

# **MEXICO 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Andres Manuel Lopez Obrador of the National Regeneration Movement party coalition won the presidential election in July 2018 in generally free and fair multiparty elections and took office in December 2018. Citizens also elected members of the Senate and the Chamber of Deputies, governors, state legislators, and mayors.

The National Guard, state, and municipal police are responsible for enforcing the law and maintaining order. The National Guard, which began operations in June 2019, is a civilian institution reporting to the Secretariat of Public Security and Civil Protection. On December 31, 2019, the Federal Police was disbanded, and on May 4, all remaining assets and personnel were transferred to the National Guard. The bulk of National Guard personnel are seconded from the army and navy and have the option to return to their services after five years. State preventive police report to state governors, while municipal police report to mayors. The Secretariat of National Defense and Secretariat of the Navy also play a role in domestic security, particularly in combating organized criminal groups. The constitution was amended in 2019 to grant the president the authority to use the armed forces to protect internal and national security, and courts have upheld the legality of the armed forces' role in law enforcement activities in support of civilian authorities through 2024. The National Migration Institute, under the authority of the Interior Secretariat, is responsible for enforcing migration law and protecting migrants. Although authorities generally maintained effective control over the security forces, there were instances in which security force elements acted independently of civilian control. Members of security forces committed some abuses.

Significant human rights issues included: reports of the involvement by police, military, and other government officials and illegal armed groups in unlawful or arbitrary killings and forced disappearance; torture by security forces; harsh and life-threatening prison conditions in some prisons; arbitrary arrest and lengthy

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pretrial detention; violence against journalists and human rights defenders; serious acts of corruption; impunity for violence against women; violence targeting persons with disabilities and lesbian, gay, bisexual, transgender, and intersex persons; and the existence of the worst forms of child labor.

Impunity and extremely low rates of prosecution remained a problem for all crimes, including human rights abuses. The government's federal statistics agency estimated 94 percent of crimes were either unreported or not investigated. There were reports of some government agents who were complicit with international organized criminal gangs, and there were low prosecution and conviction rates in these abuses.

Organized criminal elements, including local and transnational gangs, and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, bribery, intimidation, and other threats, resulting in high levels of violence, particularly targeting vulnerable groups. The government investigated and prosecuted some of these crimes, but the vast majority remained in impunity.

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

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

There were several reports government entities or their agents committed arbitrary or unlawful killings, often with impunity. The National Human Rights Commission (CNDH) is responsible for independently investigating security force abuses, including killings, and can issue formal recommendations for prosecution. State human rights commissions investigate state police forces and can issue similar recommendations. State and federal prosecutors are independent of the executive branch and have the final authority to investigate and prosecute security force abuses. Organized criminal groups were implicated in numerous killings, acting with impunity and at times in collusion with corrupt federal, state, local, and

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security officials.

On May 4, Giovanni Lopez died in police custody after police allegedly beat him for three hours. Municipal police officers from Ixtlahuacan de los Membrillos, Jalisco, arrested Lopez for resisting arrest and transported him to their precinct after witnesses said he intervened when police attempted to arrest his neighbor. On June 5, the governor announced three municipal police officers had been arrested for Lopez' death.

On July 3, the newspaper and website *El Universal* presented a video of soldiers in Nuevo Laredo, Tamaulipas, which showed them approaching a truck after a gun battle with suspected cartel members. One of the soldiers discovered a combatant still alive and subsequently received orders to kill the wounded person. A total of 12 persons died in the encounter: nine suspected cartel members who allegedly initiated the gun battle with the army patrol and three bound and gagged kidnapped victims the cartel members were transporting in their trucks when the firefight broke out. The Prosecutor General's Office and the Secretariat of National Defense launched separate investigations into the incident.

As of September the six federal police agents accused of murder and attempted murder of 16 unarmed civilians in Apatzingan, Michoacan, in 2015 remained in pretrial detention, pending conclusion of the trial.

Environmental activists, the majority from indigenous communities, continued to be targets of violence. In January, Homero Gomez, an indigenous and environmental rights defender, went missing and was later found dead (see section 6, Indigenous People). As of October 15, no suspects had been arrested.

Criminal organizations carried out widespread killings and other illegal activities throughout the country. On April 3, a clash between La Linea cartel and the Sinaloa cartel left 19 persons dead in Madera, Chihuahua.

### **b. Disappearance**

There were reports of numerous forced disappearances by organized crime groups, sometimes with allegations of state collusion. In its data collection, the government often merged statistics on forcibly disappeared persons with missing

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persons not suspected of being victims of forced disappearance, making it difficult to compile accurate statistics on the extent of the problem.

Investigations, prosecutions, and convictions for the crime of forced disappearance were rare. According to the Attorney General's Office, from October 2013 to August 2018, courts issued eight convictions and 17 acquittals for forced disappearance, and another 18 sentences were in the appeals process.

At the federal level, the Specialized Prosecutor's Office for Forced Disappearances was investigating 980 cases of disappeared persons, while other federal offices were investigating 1,000 additional cases as of August, according to the human rights organization SERAPAZ. Some states made progress investigating this crime. From January to July 2019, prosecutors in Veracruz State opened 573 investigations into disappearances, but family members alleged the prosecutors undercounted the actual number of cases.

In February a federal judge in Monterrey sentenced five marines to 22 years in prison and ruled the secretary of the navy should publicly apologize for the 2013 forced disappearance of Armando Humberto del Bosque Villarreal in Colombia, Nuevo Leon. Hunters found the body of del Bosque in a forest outside the naval base two months after he disappeared. The sentences were the first against the armed forces in Nuevo Leon. On December 2, a judge reversed the sentence for failures in the formulation of the accusation, finding that the marines should have been tried according to the General Law on Forced Disappearances of Persons approved in 2017 and not the federal penal code, which was repealed with the passing of the previous rule.

The federal government and states continued to implement the 2017 General Law on Forced Disappearances. By December all 32 states had met the requirement to create state search commissions, according to the National Search Commission (CNB). Through a nationwide assessment process, the CNB revised the government's official number of missing or disappeared persons repeatedly during the year as additional data became available. As of December the CNB reported there were 79,658 missing or disappeared persons in the country. Some cases dated back to the 1960s, but the vast majority occurred since 2006. The year 2019 had the second-highest number of cases on record, with 8,345 reported missing or

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disappeared, up from 7,267 cases reported in 2018. Nongovernmental organizations (NGOs) commended the government for providing a more accurate accounting and urged the government to strengthen efforts to investigate and prosecute cases.

Nationwide, the CNB reported the exhumation of the remains of at least 2,361 persons in 1,413 clandestine graves between December 1, 2018, and November 30, 2020. In July the CNB reported that between January 2006 and June 2020, officials located 3,978 clandestine graves and exhumed 6,625 bodies. The same report noted that between December 1, 2018, and November 2020, of the 894 bodies identified, 506 were returned to families.

In July the CNB launched a public version of the National Registry of Disappeared and Missing Persons. Between January and June, it received 5,905 reports of missing persons and located 3,078 alive and 215 deceased. In December 2019 the government created the Extraordinary Mechanism for Forensic Identification to bring together national and international forensic experts to help identify 37,000 unidentified remains held in government facilities, but as of September it was not fully operational.

During the year the government raised the CNB's budget to \$32.8 million, a 55 percent increase over the 2019 budget. Nonetheless, according to NGOs, the state search committees often lacked the human and financial resources to fulfill their mandate. For example, those in Campeche, Sonora, Tabasco, and Tlaxcala had fewer than five employees on staff, according to an NGO assessment of human rights in the country. Civil society and families of the disappeared stated the government's actions to prevent and respond to disappearances were largely inadequate and lacked sufficient resources to address the scale of the problem.

On June 26, the bodies of 14 persons were found in Fresnillo, Zacatecas. The state prosecutor general's office transferred the remains to the Zacatecan Institute of Forensic Sciences, but as of October no arrests had been made.

