

MEXICO 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Andres Manuel Lopez Obrador of the National Regeneration Movement won the presidential election 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 and federal, state, and municipal police are responsible for enforcing the law and maintaining order. The National Guard, created in March, is a civilian institution reporting to the Secretariat of Public Security and Civil Protection. The Federal Police are scheduled to be subsumed into the National Guard by 2020, but in the interim remain under the Public Security Secretariat and National Security Commission. The bulk of National Guard personnel consist of seconded army and navy elements that have an 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 grants the president the authority to use the armed forces for the protection of internal and national security, and the courts upheld the legality of the armed forces' role in undertaking these activities in support of civilian authorities. The National Migration Institute, under the authority of the Interior Secretariat, is responsible for enforcing migration laws and protecting migrants. Although authorities generally maintained effective control over the security forces, there were instances in which elements of security forces acted independently of civilian control.

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, forced disappearance, and torture; harsh and life-threatening prison conditions in some prisons; impunity for violence against human rights defenders and journalists; violence targeting persons with disabilities and lesbian, gay, bisexual, transgender, and intersex persons.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports government entities or their agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups were implicated in numerous killings, acting with impunity and at times in league with corrupt federal, state, local, and security officials. From 2006 to 2018, the Attorney General's Office reported 88 criminal investigations for homicide committed by a public official, resulting in the conviction of 25 persons.

In August, Genaro Vargas Ruelas was found dead while in police custody in Oxkutzcab, Yucatan State. Municipal police stated he committed suicide, but family members rejected this account, claiming Genaro's body had multiple signs of torture, including broken ribs and bruises on his back and genitalia, which did not coincide with the official autopsy report's conclusion of suicide.

As of September authorities had not investigated or made any arrests in the January 2018 killing of three persons and arbitrary arrest of 38 persons in La Concepcion, Guerrero State. On June 7, 25 persons (members of the Ejidos and Communities Council Opposed to La Parota Dam) were released after 18 months in jail when a judge ruled there was no evidence against them. The 13 other persons had already been released.

In November 2018 a court acquitted a soldier who was charged in the 2017 killing of two men in Palmarito, Puebla State.

In August the Attorney General's Office issued an arrest order for six federal police agents accused of murder, four of whom also were accused of attempted murder, in the 2015 killing of 16 unarmed civilians in Apatzingan, Guerrero State. On August 27, a district judge ruled there was sufficient evidence to keep the officers in pretrial detention until the conclusion of the trial.

After a series of appeals, in August 2018 the federal judicial branch upheld the substance of a federal court order originally handed down in 2017 and confirmed in May 2018. The order directed the Attorney General's Office to reopen the investigation into the 2014 killings of 22 civilians by members of the military in Tlatlaya, Mexico State. The order specifically called for an investigation into the

role of the chain of command and the military order to “take down criminals.” The judge ruled the federal investigation thus far had not been exhaustive, adequate, or effective.

Environmental activists continued to be targets of violence, a majority of them from indigenous communities. On February 20, gunmen shot and killed Samir Flores Soberanes, an indigenous and environmental rights activist (see section 6, Indigenous People).

Criminal organizations carried out widespread killings and other illegal activities throughout the country. On November 4, nine U.S. citizens (three women and six children) were killed by gunmen while traveling by car near the city of Bavispe, Sonora State. As of December 31, authorities had arrested seven suspects for alleged involvement in the killings, including the public security director from Janos, Chihuahua State, who oversaw the local police force.

b. Disappearance

There were reports of 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 persons not suspected of being victims of forced disappearance, making it difficult to compile accurate statistics on the extent of the problem. The National Commission of Human Rights (CNDH) registered 12 cases of alleged “forced or involuntary” disappearances through August 6.

Investigations, prosecutions, and convictions for the crime of forced disappearance were rare. According to information provided by the Attorney General’s Office, from October 1, 2013, to August 27, 2018, courts issued eight convictions and 17 acquittals for forced disappearance, and 18 sentences were in the appeals process. At the federal level, as of August 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, according to the human rights organization SERAPAZ. Some states made progress investigating this crime. In Veracruz State, from January to July 30, prosecutors opened 573 investigations into disappearances, although family members alleged prosecutors undercounted the actual number of disappeared persons cases.

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

accused of perpetrating this crime. In July, five Cuban migrants in Ciudad Juarez, Chihuahua State, filed a complaint with the National Human Rights Office that alleged federal police officers kidnapped them and extorted thousands of dollars from them.

Nationwide, the National Search Commission (CNB) reported the exhumation of the remains of at least 337 persons in 200 clandestine graves between December 1, 2018, and May 13. In August the CNB released a report stating 3,024 clandestine graves were located between 2006 and September 2019, with 4,974 bodies exhumed. The same report noted 200 bodies had been identified, with 116 of those returned to families. The CNB also reported that between February 13 and May 28, it received 481 reports of missing persons and located 15 alive and five deceased. On December 5, the government formally created an Extraordinary Mechanism for Forensic Identification to bring together national and international forensics experts to help identify 37,000 unidentified remains held in government facilities.

