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 45th Session of the Working Group on the Universal Periodic Review
January – February 2024

Submitted 18 July 2023

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.

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The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.
EXECUTIVE SUMMARY

1. Widespread violence, particularly gender-based violence and violence targeting lesbian, gay, bisexual, and transgender (LGBT) persons, continues to increase throughout Mexico. The problem is compounded by criminal gang activities, as well as the lack of a genuinely independent and impartial system for combating 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 significant concern.

3. Despite significant reforms to the criminal justice system, individuals continue to lack adequate protection from violence and human rights abuses to which law enforcement is complicit, if not directly involved. Even when cases are investigated or brought to trial, there is significant pressure against the pursuit of justice for victims of human rights abuses.

4. The Advocates for Human Rights (“The Advocates”) has received direct information about extrajudicial killings, gender-based violence, and violence and ill-treatment targeting LGBTI persons in Mexico, as well as problems with impunity and police corruption, from survivors seeking asylum in the United States. The firsthand experiences of The Advocates’ asylum clients 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.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A42 Institutions & policies – General, B31 Equality & non-discrimination

5. In its 2018 third-cycle Universal Periodic Review (UPR), Mexico received one recommendation on including the LGBTQI+ population in its National Development Plan with a view of continuing to develop actions to protect their rights. Likewise, in its third-cycle, Mexico received one recommendation on taking steps towards implementing policies towards the non-discrimination of LGBT persons. Mexico accepted both recommendations.

6. Mexico has undertaken considerable steps towards enhancing the rights of LGBTI+ people in the country. In 2022, same-sex marriage was recognized in all states in Mexico. Nevertheless, according to Human Rights Watch reports, “[i]n five states (Nuevo León, Aguascalientes, Chiapas, Chihuahua, and Guanajuato), the governor has decided officials should perform same-sex marriages although the state legislature has not reformed the civil code to recognize the practice.”

7. Despite this step, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in Mexico continue to experience discrimination, harassment, and the threat of violence, including police harassment.
8. Multiple clients of the Advocates have reported system discrimination from their family members and community due to their sexual orientation and gender expression. In most cases, clients suffered discrimination and violence from a young age. Our clients’ reports highlight a concerning absence of accountability and protection when they experience this violence.

9. Credible secondary sources confirm the accounts made by our clients. National human rights organizations have denounced the absence of genuine official data on annual violent deaths of LGBTI+ people and informed that in 2021 at least 78 violent deaths based on sexual orientation, gender identity, or gender expression were registered in Mexico. Further, civil society organizations (CSOs) have stated that the real number of murders of LGBTI+ people in 2021 reached 179 homicides.

D28 Gender-based violence; D29 Domestic violence; F13 Violence against women; A47 Good governance, B51 Right to an effective remedy; B52 Impunity, D51 Administration of justice & fair trial

Status of Implementation: Accepted, Partially Implemented

10. In its third-cycle review, Mexico supported all recommendations on addressing violence against women, including one specific recommendation on domestic violence. Mexico also supported five recommendations on establishing particular mechanisms to combat corruption and impunity and ensure investigation and accountability for the human rights violations in its jurisdiction.

Impunity and Administration of Justice & Fair Trial

11. Impunity and corruption in the law enforcement and justice systems in Mexico remain critical problems. Many of The Advocates’ clients have experienced violence perpetrated by members of organized criminal organizations like drug cartels. The accounts by clients include being harassed by drug cartels asking for extortion money, the intent of forced recruitment, and targeted persecution because of the client’s particular identity. One of the clients of The Advocates accounted that her family was persecuted by drug cartels and that several of her family members were killed as the cartel harassment started. She also denounced that complicit local police were involved in their harassment and subsequent persecution.

12. Likewise, another client also testified that she and her partner, as small business owners, were viciously assaulted with firearms after refusing to pay extortion money to the cartels. The client reported that after filing an official complaint with the police, the police withdrew their protection after realizing that the assailants were cartel members.