Jalisco disappearances data remained under scrutiny as more mass graves were discovered. The NGO Mexican Center for Justice for Peace and Development criticized Jalisco's recordkeeping practices for complaints related to disappeared

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persons, accusing the Jalisco Prosecutor General's Office of lacking a methodology for data collection and not being transparent in information sharing. The NGO tallied 2,100 unsolved disappearances from July 2019 to August 2020 (and 9,286 persons unaccounted for overall since the 1960s). The Jalisco Prosecutor General's Office and the Jalisco Forensics Institute were unable to process increasing numbers of cases, with dozens of sets of human remains discovered during the year.

In November authorities announced the discovery of 113 bodies in a mass grave in El Salto, Jalisco. As of December relatives were able to identify 30 of the bodies. Another mass grave was being excavated in Ixtlahuacan de los Membrillos, Jalisco, where 25 bodies were found.

The federal government created a National System for the Search of Missing Persons as required by law but as of August had not established the required National Forensic Data Bank. The Prosecutor General's Office owned a previous genetics database, which consisted of 63,000 profiles, and was responsible for the new database. The previous platform lacked interconnectivity between states and failed to connect family members effectively to the remains of their missing relatives.

Investigations continued into the disappearances of 43 students from the Ayotzinapa Rural Teachers' College in Iguala, Guerrero, in 2014. Victims' relatives and civil society continued to criticize handling by the Attorney General's Office of the original investigation, noting there had been no convictions related to the disappearances of the 43 students. On July 7, the Prosecutor General's Office announced forensic scientists at the University of Innsbruck conclusively identified the remains of one of the 43 disappeared students, Christian Alfonso Rodriguez Telumbre. This was the first identification made in the case in more than five years.

In June 2019 the Prosecutor General's Office created the Special Unit for the Investigation and Litigation of the Ayotzinapa case. As of October the unit brought charges against former officials for failing to conduct an adequate investigation and using torture to coerce confessions but had not charged anyone

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for the disappearances of the students.

In March a federal judge issued an arrest warrant for Tomas Zeron, who led the investigation of the case by the former criminal investigations unit in the Attorney General's Office at the time of the students' disappearances. Zeron was wanted on charges related to his conduct of the investigation, including torturing alleged perpetrators to force confessions, conducting forced disappearances, altering the crime scene, manipulating evidence, and failing to perform his duties. He was believed to be in Israel, and the government requested that the Israeli government issue an arrest warrant and extradite him.

Also in March a federal judge issued arrest warrants against four government officials and a marine for torturing detainee Carlos Canto Salgado and obstruction of justice in the investigation of the Ayotzinapa case. In June the Prosecutor General's Office arrested Jose Angel Casarrubias, also known as "El Mochomo," a leader of the Guerreros Unidos cartel that allegedly collaborated with security forces to disappear the students. A judge later ordered his release due to lack of evidence, but the Prosecutor General's Office detained him again shortly thereafter on separate organized-crime-related charges. As of September the Prosecutor General's Office detained the head of the Federal Investigative Police, Carlos Gomez Arrieta, who handed himself in, and another high-level official, Blanca Alicia "N" from the Public Ministry, who allegedly tampered with evidence. On November 12, authorities arrested Captain Jose Martinez Crespo, the first arrest of a soldier in the case and one of the officers in charge of the army battalion in Iguala the night of the disappearances. Prosecutors charged him with forced disappearance and colluding with the Guerrero Unidos cartel. By December the Federal Prosecutor's Office had requested 101 arrest warrants related to the case, of which 63 were issued and 47 carried out, leading to 78 arrests.

In August 2019 a judge dismissed charges against Gildardo Lopez Astudillo for his alleged role in the Ayotzinapa case after finding the evidence collected against him was obtained through torture and arbitrary detention. The Prosecutor General's Office appealed the dismissal, and as of October the decision was pending.

As of November no alleged perpetrators of the disappearances had been convicted, and 78 of those initially accused were released due to lack of evidence, generally

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due to irregularities in their detention, including confessions obtained through torture.

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

Federal law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, as well as the admission of confessions obtained through illicit means as evidence in court. Despite these prohibitions, there were reports of security forces torturing suspects.

In November 2019 the NGO Mexican Commission for the Defense and Promotion of Human Rights released a 12-year study on torture, which registered 27,342 investigations from 2006 to 2018. There were 10,787 federal investigations and 16,555 state-level investigations, of which 50 resulted in sentences, 15 of which were later exonerated.

Between January and August 20, the CNDH registered 25 complaints of torture and 132 for arbitrary detention. The majority of these complaints were against authorities in the Prosecutor General's Office, Federal Police, Interior Ministry, and the navy. As of April, 20 of 32 states had specialized prosecutor's offices for torture as called for by law.

On July 27, Adolfo Gomez was found dead in his jail cell in Chiapas. Authorities declared Gomez hanged himself, but his family said his body showed signs of torture. Gomez was arrested with his wife Josefa in an operation that authorities stated uncovered a trafficking ring of 23 children, but later evidence showed the children were all members of the same extended family and were with their relatives. In August the Chiapas State Prosecutor General's Office confirmed Gomez committed suicide and announced the arrest of the director and two penitentiary center employees accused of flagrant omission in their duty of care. The accused were released shortly after.

Impunity for torture was prevalent among the security forces. NGOs stated authorities failed to investigate torture allegations adequately. As of January 2019 the Prosecutor General's Office was investigating 4,296 torture-related inquiries



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under the previous inquisitorial legal system (initiated prior to the 2016 transition to an accusatorial system) and 645 investigations under the accusatorial system. A 2019 report by the Prosecutor General's Office stated it brought charges in one torture case during that year. The Office of the UN High Commissioner for Human Rights (OHCHR) signed an agreement with the government in April 2019 to provide human rights training to the National Guard, but as of October the OHCHR reported no training had been carried out.

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

Conditions in prisons and detention centers were often harsh and life threatening.

**Physical Conditions:** According to the Federal Prison System, as of June there were 210,287 inmates in 295 state and federal facilities with a designed capacity of 221,574. Some prisons were undersubscribed while others were overcrowded. According to online media *El Economista*, 46 percent of prisoners shared a cell with five or more other inmates and 13 percent shared a cell with 15 or more inmates. The state of Baja California had the highest number of overcrowded cells.

The CNDH's 2019 *National Diagnostic of Penitentiary Supervision* reported that state prisons were understaffed and suffered from poor sanitary conditions as well as a lack of opportunities for inmates to develop the skills necessary for social reintegration. The report singled out Guerrero, Tamaulipas, and Veracruz as the states with the worst prison conditions. The CNDH noted significant understaffing at all levels in federal prisons, which affected access to programs, activities, and medical services and promoted segregation of inmates.

Organized criminal groups reportedly continued to oversee illicit activities from within penitentiary walls. The National Prison Administration reported that during an enforcement operation from May to July, it detected nearly 15,000 cell phones in use in 21 prisons around the country and cancelled 16,500 cell phone numbers. On February 20, authorities transferred 27 inmates from Nuevo Laredo's state prison to Altamiro Federal Prison, according to the Ministry of Public Security in Tamaulipas. This followed an earlier transfer of seven prisoners from Nuevo Laredo to federal prison on January 29. Experts believed the transfers were likely

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an attempt to break cartel control of Nuevo Laredo's prisons.

According to civil society groups, migrants at some detention centers faced abuse when commingled with gang members and other criminals.

As of August 17, a total of 2,686 prisoners had contracted COVID-19, 263 had died of the disease, and 3,755 were released to prevent further contagion, according to the NGO Legal Assistance for Human Rights. In response to a civil society organization lawsuit, a Mexico City court ruled authorities must implement COVID-19 detection and preventive health protocols for detainees and their families in prisons in Mexico City and psychiatric wards nationwide. As of September only three states had complied with all or nearly all the court-mandated health measures, according to the NGO Documenta.

The CNDH, in its report on COVID-19 measures in holding facilities, found most detention facilities could not comply with social distancing measures or several other health recommendations due to lack of space, personnel, or equipment.

NGOs alleged the National Migration Institute (INM) failed to take effective steps to stop the spread of COVID-19 among migrants. After initial criticism the INM released or repatriated migrants in its detention facilities to mitigate the spread of infection.

