro Prodh for their work as human rights defenders, and for their work of legal accompaniment of the Ayotzinapa’s journalists’ families. In addition, this is happening on the second anniversary of the serious violations in Iguala, and in a situation where no information has been received regarding the progress of the investigation of the illegal eavesdropping of one of the father of a disappeared student, and two of his representative in April 2016.

11. December 16th 2016 – Lack of appropriate care of internally displaced persons

Mexico did not reply to a communication regarding the issue of IDPs in Honduras, and the problematic of asylum access in Mexico for Hondurans applicants. A man was killed in Honduras on July 10th 2016 following his return to the country after his asylum request was rejected in Mexico. Concerns are expressed regarding the Comisión Mexicana de Ayuda a Refugiados (COMAR) which rejected his application for asylum, making selective reference to the statement that the former Special Rapporteur on the human rights of internally displaced persons released upon conclusion of his visit to Honduras on November 27th 2015.

12. April 10th 2017 – Murder of a human rights defender of freedom of opinion and expression

On March 23rd 2017, Miroslava Breach Valucea was murdered in Chihuahua. She worked on the issue of mining industry, on the Ciudad Juárez feminicides, on the persecution of human rights defenders and more recently on the link between the police of Chihuahua and the organised crime. Her death seems to be linked with her journalistic investigation that she conducted on the financing of electoral campaigns with resources from criminal groups linked with narcotrafficking. During the month of March 2017, two other journalists were murdered in Mexico, and two others were victims of attempted murdered. This would be related as well to their activity as journalists.
13. May 18th 2017 – Murder of a human rights defender for disappearances

The government of México did not reply to a communication regarding the murder of a human rights defender, whose daughter disappeared. In 2014, the mother of the victim started her own research and provided a few months later information on the presumed accountable of the murder. In March 2017, two of the persons related with the murder of her daughter escaped from the detention centre where they were detained. It was from that moment that she requested protection from the state authorities, which would not have been implemented entirely. Afterwards, she decided to support the victims of the 100 disappearances of a Valley in México. In May 2017, armed men forced her house and several shot were fired. She died on the way to the hospital. The lack of protection that she was granted is very concerning, knowing the risk she encountered.

GENERAL OVERVIEW OF THE MAIN ISSUES RAISED BY THE COMMUNICATIONS

Main type of violation against human rights defenders and people’s rights

The communications sent during the last 12 sessions of the HRC outline a clear pattern of attacks perpetrated against human right defenders. Out of the 13 unanswered communications, 6 referred to violations against human right defenders. The experts have pointed out that human rights defenders in México are allegedly mostly victims of death threats (42%), murders (29%), attacks and mistreatments (16%). In addition, they also suffer from harassment, intimidation, persecution, unjustified detentions, torture and forced disappearances. All of these attacks constitute a violation of their freedom of assembly and association, and of their freedom of opinion and expression, both cornerstones of human rights which are primordial for human rights defenders and journalists to carry out their work.

Besides human right defenders, victims are mostly subjects of illegal arrests (45%), murders (22%), death threats (22%), and sexual abuses (11%).

It must be emphasised that 5 out of 13 unanswered communication outline issues and violations committed by state agents: members of the government, military forces or members of the municipal police.
Main causes of aggression for the victims

Regarding the causes of those violations, the communications show that it relates mostly with the investigation of enforced or involuntary disappearance, the defence of the liberty of opinion and expression and the defence of indigenous rights for land access and use of natural resources. In addition, it also accounts for gender reasons, IDPs or migrant status and law against torture.

Most of those victims were carrying out pacifist actions and were targeted precisely because they were leading human rights campaign, movement or organisations. This is highly worrying as it outlines an already known situation of systematic repression of human rights defenders in México.

REMARKS REGARDING THE REPLIES OF THE MEXICAN STATE

Among all the communications sent to México, 77% received a reply. This number might seem quite significant, however, it does not say anything on the actual usefulness of the reply. It is therefore important to consider the quality of the reply and the effective implementation of the precautionary measures or any other measures the State say it would implement.

As it would have been too long and fastidious to provide a full detail and analysis of every answer, here are the important facts to know regarding the answers provided by México:

- Most of the answers tend to be limited to negating the facts, blaming the victim, and modifying the way the history happened in order to move it towards the State’s interests;
- Most of the answers merely acknowledge the communication and the issue addressed in the communication;
- Most of the replies promising an implementation of precautionary measures to protect a victim’s life tend to be only partially, badly, if not non-implemented at all. Furthermore, several cases of promised implementation of precautionary measures led to the eventual murder or attack of the victim supposed to receive protection.

Unfortunately, only a very small percentage occasionally leads to remedy and redress of the issue addressed in the communication.

---

1 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=13425
2 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22542
3 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22553
4 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=20816
5 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17390
6 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=20819
7 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17308
8 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=20400
9 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3220
10 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22801
11 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22899
12 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23065
13 https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23131