13. The Advocates have also received testimonies of former public servers who had to flee the country after being subject to violence and threats by organized crime. One client, a career police officer, reported that he 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.

14. Credible secondary sources confirm that the problem of violence perpetrated by organized crime is compounded by a lack of accountability for its members. According to reports
from civil society organizations, in 2021, the homicide rate stood at 28 homicides per 100,000 people, and approximately 90 percent of crimes go unreported, with one-third of reported crimes receiving no investigation. Only about 16 percent of investigations are deemed "resolved" through legal proceedings, mediation, or some form of compensation. Thus, authorities were able to resolve slightly more than 1 percent of all crimes committed in 2021, as per the national statistics agency.\textsuperscript{19}

**Violence against women and gender-based violence**

15. Violence against women remains a significant concern in Mexico. According to Amnesty International, in 2022 around “3,450 women were reported to have been killed; 858 of the killings were investigated as feminicides, equivalent to an average of 2.5 per day.”\textsuperscript{20} Regarding domestic violence, “the women who have faced violence from their husband or boyfriend throughout their relationships (19.1 million) [and] 64% of cases were severe and very severe violence.”\textsuperscript{21} Mexico must strengthen its state’s measures to prevent and protect women from enduring violence, as well as make accountable perpetrators and provide remedies to the victims-survivors. In the following paragraphs of this report, The Advocates presents diverse information on how the Mexican State is falling short of fulfilling its human rights obligations regarding protecting women’s rights.

16. The Inter-American Commission on Human Rights has expressed its concern about violence against women in Mexico with “24,600 women [that] have been reported missing […], 2,287 rapes and more than 50,000 cases of family or intimate partner violence […].” Further, the regional organization asserted, “[t]he cases reported during 2022 should not be analyzed in isolation but should instead be interpreted in the current context of gender-based violence against women in the country, particularly acts of femicide and sexual and intimate partner violence. The IACHR once more stated that gender-based violence is part of an ongoing pattern of violence that derives from historical and structural discrimination that is rooted in the patriarchal, misogynist culture of the region’s societies that conditions women, girls, and adolescents through stereotypical notions of inferiority.”\textsuperscript{22}

17. 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.”\textsuperscript{23} The 2007 law explicitly addresses femicide, and different types of violence: physical, psychological, patrimonial, economic, sexual, as well as “Any other analogous forms that harm or are likely to harm the dignity, integrity or freedom of women.”\textsuperscript{24} However, this law has not been fully implemented across Mexico, and some legal mechanisms have proven ineffective,\textsuperscript{25} with inadequate protection for women and girls against domestic and sexual violence.\textsuperscript{26}

18. In response to the failings of the current legislation, Mexican civil society has announced a bill that will be presented to Congress: the Bill “Mariana Lima Buendía.” The bill aims to institute the crime of “denial to access to justice based on gender” (Negación de la justicia por razones de género), which will “punish with up to six years in prison any public servant who incurs in omissions, corruption, negligence or obstruction in investigations of cases of violence against women.”\textsuperscript{27} This bill responds to the Mexican Supreme Court of Mexico (Suprema Corte de Justicia de la Nación) judgment regarding the case of Marianna Lima Buendía. In this case, the Mexican Supreme Court
highlighted the lack of gender lens in the judicial process of cases of violence against women.

**Impunity and Administration of Justice & Fair Trial in Cases Related to Gender-Based Violence, Violence Against Women, and Domestic Violence**

19. The Advocates has received information from different cisgender and transgender women clients who have endured systemic lack of protection. Transgender women clients have recalled that they suffered from intrafamilial violence based on their gender from an early age, including physical and sexual violence, without the opportunity to access resources for protection.

20. Multiple testimonies from clients also report a lack of protection from intimate partner violence, often including impunity of perpetrators when they are members of criminal organizations, such as drug cartels. 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 client reported the lack of police intervention to known complicity between the cartels and the police. In her words, she explained that the cartel “had the police.”