**Administration:** Authorities did not always conduct investigations into credible allegations of mistreatment. In September the NGOs Citizens in Support of Human Rights and Human Rights Watch sent a letter to the governor of Nuevo Leon urging investigations into reports of abusive conditions in the state's prisons as well as the deaths of three inmates during the year. The NGOs noted only one of the three deaths was being investigated. As of October the governor had not responded to the letter.

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

In January more than 20 NGOs and international organizations stated the INM denied them entry to migratory stations to access migrants who arrived in a

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caravan on January 18-21, preventing independent oversight and denying information to the NGOs. The INM resumed granting access after public criticism.

**Improvements:** Federal and state facilities continued to seek or maintain international accreditation from the American Correctional Association. As of August, six state facilities received accreditation, raising the total number of state and federal accredited facilities to 98. The six states demonstrated compliance with numerous standards, including written policies and procedures ensuring continual staff training and increased accountability of staff and inmates.

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

Federal law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government sometimes failed to observe these requirements. Between January and August, the CNDH recorded 132 complaints of arbitrary detention.

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

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person's involvement in a crime, such as having witnessed the commission of a crime. In a 2018 report, Mexico Evalua, a domestic think tank, determined 90 percent of all arrests fell under this category. This arrest authority, however, is applicable only in cases involving serious crimes in which there is risk of flight. Bail is available for most crimes, except for those involving organized crime and a limited number of other offenses. In most cases the law requires detainees to appear before a judge for a custody hearing within 48 hours of arrest, during which authorities must produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects up to 96 hours before they must seek judicial review.

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

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of the accusatorial justice system, however, there was a significant reduction in the number of persons detained in this manner, falling from more than 1,900 in 2011 to 21 in 2018.

Some detainees complained of a lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally failed to provide impoverished detainees access to counsel during arrests and investigations as provided for by law, although the right to public defense during trial was generally respected. Authorities held some detainees under house arrest.

**Arbitrary Arrest:** Allegations of arbitrary detentions persisted throughout the year. The Inter-American Commission on Human Rights (IACHR), the UN Working Group on Arbitrary Detention, and NGOs expressed concerns regarding arbitrary detention and the potential for it to lead to other human rights abuses.

The Jalisco State Commission for Human Rights reported at least 118 complaints against police for arbitrary detention, forced disappearance, and abuse of power after statewide protests on June 4-9 following the death of Giovanni Lopez, who died in municipal police custody in Ixtlahuacan de los Membrillos.

**Pretrial Detention:** Lengthy pretrial detention was a problem, and authorities did not always release promptly those detained unlawfully. The accusatorial justice system allows for a variety of pretrial measures, including electronic monitoring, travel restrictions, and house arrest, that reduced the use of the prison system overall, including the use of pretrial detention. The law provides time limits and conditions on pretrial detention, but federal authorities sometimes failed to comply with them, since caseloads far exceeded the capacity of the federal judicial system. Violations of time limits on pretrial detention were endemic in state judicial systems. The OHCHR documented cases in the states of Mexico and Chiapas in which detainees remained for more than 12 years in pretrial detention. A constitutional reform passed in February 2019 increased the number of crimes for which pretrial detention is mandatory and bail is not available, including armed robbery, electoral crimes, fuel theft, and weapons possession.

Reports indicated women suffered disproportionately from pretrial detention. As

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of June, 54 percent of women in federal prison and 46 percent in municipal and state prisons were in pretrial detention, while 39 percent of men in the federal and local judicial system were in pretrial detention, according to a report from the Secretariat of Security and Civilian Protection. In October authorities announced they would comply with the recommendation of the OHCHR's Working Group on Arbitrary Detention and release Brenda Quevedo Cruz, who had spent 11 years in prison without trial. Quevedo Cruz remained in detention at year's end.

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

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

### **Trial Procedures**

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

Under the accusatorial system, judges conduct all hearings and trials and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in most categories of crimes. Defendants have the right to an attorney of their choice at all stages of criminal proceedings. By law attorneys are required to meet professional qualifications to represent a defendant. Not all public defenders were qualified,

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however, and often the state public defender system was understaffed. The administration of public defender services was the responsibility of either the judicial or the executive branch, depending on the jurisdiction. According to the Center for Economic Research and Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

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

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

On July 29, legislators approved a law making all judicial sentences public. The increased transparency could discourage discriminatory and arbitrary sentences, according to various NGOs.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

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

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

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

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government legally collected biometric data from migrants.

According to the NGO Freedom House, “Researchers continued to document cases of journalists, human rights lawyers, activists, and political figures targeted with Pegasus spy software. After denying they existed, in February 2019 the Prosecutor General’s Office provided evidence of Pegasus licensing contracts in 2016 and 2017.” Freedom House also reported that by March 2019 Citizen Lab and domestic NGOs had documented at least 25 cases of journalists, human rights lawyers, activists, and political figures being targeted with the Pegasus software, which is sold exclusively to governments. A 2019 study by WhatsApp and the University of Toronto’s Citizen Lab found the government continued to use Pegasus.

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

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

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

**Freedom of Speech:** Journalists could criticize the government and discuss matters of general interest with no restrictions. Politicians publicly discredited and criticized such journalists, however.

On July 16, more than 80 Baja California journalists signed a letter to the CNDH denouncing Governor Jamie Bonilla’s verbal attacks against the newspaper *La Voz de la Frontera*, newspaper *Reforma* correspondent Aline Corpus, the regional magazine *Semanario Zeta*, and its director Adela Navarro.

Sanjuana Martinez Montemayor, the director of NOTIMEX, the government’s news agency, ordered journalists to eliminate or not publish content about certain government institutions and officials, according to the newspaper *Aristegui News*,

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the digital media *Signa Lab*, and the NGO Article 19.

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views without restriction but often self-censored due to fear of reprisal. Journalists in Nogales, Sonora, said they were aware of unspoken red lines in covering organized crime and that crossing lines, such as mentioning the name of an alleged assailant, could result in personal harm.

**Violence and Harassment:** Journalists were killed or subjected to physical and cyberattacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) in response to their reporting. This limited media's ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. High levels of impunity, including for killings or attacks on journalists, resulted in self-censorship and reduced freedom of expression and the press.

Perpetrators of violence against journalists acted with impunity, consistent with high levels of impunity for all crimes. The NGO Article 19 reported that as of December 2019, the impunity rate for crimes against journalists was 99 percent. According to Article 19 and media reporting, as of December, six journalists had been killed because of their reporting.

From January to June, Article 19 documented 406 attacks against journalists and media, a 45 percent increase from the same period in 2019. According to Article 19, between January and June, journalists reported 40 death threats, 91 cases of intimidation or harassment, and 47 physical attacks. Public officials carried out 199 of the recorded attacks, according to Article 19. The NGO recorded 68 attacks carried out by public officials against journalists and media outlets reporting on COVID-19.

Since its creation in 2010, the Office of the Special Prosecutor for Crimes against Journalists, a unit in the Prosecutor General's Office, secured 19 convictions for various related crimes out of 1,311 cases of attacks against journalists. In 2019, 43 percent of physical attacks against journalists originated with public officials. Although 75 percent of those came from state or local officials, federal officials and members of the armed forces were also suspected in 7 percent of attacks



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against journalists, according to Article 19's 2018 report. In March the Interior Ministry recognized government authorities perpetrated attacks against the press.

On August 20, Juan Nelcio Espinosa, an independent journalist in Piedras Negras, Coahuila, died while in police custody. Reports indicated he was detained with a colleague on charges of alleged violence against security forces. The Coahuila State Prosecutor General's Office reported the journalist experienced breathing problems and was taken to a hospital, where he was pronounced dead. Espinosa's family accused police of killing him and said police had previously threatened him.

Between 2012 and April 2020, the National Mechanism to Protect Human Rights Defenders and Journalists received more than 1,200 requests for protection for journalists and human rights defenders. As of June, 398 journalists were beneficiaries of Mechanism protection. Since 2018, seven journalists under Mechanism protection had been killed.