The federal government and several states failed to meet deadlines for implementing various provisions of the 2017 General Law on Forced Disappearances, and efforts by the federal government were insufficient to address the problem. State-level search commissions should have been established by mid-April 2018; as of September 2019, 25 of 32 states had done so. By September a total of 26 states had met the requirement to create specialized prosecutors' offices focused on forced disappearances. Only four states (Coahuila, Nuevo Leon, Veracruz, and Zacatecas) had established citizen councils as required by the law. The federal government created a National System for the Search of Missing Persons as required by the law but as of August had not established the required National Forensic Data Bank.

As of April 30, 2018, a total of 37,435 individuals were recorded as missing or disappeared, according to the National Registry of Missing Persons, up 40 percent compared with the total number at the end of 2014. The CNB shut down this registry in July 2018 as part of the process to create a new registry, which it planned to release publicly in early 2019, but it was still not operational as of September. The new database was to include more than 24,000 profiles of the relatives of the disappeared as well as information such as fingerprints, parents' names, and dates of birth of the missing persons, according to government officials.

According to media reports, the Veracruz state officials arrested in 2018 on suspicion of involvement in forced disappearances in previous years were released in August due to lack of evidence. The persons released included former state police chief Roberto Gonzalez Meza, former state attorney general Luis Angel Bravo Contreras, and more than 50 other former high-ranking Veracruz state security officials and members of the state police. Media outlets speculated the charges were politically motivated by then governor Miguel Angel Yunes, who was under investigation by the state attorney general for ordering the murder of former mayor Maricela Vallejo Orea on April 24.

As of September no charges had been filed regarding the 2018 disappearance of 23 persons in Nuevo Laredo, Tamaulipas, and none of the missing individuals had been located.

Investigations continued into the disappearance of 43 students from a teacher-training college in Ayotzinapa in Iguala, Guerrero, in 2014. Victims' relatives and civil society continued to be highly critical of the 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. The court ruled that the investigation had not been prompt, effective, independent, or impartial and ordered the government to create a special investigative commission composed of representatives of the victims, Attorney General's Office, and the CNDH. The government appealed the ruling, claiming it infringed upon the principle of separation of powers. An intermediate court upheld the appeal, and the case was before the Supreme Court for review.

On December 3, 2018, two days after his inauguration, President Andres Manuel Lopez Obrador ordered the creation of a truth commission--headed by the Interior Secretariat's undersecretary for human rights--to re-examine the disappearances of the 43 students. The Presidential Commission for Truth and Justice in the Ayotzinapa Case was formally inaugurated in January. The commission included senior officials from the Secretariat of the Interior, Secretariat of Foreign Affairs, Secretariat of Finance, and victims and the civil society organizations that legally represent them. In March the Inter-American Commission on Human Rights (IACHR) reached an agreement with the presidential commission to form a special follow-up mechanism for the case to continue monitoring progress. On April 8, the Foreign Affairs Secretariat also signed an agreement with the UN Office of the High Commissioner for Human Rights (OHCHR) to provide technical assistance to the commission.

In other developments related to the Ayotzinapa case, in June an anonymous video was released allegedly showing military and police officers torturing a detainee, Carlos Canto Salgado. The video contradicted findings from two separate investigations by the CNDH and the Attorney General's Office that determined no evidence of torture existed in Canto's case. As of September none of the individuals in the video--including Carlos Gomez Arrieta, then head of the Federal Investigative Police; Ezequiel Pena Cerda, a federal police officer; or Ariel Castillo Reyes, from the Secretariat of the Navy (SEMAR)--had been charged.

In June the Attorney General's Office created the Special Unit for the Investigation and Litigation of the Ayotzinapa Case, in compliance with a May 2018 federal court ruling that called for the government to rectify irregularities in the Attorney General's Office's original investigation of the case. Omar Gomez Trejo, an experienced lawyer and human rights expert, was appointed as head of the new unit.

On August 30, 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. He was one of the main suspects in the case, according to prosecutors at the time, and the government claimed he confessed to his involvement after his initial detention. As of September none of the alleged perpetrators of the disappearances had been convicted, and the majority of those initially accused had been released from detention on the grounds their confessions were 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.

As of June the CNDH registered 20 complaints of torture. The majority of these complaints were from the states of Tamaulipas, Mexico, and Veracruz, and also Mexico City; federal police and Attorney General's Office officials were accused as the responsible parties in most torture cases. As of March only 15 of 32 states had specialized prosecutor's offices for torture as called for by law.

As of January the Attorney General's Office was investigating 4,296 torture-related inquiries under the previous inquisitorial legal system (initiated prior to the 2016 transition to an accusatorial system) and 645 investigations under the accusatorial system. Federal courts handed down 45 convictions between 2013 and 2018.