21. Another client of The Advocates reported that she suffered physical and sexual violence from her husband; the violence included being locked with her daughter in the house every day by her husband. When the mother and daughter finally escaped, our client reported did not go to the police because she affirmed that “the police never help.”

22. Testimonies revealed potential cases of harassment by police. One of The Advocates’ clients reported that, when seeking assistance from the captain of the local police station, she was told that she would only receive help in return for sexual favors. When she threatened to report the sexual harassment, the police captain replied, “something worse would happen to her.” The client also reported that following the incident, the police officer and fellow officers frequently harassed and threatened her when patrolling in her neighborhood. This kind of conduct by law enforcement in Mexico has also been reported by civil society organizations, highlighting the targeted violence on women’s rights defenders.

23. Credible secondary sources confirm that the problem of violence perpetrated by organized crime is compounded by a lack of accountability for its members. Amnesty International has reported that “Investigations by the State of Mexico Attorney General’s Office into feminicides preceded by disappearances are seriously flawed due to the inaction and negligence of the authorities leading to evidence being lost, all lines of inquiry not being investigated, and a gender perspective not being applied correctly. These shortcomings hamper the judicial process and increase the likelihood that cases will remain unpunished.”

24. Further, research has exposed the connection between organized crime and gender-based violence in the country, arguing that “[o]rganized crime also plays a significant role in the high rates of violence against women in Mexico. Violence is directed towards women in gangs and between gangs.” Moreover, CSOs have reported that “the rise in femicides and female homicides is directly related to organized crime and Mexico’s security policies,
which have become more focused on militarization during this period and have changed the ways and spaces in which gender-based violence occurs.”

Access to services and shelters

25. Reports present that despite systemic violence based on gender still being a critical human rights issue in the country, currently, the federal government has decreased the funding of CSOs that both provide services and advocate in issues such as “health, women’s rights, human rights, Indigenous advocacy, social welfare, science, and culture fields—indeed, causing many to seek funding from outside of Mexico to continue to stay afloat.”

26. Women encounter barriers to accessing shelters. Mexico does not count with enough shelters available for women, there are approximately 70 institutions mostly administered by CSOs in the country, the current number of shelters in the country means that one shelter is available per 900,000 women.

27. Further, organizations administering shelters encounter significant funding challenges. Research has reported that the mandate of having shelters to protect women by the 2007 General Law on Women’s Access to a Life Free of Violence has not been carried out on the state level. Likewise, the federal government has allegedly attempted to cancel shelters’ existing funding. It is reported that “in early 2019, again under the argument of tackling corruption, the López Obrador administration sought to cancel subsidies for shelters that provide services for women and children fleeing violence. Again, direct cash transfers were the proposed alternative. After a significant backlash from NGOs, the media and some public officials—who argued, using the hashtag #AusteridadMachista, that women fleeing violence required a safe space instead of cash—the government backtracked. But the proposal itself delayed funding and led to the closure of several shelters all the same.”

28. The current service availability falls short of providing the necessary services and resources to women victim-survivors, as “prior to budget cuts and COVID-19, domestic violence shelters in Mexico were already operating at 80% capacity.”

29. Shelters lack protection and safety for victim-survivors, and even for staff members. Reports reveal that on many occasions, aggressors know shelters’ locations and have threatened the residents and staff. Further, testimonies affirm that due to such circumstances, the shelter staff must prioritize the safety of everyone by allowing some women to leave with their aggressors. Workers’ testimonies describe the challenging conditions of their job, including limited resources, low salaries, and vicarious trauma from hearing the stories of the women they serve. Additionally, the report on this issue mentions the testimony of staff members who claimed that the presence of death threats leads to burnout among the staff and causes some to leave their positions.