In early August, Pablo Morrugares, journalist and director of the digital news portal *PM Noticias*, which carried out investigations on criminal operations in Guerrero, was shot and killed by armed men in a restaurant in Iguala. He had received threats since 2015, and the state issued protective measures. The police officer assigned to guard him was also killed in the attack. Hours earlier he reported Tlacos, an organized crime group, was responsible for a recent spate of killings.

**Censorship or Content Restrictions:** Human rights groups reported some state and local governments censored media. Journalists reported altering their coverage due to a lack of protection from the government, attacks against members of media and newsrooms, and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship due to threats from criminal groups and government officials.

In 2018 Article 19 reported the government, despite reductions in its advertising budgets, continued to have a strong financial impact and influence on the largest media companies. According to Article 19, no information was available concerning the criteria through which the government chooses media outlets for

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public advertising.

**Libel/Slander Laws:** There are no federal criminal laws against defamation, libel, or slander; however, eight states have criminal laws on these acts. In Baja California Sur, Guanajuato, Michoacan, Nayarit, Nuevo Leon, and Yucatan, the crime of defamation is prosecuted, with penalties ranging from three days to five years in prison and fines ranging from five to 500 days of minimum salary for committing defamation or slander, both considered “crimes against honor.” Slander is punishable under the criminal laws of the states of Campeche, Colima, Guanajuato, Michoacan, Nayarit, Nuevo Leon, Sonora, Yucatan, and Zacatecas, with sentences ranging from three months to six years in prison and monetary fines. In July 2019 the state of Hidalgo abrogated the slander law. Five states have laws that restrict the publishing of political caricatures or “memes.” These laws were seldom applied.

In addition to criminal libel and defamation laws, civil law defines “moral damage” as similar to defamation, concerning harm to a person’s “feelings, affections, beliefs, dignity, honor, reputation, and privacy,” according to the NGO Committee to Protect Journalists. A 2016 ruling by the Supreme Court removed the cap on fines for moral damages, leaving journalists vulnerable to exorbitant fines. In January a Mexico City court ordered academic Sergio Aguayo, a columnist of the daily newspaper *Reforma*, to pay a fine of \$530,000 in moral damages to former Coahuila governor Humberto Moreira. On July 29, the Supreme Court agreed to analyze the case but as of October had not issued a ruling.

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

On August 22, a federal judge sentenced Juan Carlos “El Larry” Moreno Ochoa to 50 years in prison for the 2019 killing of Miroslava Breach, a prominent

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newspaper correspondent who reported on organized crime and corruption.

The threat against journalists by organized crime was particularly high in Guerrero. Journalists in Iguala, Guerrero, received messages through social networks, such as Facebook and WhatsApp, from unknown contacts, threatening them and their families, according to Article 19. Following the August 2 killing of Pablo Morrugares, the *El Diario de Iguala* newspaper published a note blaming organized crime and Governor Hector Astudillo Flores' administration for violence against journalists and impunity. On August 4, attackers fired multiple shots at the building housing the printing facilities of *El Diario de Iguala*.

### Internet Freedom

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2019 *Freedom on the Net* report categorized the country's internet as partly free, noting concerns about online manipulation tactics, high levels of violence against digital reporters, and investigations surrounding abusive surveillance practices. The report noted political partisans launched social media campaigns against journalists who criticized President Lopez Obrador's daily livestreamed press conferences.

A trend on social media also saw public officials blocking critical journalists and media from following their social media accounts. In March 2019, however, the Supreme Court ordered the Prosecutor General of Veracruz to unblock and allow a journalist to follow his Twitter account.

Article 19 noted that according to Google Transparency reports between 2012 and June 2018, the executive and judiciary branches filed 111 requests to remove content from the web, including two instances in which the reason cited was "criticism of government."

Digital media journalists covering stories such as crime, corruption, and human rights violations experienced physical violence and online abuse. Online discrimination, harassment, and threats were problems particularly for women journalists and politicians, as well as any individuals and organizations advocating

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for women's rights.

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

On May 12, Article 19 and ITESO, a Jesuit university in Guadalajara, published a report on attacks against journalists orchestrated by Sanjuana Martinez, director of NOTIMEX. Ten witnesses with direct knowledge of the NOTIMEX newsroom told Article 19 of the existence of a WhatsApp chat called "the Avengers N." The chat was used by the agency's executives--at the behest of Martinez--to order journalists to create fake Twitter accounts and post messages against voices critical of NOTIMEX leadership. Former NOTIMEX director of international news Manuel Ortiz said Martinez ordered him and his collaborators to attack prominent journalists who questioned the appointment of Martinez as the head of the state news agency. Article 19 noted the attacks were very serious, putting at risk the lives and careers of journalists.

Journalists who asked difficult questions of the president during the daily press conference received attacks via Twitter. Tweets disseminated their identities and their media outlets and also made veiled threats.

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

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

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

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. There were reports of security forces using excessive force against demonstrators. Twelve states have laws restricting public demonstrations. Government failures to investigate and prosecute attacks on protesters and human rights defenders resulted in impunity for these crimes,

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consistent with high impunity rates for all crimes.

On July 10, Guanajuato state police detained protesters and supporters during a protest led by women in Guanajuato. From a group of 60 protesters, state police arrested four women and a member of the Guanajuato state human rights commission. All detainees were later released. The CNDH and OHCHR condemned the excessive use of force by police.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

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

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

**In-country Movement:** There were numerous instances of armed groups limiting the movements of asylum seekers and other migrants, including by threats and acts of kidnapping, extortion, and homicide.

### **e. Status and Treatment of Internally Displaced Persons**

The NGO Mexican Commission for the Defense and Promotion of Human Rights identified 28 incidents of mass forced internal displacement due to violence in 2019 (defined as the displacement of at least 10 families or 50 individuals). These episodes took place in eight states and displaced 8,664 persons. A total of 16 of the episodes were caused by violence generated by armed organized groups, such as drug cartels. Others were caused by land conflicts, social and ethnic violence, or local political disputes. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of displaced persons. From December 2019 to September, clashes between factions of the Sinaloa cartel in and around Tepuche, Sinaloa, displaced hundreds of families. While an unknown number of persons returned, the state commission for attention to victims of crime in Sinaloa estimated 25 families

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remained displaced.

According to civil society organizations, an armed group continued to displace Tzotzil indigenous persons from their homes in Los Altos de Chiapas, placing the group at an elevated risk of malnutrition and health maladies.

### **f. Protection of Refugees**

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

**Abuse of Migrants, Refugees, and Stateless Persons:** The press, international organizations, and NGOs reported victimization of migrants by criminal groups and in some cases by police, immigration officers, and customs officials. There were numerous instances of criminal armed groups extorting, threatening, or kidnapping asylum seekers and other migrants. In September 2019 the Migrant Organizations Network (Redodem, a group of NGOs that shelter migrants) reported that in 2019, federal, state, and municipal police, as well as INM agents, committed at least 298 robbery and kidnapping crimes against migrants.

Media reported criminal groups kidnapped undocumented migrants to extort money from their relatives or force them into committing criminal acts on the groups' behalf. Particularly in locations such as Tamaulipas, the government often did not confront organized crime groups targeting migrants. In a June report, Human Rights Watch identified in Tamaulipas alone at least 32 instances of kidnapping or attempted kidnapping of migrants and asylum seekers--mostly by criminal organizations--in the three months between November 2019 and January. Those instances involved at least 80 asylum seekers kidnapped and 19 kidnapping attempts. At least 38 children were among those kidnapped or subjected to kidnapping attempts.

In July 2019 authorities arrested six police officers from the Coahuila Prosecutor General's Office and detained one on homicide charges, after the officers participated in an operation resulting in the death of a Honduran migrant. Initial police reports indicated the migrant shot at officers conducting a counternarcotics

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raid, but Coahuila prosecutor general Gerardo Marquez stated in August 2019 that no shots were fired by the migrant. Three days after the shooting, the Prosecutor General's Office determined police officer Juan Carlos (last name withheld by authorities) was likely responsible for killing the migrant and stated it would recognize the migrant as a victim and pay reparations to the family. As of November an agreement regarding compensation was pending.

**Access to Asylum:** Federal law provides for granting asylum or refugee status and complementary protection to those fleeing persecution or facing possible torture in their country of origin; this right was generally respected in practice. The government has an established procedure for determining refugee status and providing protections. The government worked with UNHCR to improve access to asylum and the asylum procedure, reception conditions for vulnerable migrants and asylum seekers, and integration in local communities (including access to school, work, and other social services) for those approved for refugee and complementary protection status.

The Secretariat of Government declared the asylum system “essential,” allowing the Mexican Commission to Assist Refugees (COMAR) to continue registering new asylum requests and processing pending claims throughout the COVID-19 crisis. From January to July, COMAR received approximately 22,200 applications for asylum. From January to August, COMAR processed an estimated 17,600 cases, including approximately 26,500 individuals.

Civil society groups reported some migration officials discouraged persons from applying for asylum. NGOs and international organizations stated INM in some instances conducted expedited repatriations without sufficient measures to assure individuals were aware of their right to claim asylum or international protection, but there was no evidence to indicate this was a systemic practice.

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

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

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suffrage.

### **Elections and Political Participation**

**Recent Elections:** International observers considered the 2018 presidential, legislative, gubernatorial, and other local elections to be generally free and fair, with only minor reports of irregularities. Local commentators pointed to the electoral authorities' quick and transparent publishing of results as increasing citizen trust in the electoral and democratic system as a whole.

**Political Parties and Political Participation:** During the electoral season (September 2017 to June 2018), 48 candidates were killed. In Guerrero, 14 candidates were killed, followed by five in Puebla. Of the victims, 12 were members of the Institutional Revolutionary Party, 10 belonged to the Party of the Democratic Revolution, seven to the National Regeneration Movement, six to the National Action Party, five to the Citizens' Movement, two to the Ecologist Green Party of Mexico, and one each to the Social Encounter Party and the Labor Party; the remainder did not have a party affiliation. As of July 2019 the killings resulted in one arrest. In comparison with the 2012 elections, there were 10 times more killings of 2018 candidates.

In October the Electoral Tribunal granted registration to three new political parties: Solitary Encounter Party, Progressive Social Networks, and Social Force for Mexico. The same tribunal rejected registration challenges from four other parties, including former president Felipe Calderon's Free Mexico Party, which the National Electoral Institute argued did not produce sufficient evidence of the origin of certain funding it received. Authorities declared 10 political parties eligible to participate in the 2021 midterm elections.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The law provides for the right of indigenous persons to elect representatives to local office according to "uses and customs" law (see section 6, Indigenous People) rather than federal and state electoral law.

In May 2019 congress unanimously approved a constitutional reform on gender parity that establishes a requirement to observe parity in the designation of public



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officials at every level (federal, state, local) in all three branches of government. The reform states the principle of gender parity should be observed in the designation of cabinet members, selection of candidates for public office by every political party, and designation of members of the judiciary. In accordance with the reform, the Senate elected Monica Fernandez president of the Senate for one year during the legislative session beginning September 1. She became the fourth woman to preside over the Senate and the first since 1999.

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

The law provides criminal penalties for corruption by officials, and the government took steps to enforce the law more effectively. In February 2019 congress approved a constitutional reform expanding the catalogue of crimes subject to pretrial detention to include acts of corruption (see section 1.d., Pretrial Detention). A 2018 constitutional reform increased the number of illicit activities for which the government may seize assets, including acts of corruption. Although by law elected officials enjoy immunity from prosecution while holding public office, state and federal legislatures have the authority to waive an official's immunity.

**Corruption:** On July 8, former governor of Chihuahua Cesar Duarte was arrested in Florida pursuant to a Mexican extradition request on charges he diverted millions of dollars in public funds.

On July 17, authorities extradited Emilio Lozoya, former director of PEMEX, the state-owned petroleum company, from Spain. As of August, Lozoya was being held on pretrial house arrest. In 2019 the Prosecutor General's Office opened a corruption investigation against Lozoya for receiving bribes in connection with the Odebrecht case. The Prosecutor General's Office also obtained an arrest warrant against Lozoya's mother, accused of money laundering, and in July 2019 Interpol agents arrested her in Germany. Lozoya accused high-level politicians of multiple parties of complicity in his corrupt acts.

As of September former social development minister Rosario Robles remained in pretrial detention pending criminal proceedings for her participation in an embezzlement scandal known as Estafa Maestra. She faced allegations of

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involvement in the disappearance of billions of pesos (hundreds of millions of U.S. dollars) allocated for welfare programs during her tenure as minister. The Prosecutor General's Office was seeking a prison sentence of 21 years.

**Financial Disclosure:** The law requires all federal- and state-level appointed or elected officials to disclose their income and assets, statements of any potential conflicts of interests, and tax returns. The Public Administration Secretariat monitors disclosures with support from each agency. Regulations require disclosures at the beginning and end of employment, as well as annual updates. The law requires declarations be made publicly available unless an official petitions for a waiver to keep the filing private. High-ranking public officials must include information related to their spouses and dependents to prevent conflicts of interest, but this information is to remain private. The Secretariat of Public Function investigated the asset declaration of Federal Electricity commissioner Manuel Bartlett Diaz. In December 2019 the result exonerated him and declared he rightfully excluded from his asset declaration the real estate and business holdings of his adult children and girlfriend.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive, with the president, cabinet officials, or both meeting with human rights organizations, such as the OHCHR, IACHR, and CNDH. Some NGOs alleged individuals who organized campaigns to discredit human rights defenders at times acted with tacit support from government officials. As of June the National Mechanism to Protect Human Rights Defenders and Journalists protected approximately 865 human rights defenders, 400 journalists, and 1,260 other individuals.

**Government Human Rights Bodies:** The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act

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on human rights violations and abuses.

In November 2019 NGOs questioned the independence of Rosario Piedra Ibarra after her election as president of the CNDH, citing her membership in the ruling political party and friendship with President Lopez Obrador.

The CNDH may call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. If the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly. It may exercise its power to call before the Senate government authorities who refuse to accept or enforce its recommendations.

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

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

### Women

**Rape and Domestic Violence:** Federal law criminalizes rape of men and women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Spousal rape is criminalized in 24 of the 32 states. There were high rates of impunity for these crimes, consistent with high impunity rates for all crimes.

On April 30, authorities arrested Jesus Guerra Hernandez, mayor of Ruiz, Nayarit, for rape of a minor. As of October 20, there was no further information on this

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case.

Federal law prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Of the 32 states, 29 stipulate similar penalties, although sentences were often more lenient. Federal law criminalizes spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced.

The Executive Secretariat of the National Public Security System reported more than 1,600 killings of women, including 375 femicides, from January to June. April set a new record with 263 killings of women in one month. The 911 hotline received almost 108,800 calls reporting incidents of violence against women from January to May, an increase of 20.5 percent over the same months in 2019. The 26,000 calls to the hotline in March (the first month of the quarantine) were the highest number since the creation of the hotline. Calls included reports of relationship aggression, sexual assault, sexual harassment, rape, and intrafamily violence. The National Shelter Network reported the network sheltered more than 12,000 women and children, a 77 percent increase, compared with 2019. Nationwide 69 shelters were at maximum capacity, a 70 percent increase, compared with 2019.

In the first six months of the year, during COVID-19 stay-at-home orders, domestic violence cases in Nuevo Laredo increased by 10 percent, according to information published by the state prosecutor's office.

In March thousands of women participated in a nationwide strike to protest gender-based violence and femicide, demanding government action. The government did not impede participation in the strike by government employees. In September feminist collectives occupied the CNDH's headquarters in Mexico City, converting it into a shelter for victims. The collectives' leaders claimed the CNDH had failed to defend women's rights and provide adequate assistance to those in need. As of December the collectives continued to occupy CNDH headquarters.