II. RECOMMENDATIONS

30. This report suggests the following recommendations for the Government of Mexico:

- Combat impunity by enacting laws to ensure oversight and accountability of Mexico’s state and municipal police forces.
• Strengthen mechanisms of police accountability in cases of potential complicity of law enforcement with drug cartels, as well in gender-based violence cases.

• Take measures to ensure access to justice and protection for victims of violence, especially in rural areas and areas where violence by criminal organizations and drug cartels is prevalent.

• Take steps and provide all the maximum available resources to ensure that victims have access to specialized assistance and services that fulfill the specific needs of women victims of violence. Including:
  • Take measures to strengthen the service for women experiencing mental health concerns, both to prevent and address violence. This includes access to long-term counseling, affordable housing, childcare supports, better legal assistance, and employment opportunities.
  • Increase funding to NGOs that provide services and legal assistance to victims.
  • Ensure that assistance and services are specialized and meet the specific needs of women victims of violence.

• Take steps to remove the stigma and barriers to accessing institutional protection and the right to justice for victims of domestic violence and violence against women and based on gender.

• Conduct awareness-raising campaigns about the nature of domestic violence and the power dynamics associated with gender.

• Strengthen judicial mechanisms to ensure trauma-based, victim-based, and gender-based lenses to the investigation and sanctions of violence against women, such as the crimes of femicide and domestic violence.

• Develop comprehensive tools to estimate the risk of serious harm, escalation of violence and homicide in domestic violence cases, and put in place procedures to minimize this risk.

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1The 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 from 2018 to 2023 (hereinafter referred to as “Interviews conducted by The Advocates 2018 to 2023”) Some details have been removed to maintain confidentiality and to protect the identities of clients and their families. Information has been used with permission of the impacted individuals.


8 Interviews conducted by The Advocates (2018 to 2023).

9 Interviews conducted by The Advocates (2018 to 2023).


13 Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Mexico Addendum*, (February 12, 2019), U.N. Doc. A/HRC/40/8/Add. 1, ¶ 132.89 Establish an effective and independent mechanism to combat impunity, with a mandate to investigate atrocity crimes, human rights violations and related acts of corruption (Denmark); 132.101 Continue with its efforts to fight corruption and impunity, as well as human trafficking (Nigeria); 132.95 Intensify efforts to combat corruption and organized crime, including human trafficking and drug trafficking (Belarus)


15 Interviews conducted by The Advocates (2018 to 2023).

16 Interviews conducted by The Advocates (2018 to 2023).

17 Interviews conducted by The Advocates (2018 to 2023).


23 Congreso General de los Estados Mexicanos, Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (Ultima Reforma DOF 08-05-2023), Diario Oficial de la federación, art.1. Also available at: https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVVLV.pdf
Consejo de los Estados Mexicanos, Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (Última Reforma DOF 08-05-2023), Diario Oficial de la federación, art.6. Available online at: https://www.diputados.gob.mx/LeyesBiblio/pdf/LGAMVLC.pdf


Senado de los Estados Unidos Mexicanos, Proposiciones de ciudadanos legisladores: con punto de acuerdo, por el que se exhorta a la Primera Sala De La Scjn a informar el cumplimiento de la resolución emitida del amparo directo 534/2013 y al gobernador el estado de méxico a atender dicha resolución, respecto al feminicidio de Mariana Lima Buendía; que presenta el Senador Luis Sánchez Jiménez a nombre de la Diputada Roxana Luna Porquillo, del grupo parlamentario del PRD, 24 Jun. 2015 (Gaceta Parlamentaria, LXII/3SPR-10-1743/55703, also available online at https://www.senado.gob.mx/65/gaceta_comision_permanente/documento/55703.

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Ann Deslandes, Why has AMLO Accuses USAID of a “Coup Against Mexico?”, Foreign Policy, Jun. 5, 2021, also available online at: https://foreignpolicy.com/2021/06/05/why-has-amlo-accused-usaid-of-a-coup-against-mexico-elections/.