Killing a woman because of her gender (femicide) is a federal offense punishable by 40 to 70 years in prison. It is also a criminal offense in all states. The law

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describes femicide as a gender-based murder under the following seven circumstances: signs of sexual violence, previous violence, emotional connection to the perpetrator, previous threats, harassment history, victim held incommunicado prior to deprivation of life, or victim's body exposure. According to National Security Secretariat statistics, in the first eight months of the year, prosecutors and attorneys general opened 549 investigations into cases of femicide throughout the country. (Statistics from state-level reports often conflated femicides with all killings of women.) The civil society group, Movement of Nonconforming Citizens, considered 279 of these cases met one or more of these characteristics.

The Special Prosecutor's Office for Violence against Women and Trafficking in Persons in the Prosecutor General's Office is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. The office had 30 prosecutors, of whom nine were exclusively dedicated to federal cases of violence against women.

In addition to shelters, women's justice centers provided services including legal, psychological, and protective; however, the number of cases far surpassed institutional capacity. According to multiple NGOs, due to COVID-19's impact on the economy, funding sources for women's shelters decreased. The government disbursed funding in March to more than 40 shelters and 30 attention centers, but in August shelter managers reported funding was running out. As a result some NGOs consolidated shelters, limited capacity, and predicted negative long-term impacts.

**Sexual Harassment:** Federal law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage, but the law was not effectively enforced. Of the 32 states, 16 criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute, the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem. Mexico City and the states of Chihuahua, Jalisco, Puebla, and Yucatan criminalize the distribution of "revenge pornography" and "sextortion." Individuals may be prosecuted if they publish or distribute intimate images, audio, videos, or texts without the consent of

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the other party. The sentence ranges from six months to four years in prison.

**Reproductive Rights:** By law couples and individuals have the right to decide the number, spacing, and timing of their children. The right of individuals to manage their reproductive health and to gain access to information and means to do so free from discrimination, coercion, or violence varies by state.

Federal authorities supported access to contraceptive methods, but states' efforts varied widely. Barriers to accessing contraceptives stemmed from lack of knowledge, poverty, lack of access to health services, and sexual violence from family members, strangers, or friends. An Institute for Health Metrics and Evaluation study on the use of contraceptives in Chiapas (Mexico's poorest state) found older women were less likely to use family planning methods (13 percent of women ages 35 and up, versus 18 percent of women ages 20-34), while 23 percent of indigenous women opposed birth control for religious, cultural, or social reasons. The National Population Council estimated that between 2020-2021, a total of 1,172,000 women had limited access to contraceptives due to COVID-19, leading to 145,000 pregnancies (20 percent above average), including 21,000 teenage pregnancies. The National Institute of Statistics and Geography found 53 percent of women of reproductive age used modern contraception in 2018 (latest study).

By law Mexican government health providers are obliged to offer sexual and reproductive emergency health services for survivors of sexual violence within 120 hours of the sexual assault. Emergency contraception was available including for survivors of sexual assault. Nevertheless, women nationwide faced obstacles to accessing emergency services due to health providers' misunderstanding of their legal obligations to provide services or personal objections to contraception. The Information Group on Reproductive Choice NGO assisted 71 victims of rape who were denied legal abortions between 2012 and 2021.

**Coercion in Population Control:** There were no confirmed reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and

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conditions of efficiency.” The law establishes penalties of one to three years in prison or 150 to 300 days of work for discrimination based on gender, race, ethnicity, color, religion, language, pregnancy, political belief, or any other nature that violates human dignity. The government did not enforce the law effectively. Women tended to earn substantially less than men did for the same work. Women were more likely to experience discrimination in wages, working hours, and benefits.

### Children

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

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

On February 11, seven-year-old Fatima Aldrighetti Anton was abducted from school. On February 15, her body was found in a plastic bag near Mexico City, showing signs of physical and sexual abuse. On February 19, authorities arrested the couple Mario Reyes and Giovana Cruz in connection with the killing. In November a judge suspended five officials from the Mexico City Attorney General’s Office for failing to search for Fatima within 72 hours after she went missing.

**Child, Early, and Forced Marriage:** The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states. Excluding Baja California, all states prohibit marriage of persons younger than age 18 by law. With a judge’s consent, children may marry at younger ages.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs and media reported on sexual exploitation of minors, as well as child sex

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tourism in resort towns and northern border areas.

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

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

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

On May 19, the CNDH reported that children were subjected to abuses such as torture, sexual violence, and cruel, inhuman, or degrading treatment at Ciudad de los Ninos, a private institution in Salamanca, Guanajuato. Despite a 2017 injunction issued by a state district judge to prevent further grave abuses at the institution, the CNDH reported state authorities failed to supervise the conditions in Ciudad de los Ninos.

The NGO Disability Rights International reported various instances of abuse, including the use of prolonged restraints and isolation rooms for children with disabilities in both public and private institutions. According to the NGO, institutional staff in Baja California reported four children with disabilities died within days of each other with no known investigations. The NGO also reported the existence of multiple unregistered private institutions without licenses operating as orphanages.

**International Child Abductions:** The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at



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<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

### **Anti-Semitism**

The 67,000-person Jewish community experienced low levels of anti-Semitism, but there were reports of some anti-Semitic expressions through social media. Jewish community representatives reported good cooperation with the government and other religious and civil society organizations in addressing rare instances of such acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

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

In February 2019 the federal government introduced pensions for persons with disabilities in a state of poverty. As of May, of the approximately seven million persons with disabilities in the country, 837,428 persons received the pension, according to the OHCHR. On May 8, a constitutional amendment established the disability pension as a constitutional right, prioritizing children, indigenous, and Afro-Mexican persons with disabilities younger than age 64 who live in poverty.

NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions. Public buildings and facilities often did not comply with the law requiring access for persons with disabilities. The

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education system provided education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities. In October the Supreme Court of Justice agreed to hear the case of Elvia, a 10-year-old girl with disabilities. Elvia sued her school in Yucatan for failing to provide reasonable accommodation and discriminating against her. According to Elvia's legal team, this was the first case of discrimination the Supreme Court was to consider concerning a person of short stature.

Abuses occurred in institutions and care facilities housing persons with mental disabilities, including those for children. Abuses of persons with disabilities included the use of physical and chemical restraints; physical and sexual abuse; human trafficking, including forced labor; disappearance; and the illegal adoption of institutionalized children. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking. Access to justice was limited.

Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation services, privacy, and clothing; they often ate, slept, and bathed in unhygienic conditions. For example, Felipe Orozco, hospitalized multiple times for mental health conditions, reported mental health professionals from a psychiatric hospital in Puebla shackled him naked with a padlock during the nights for two and one-half weeks. As a result he was forced to urinate and defecate in his bed, according to Human Rights Watch.

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

### **Indigenous People**

The constitution provides all indigenous persons the right to self-determination, autonomy, and education. Conflicts arose from interpretation of the self-governing "normative systems" laws used by indigenous communities. Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and

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collect taxes, with limited federal or state government involvement. Communities and NGOs representing indigenous groups reported the government often failed to consult indigenous communities adequately when making decisions regarding development projects intended to exploit energy, minerals, timber, and other natural resources on indigenous lands. The CNDH maintained a formal human rights program to inform and assist members of indigenous communities.

On September 3, the federal government agreed to reparations for the government's role in the killing of 45 members of the Tzotzil tribe in Acteal, Chiapas, in 1997. Prosecutors found local government officials and police officers permitted the killings to occur and tampered with the crime scene.

Several indigenous communities denounced the government's plan to build the Mayan Train, an estimated \$7.5 billion dual cargo-passenger railroad to run across the Yucatan Peninsula, through indigenous lands. Several indigenous communities brought legal actions to oppose the construction, many of which were dismissed or denied. In December a judge suspended construction on the second section of the railroad until the conclusion of legal cases.

The CNDH reported indigenous women were among the most vulnerable groups in society. They often experienced racism and discrimination and were frequently victims of violence. Indigenous persons generally had limited access to health care and education services.

During the COVID-19 pandemic, indigenous persons faced additional hardships in accessing educational services. Due to low internet penetration and television ownership in indigenous communities, distance learning was often inaccessible. Additionally, some indigenous students did not receive the breakfasts and lunches normally included in the full-time school meal program, according to a UNESCO study.

Some 18 environmental activists were killed in 2019, compared with 14 in 2018, according to a Global Witness report. A majority of the victims came from indigenous communities.

In January prominent indigenous and environmental rights defender Homero Gomez disappeared and was later found killed. Gomez had advocated against

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illegal logging and the destruction of the Michoacan monarch butterfly habitat. As of October no arrests had been made in the case.

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

According to the OHCHR, in the first six months of the year, there were 25 hate-crime homicides committed against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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

Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public acceptance of LGBTI individuals, according to public opinion surveys. There were reports the government did not always investigate and punish those complicit in abuses, especially outside Mexico City. On July 24, Mexico City passed a local law to ban LGBTI conversion therapy. A CNDH poll conducted in 2019 found six of every 10 members of the LGBTI community reported experiencing discrimination in the past 12 months, and more than half suffered hate speech and physical aggression. In July the federal government's National Commission to Prevent Discrimination wrote a letter condemning the Roman Catholic diocese of Mexicali for inciting homophobia by calling for anti-LGBTI protests.

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

The Catholic Multimedia Center (CMC) reported criminal groups harassed priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. During the year two evangelical pastors died, one during a home invasion and the other after being kidnapped, according to the NGO Christian Solidarity Worldwide. According to the CMC, in January a group of assailants kidnapped, tortured, and attempted to kill a priest in Puebla. Another Catholic priest received death threats against himself, his family, and his

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congregation from a presumed cartel member to pressure the priest into accepting the cartel's authority, according to the CMC. Government officials stated the harassment of Catholic priests and evangelical Protestant pastors reflected high levels of generalized violence throughout the country and not targeted attacks based on religious faith.

### **Section 7. Worker Rights**

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

The government continued its efforts to strengthen freedom of association protections, promote union democracy, and improve the ability of workers to bargain collectively. In May 2019 President Lopez Obrador signed into law the most comprehensive labor law reforms in more than 100 years. The reforms provide the right for workers freely and independently to elect union representatives and approve or reject collective bargaining agreements before they are registered. The reforms ban the registration of collective bargaining agreements known as “protection contracts,” which were often negotiated and signed without the knowledge of workers and undermined genuine collective bargaining. The reform calls for the creation of independent labor courts to replace the system of Conciliation and Arbitration Boards (CABs) that favor corporatist unions in the resolution of disputes and facilitated the registration of protection contracts. In addition to a more impartial and streamlined judicial process for labor disputes, the reform transfers the registration of unions and collective bargaining agreements from the CABs to an independent Federal Conciliation and Labor Registration Center. The Federal Center also is to carry out conciliation functions at the federal level, and local conciliation centers are to do so at the state level. The reform establishes a four-year timeline for implementation designed to end May 1, 2023. The government demonstrated its prioritization of labor reform through its commitment of budgetary resources, establishment of a rigorous internal implementation schedule, and regular issuance of implementing regulations to bring the new law into force.

The government announced it would implement the labor reforms in a phased manner, with the new entities scheduled to be fully operational in the first eight states by November 18. Phase two is scheduled to be completed by October 1,

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2021, with 13 states, and phase three is to be concluded on May 1, 2022, for the remaining states. Unions began amending their statutes in August 2019 to require secret ballot elections to approve collective bargaining agreements and union leaders, as mandated under the reform. As of April, 12 percent of active unions under local jurisdiction had registered their amended statutes with the CABs, compared with 85 percent of unions with active federal registrations with the Secretariat of Labor and Social Welfare (STPS). Responsibility for registration of the amendments shifted to the Federal Conciliation and Labor Registration Center when it began operations on November 18. The deadline for unions to amend and register their statutes, originally set to expire in May, was suspended due to COVID-19. Once the STPS and CABs resume their registration function, unions were expected to have up to 45 days to amend their statutes.

The STPS also began the four-year process of having workers review and vote on existing collective bargaining agreements, following the procedures for free and fair elections in the new labor reform. Under the reform the Federal Center must verify these votes; however, the STPS is scheduled to carry out this function until May 2021, when the Federal Center is scheduled to begin verification operations. According to the STPS, there were almost 532,500 registered workers and more than 200,000 collective bargaining agreements in the country, although many of the latter were not active and would not undergo an approval process by workers. As of June workers had reviewed and voted on 168 collective bargaining agreements with the STPS. The secretariat worked to develop more robust complaint mechanisms due to allegations of unfair labor practices during the voting process.

Federal labor law requires a minimum of 20 workers to form a union. To receive government recognition, unions and their leaders must file for registration with the Federal Center. The Federal Center and the new federal labor courts are designed to handle all matters related to collective bargaining agreements. In the 24 states not in phase one of labor reform implementation, individual labor cases are expected to be handled by the CABs until their states transition to the new system. The CABs operate under a tripartite system with government, worker, and employer representatives. Outside observers continued to raise concerns that the boards did not adequately provide for inclusive worker representation and often

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perpetuated a bias against independent unions. Worker representation on the CABs was based on majority representation, which is held by entrenched or “protection” unions, nondemocratic unions that sign “protection” contracts with complicit employers to secure low wages for workers without their knowledge. “Protection” contracts made up the vast majority of all labor contracts.

By law a union may call for a strike or bargain collectively in accordance with its own statutes. Under the labor reform, to negotiate a collective bargaining agreement, the union must first obtain a certificate of representativeness from the Federal Center demonstrating it has support from at least 30 percent of workers to be covered by the agreement. Before a strike may take place, a union must file a “notice to strike” with the appropriate CAB, or the appropriate labor court once they are operational. Workers, the employer, or an interested third party may request the CAB or court to rule on the legality of the strike, which may find the strike is “nonexistent” and therefore illegal. The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for reinstatement of workers if the CAB finds the employer fired the worker without just cause and the worker requests reinstatement; however, the law also exempts broad categories of employees from this protection, including so-called employees of confidence and workers who have been in the job for less than a year.

The government’s common failure to enforce labor and other laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor problems in states that had not yet implemented the new labor justice aspects of the reform. The CABs’ frequent failures to administer and oversee procedures related to union activity impartially and transparently, such as union elections, registrations, and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining. This responsibility shifted to the Federal Center and the labor courts in November for the eight states in phase one.

Administrative penalties established under pre-2017 law for violations of freedom of association and collective bargaining were commensurate with those for other similar laws but were rarely enforced and subject to lengthy delays and appeals. The new labor courts began taking over these cases in the first part of a phased

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rollout in parts of the country in November.

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

Strikes regarding the integrity of union elections continued following the implementation of the United States-Canada-Mexico Agreement in July. After a nine-month work stoppage in which workers at the San Rafael Mine in Cosala, Sinaloa, demanded health and safety improvements and an election to replace the company-supported union, a vote was scheduled for September. The Canadian company accused Los Mineros, the worker-preferred union, of extortion and threatened to terminate the union's investment in the mine. Workers in the strike called on the government to guarantee the integrity of the union election. Los Mineros won the vote in September, but the company rejected the results, and the closure of the mine continued.

In February workers at a General Motors factory in Guanajuato accused union leaders of being illegitimate and factory management of intimidation tactics, violations of worker rights, and unjustified layoffs, in reprisal for the workers' opposition to a collective bargaining agreement. Union leaders signed the collective bargaining agreement without the consent of the majority of the workers, according to press reports. Labor stakeholders in the country and the United States also raised concern about the arrest of and charges filed against labor activist Susana Prieto, allegedly in retaliation for her advocacy on behalf of maquiladora workers in Matamoros and Ciudad Juarez. In addition, workers dismissed in 2018 for alleged union activism at the Goodyear plant in San Luis Potosi continued to



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seek reinstatement.

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

The constitution and law prohibit all forms of forced or compulsory labor, but the government did not effectively enforce the law. While penalties for conviction of forced labor were commensurate with those for similar crimes, very few cases were successfully prosecuted. More than 36 percent of labor inspectorates in prevention and detection of trafficking in persons in agriculture did not report cases, and more than half of labor authorities did not train inspectors in trafficking in persons.

Forced labor persisted in the domestic service, child-care, manufacturing, mining, food-processing, construction, tourism, begging, street-vending, leather-goods-production, and agriculture sectors, especially in the production of chili peppers and tomatoes. Women and children were subjected to domestic servitude. Women, children, indigenous persons, persons with disabilities, LGBTI persons, and migrants (including men, women, and children) were the most vulnerable to forced labor (see section 7.c.).

Day laborers and their children were the primary victims of forced and child labor in the agricultural sector. In 2016, the most recent data available, the government's federal statistics agency (INEGI) reported 44 percent of persons working in agriculture were day laborers. Of the day laborers, 33 percent received no financial compensation for their work. Three percent of agricultural day laborers had a formal written contract.

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

Criminal groups became increasingly involved in the illegal timber trade in Chihuahua, which accounted for 70 percent of the wood consumed in the country. Drug traffickers involved in illegal logging recruited and kidnapped indigenous persons and children in isolated or displaced communities, withheld wages, forced

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them to conduct illicit activities, and often threatened death if they tried to leave.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits the worst forms of child labor. The constitution and law prohibit children younger than age 15 from working and allow those ages 15 to 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission and permission from the labor authority. The law requires children younger than 18 to complete compulsory basic education and to have a medical certificate to work. The minimum age for hazardous work, including all work in the agricultural sector, is 18. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations.

At the federal level, the Secretariat of Social Development, Prosecutor General's Office, and National System for Integral Family Development share responsibility for inspections to enforce child labor law and to intervene in cases in which employers violate such laws. The STPS is responsible for carrying out child labor inspections and refers cases of child labor to the Prosecutor General's Office for sanctions. Penalties were commensurate with other similar laws but rarely enforced.

During 2019 the government obtained convictions in 12 cases of child trafficking, established a Commission for the Protection of Migrant Children, and drafted the Plan of Action to Combat Child Labor 2019-24. The government was reasonably effective in enforcing child labor law in large and medium-sized companies, especially in the export-oriented factory (maquiladora) sector and other industries under federal jurisdiction.

Enforcement was inadequate in many small companies, agriculture, and construction, and nearly absent in the informal sector, in which most child laborers worked. Because nearly 60 percent of employment occurred in the informal sector, inspectors could not adequately investigate and deter child labor. Inspectors generally were permitted to examine the informal sector only in response to complaints. Social programs did not address all sectors of child labor.

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Children performed dangerous tasks in agriculture in the production of beans, coffee, cucumbers, eggplants, melons, onions, and tobacco, and forced child labor was present in the production of chili peppers and tomatoes. Children also produced garments, leather goods, and illicit crops, such as opium poppies, and engaged in illicit activities, such as the production and trafficking of drugs, and sexual exploitation, often as a result of human trafficking.

Underage children in urban areas throughout the country earned money by begging, washing windshields, selling small items, or performing in public places. In April 2019 authorities in Sinaloa announced they had identified 312 children who had worked in the streets of various cities. Authorities found the children had no relatives in the area and were possibly victims of human trafficking.

According to a 2017 INEGI survey, the number of employed children ages five to 17 was 3.2 million, or approximately 11 percent of children in the country. This represented a decrease from 12.4 percent of children in the 2015 INEGI survey. Of these children, 7.1 percent were younger than the minimum age of work or worked under conditions that violated federal labor law, such as performing hazardous work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> as well as the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

The constitution and law prohibit discrimination with respect to employment or occupation. Federal law specifically proscribes discrimination on the basis of ethnicity, nationality, gender, age, disability, social status, health, religion, immigration status, political opinion, sexual preference, marital status, or pregnancy. The government did not effectively enforce the law or regulations. A 2019 reform law allows all discrimination cases, including sexual harassment, to bypass formerly mandatory conciliation and proceed directly to the labor courts.

Penalties for violations of the law were commensurate with those for other similar laws. Discrimination in employment or occupation occurred against women,

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indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers. According to a 2017 INEGI survey, 12 percent of women were illegally asked to take a pregnancy test as a prerequisite to being hired. Job announcements specifying desired gender, age, marital status, and parental status were common. INEGI reported in 2017 that 23 percent of working women experienced violence in the workplace within the past 12 months and that 6 percent experienced sexual violence. The CNDH reported, however, 1 percent of cases resulted in a sanction for the perpetrator.

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

The tripartite National Minimum Wage Commission is responsible for establishing minimum salaries. In January the government raised the minimum wage. The new wage applied to all sectors and allowed an earner to reach or exceed the poverty line. Most formal-sector workers received between one and three times the minimum wage.

Federal law sets six eight-hour days and 48 hours per week as the legal workweek. Any work in excess of eight hours in a day is considered overtime, for which a worker is to receive double pay. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health (OSH) regulations, issued jointly by the STPS and Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The STPS has the authority to order labor inspections at any time in the event of labor law violations, imminent risk to employees, or workplace accidents. The number of labor inspections was not sufficient to secure compliance. Sixty percent of labor authorities at the state level had fewer than 10 inspectors. Criminal cases related to such violations were rarely carried out. Penalties for law violations regarding OSH, hours, and minimum wage were

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commensurate with those for other similar laws but were rarely enforced.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach--requiring long hours when the workload is heavy and cutting down hours when it is light--to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers through subcontracting regimes or by submitting falsified payroll records to the Mexican Social Security Institute. From September 2019 to June, federal labor inspectors carried out targeted inspections at 4,709 workplaces suspected of unlawful subcontracting practices and initiated sanction proceedings in 1,200 cases. As of October, INEGI estimated 56 percent of the workforce was engaged in the informal economy, which was an increase from May, when COVID-19 forced many persons into informal labor situations. Approximately one quarter (7.6 million persons) were employed by formal businesses or organizations but paid in cash off the books to evade taxes and social security payments.

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

Citizens hoping to obtain temporary, legal employment in the United States and other countries frequently paid recruiters hundreds or thousands of dollars in prohibited fees to secure jobs, and many prospective workers were promised jobs

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that did not exist. Allegations of abusive and fraudulent recruitment practices rarely were investigated. Although the law requires entities recruiting for overseas employment to register with the STPS, there is no enforcement mechanism, and only a handful of recruiters complied.

The situation of agricultural workers remained particularly precarious, with similar patterns of exploitation throughout the sector. Labor recruiters enticed families to work during harvests with verbal promises of decent wages and a good standard of living. Rather than receiving daily wages once a week, as mandated by law, day laborers had to meet certain harvest quotas to receive the promised wage. Wages may be illegally withheld until the end of the harvest to ensure the workers do not leave, and civil society organizations alleged workers were prohibited from leaving by threats of violence or by nonpayment of wages. Workers had to buy food and other items at the company store at high markups, at times leaving them with no money at the end of the harvest after settling debts. Civil society groups reported families living in inhuman conditions, with inadequate and cramped housing, no access to clean water or bathrooms, insufficient food, and without medical care. With no access to schools or child care, many workers took their children to work in the fields.

On August 7, indigenous agricultural workers accused agribusiness Empacadora Xipehua in Guanajuato of not paying workers their wages for six weeks, according to press reports.

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

In April 2019 the Senate unanimously approved legislation requiring paid vacation and annual bonuses for the 2.4 million domestic workers, 90 percent of whom were women. The law permits them to enroll in social security, thereby gaining access to benefits such as medical services, child care, and maternity leave.

According to data from the Mexican Social Security Institute, in 2019 there were

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approximately 200,500 workplace accidents, resulting in 285 deaths.

During the year hundreds of thousands of workers continued to work in foreign-owned factories, mainly in northern border states, producing electronics, medical equipment, and auto parts. Several outbreaks of COVID-19 resulted in multiple deaths. Some companies reportedly did not implement effective protective measures for employees, and one factory, owned by Eaton Corporation in Baja California, was operating illegally and was closed after it placed chains on its doors to prevent 800 workers from leaving.