On July 31, authorities arrested six police officers from the Coahuila prosecutor general's office and detained one on homicide charges, after they participated in an operation resulting in the death of a Honduran migrant. Initial police reports indicated the migrant shot at officers conducting a counternarcotics raid, but Coahuila prosecutor general Gerardo Marquez stated on August 8 that no shots were fired by the migrant.

In September 2018 the CNDH called upon federal authorities to investigate the alleged illegal detention and torture of 17 persons between 2013 and 2017 by SEMAR marines. The CNDH stated 17 federal investigators ignored or delayed acting on reports made by the victims. The CNDH detailed sexual assaults, beatings, electric shocks, and suffocation committed by marines against their captives before turning them over to federal law enforcement. The detentions and torture allegedly occurred in the states of Coahuila, Nuevo Leon, Sinaloa, Veracruz, and Zacatecas.

In January the CNDH issued a report on torture and other forms of mistreatment committed against 19 persons in the state of Aguascalientes between 2011 and 2013 by the state prosecutor's office. Investigative police, prosecutors, public attorneys, and forensic personnel from the state prosecutor's office allegedly colluded in committing and hiding torture during that period. The then state prosecutor (who also served as deputy prosecutor at the Attorney General's Office) was alleged to have been directly involved. After the report was published, the former prosecutor filed an injunction, and the CNDH was forced to remove the report from its website pending resolution of the case.

As of October no charges had been filed in the 29 cases of sexual torture between 2006 and 2015 in 12 states. Twenty-seven women reported their torture to a judge, but no investigation was ordered in 18 of the cases. Members of the Secretariat of National Defense, SEMAR, federal police, and state police of Tamaulipas, Veracruz, and Coahuila were allegedly involved.

On April 26, the UN Committee against Torture released the findings of the seventh periodic report of Mexico on measures taken to implement the provisions

of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report highlighted that one of the main challenges for the government was developing indicators and producing comprehensive, reliable statistics on the number of investigations, prosecutions, and convictions related to cases of torture and mistreatment.

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 March there were 198,475 inmates in 305 state, federal, and municipal facilities with a designed capacity of 215,083.

After visiting more than half of the country's prisons in 2018, the CNDH reported that 45 percent of the state prisons visited had operational command problems, with inmates controlling or running various aspects of the prison. According to the report, state prisons were understaffed, and pretrial detainees were held with convicted criminals. The prisons also suffered from poor sanitary conditions and a general lack of opportunities for social reintegration. The report singled out Baja California Sur, Nayarit, and Tamaulipas as the states with the worst prison conditions. Regarding federal prisons, the CNDH noted significant understaffing at all levels, which affected access to programs, activities, and medical services and promoted segregation of inmates.

In its 2017 National Diagnostic of Penitentiary Supervision, the CNDH reported several incidents of sexual abuse of inmates in the state of Mexico's Netzahualcoyotl Bordo de Xochiaca Detention Center. Cases of sexual exploitation of inmates were also reported in Mexico City and the states of Chihuahua, Guerrero, Nayarit, Oaxaca, Puebla, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Veracruz. The report highlighted overcrowding, self-governance, and a lack of personnel, protection, hygienic conditions, and actions to prevent violent incidents. The report faulted prisons for failing to separate prisoners who had yet to be sentenced from convicts.

Organized criminal groups reportedly continued to oversee illicit activities from within penitentiary walls. In November, following a joint federal-state-municipal inspection of Ciudad Juarez's CERESO III prison in search of weapons, drugs, cell phones, and other contraband, incarcerated members of a criminal organization at

the prison reportedly ordered gang members in Ciudad Juarez to attack state authorities and installations, as well as commercial vehicles around the city.

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

Administration: Authorities did not always conduct investigations into credible allegations of mistreatment.

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

Improvements: Federal and state facilities continued to seek or maintain international accreditation from the American Correctional Association. As of August the total number of state and federal accredited facilities was 98, an increase of six from the previous year. Guanajuato was the only state to have all its prisons accredited.

A CNDH report showed a decrease in the number of prison homicides, fights, and riots, compared with its 2018 report. The drop was credited to an increase in the training providing to prison staff.

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 2017 and August 2018, the CNDH recorded 618 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 that detainees appear before a judge for a custody hearing within 48 hours of arrest, during which authorities must produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects up to 96 hours before they must seek judicial review.

The procedure known in Spanish as *arraigo* (a constitutionally permitted form of pretrial detention employed during the investigative phase of a criminal case before probable cause is fully established) allows, with a judge's approval, for certain suspects to be detained prior to filing formal charges. Following the introduction 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. The UN Committee against Torture noted its "concern at reports documenting allegations of acts of torture and mistreatment of persons deprived of their liberty by virtue of orders of *arraigo*, some of which are carried out in military installations."

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.

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

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

On August 7, according to media reports, a man was arbitrarily arrested, severely beaten, and threatened by Security and Civilian Protection officers in Mexico City.

The victim was reportedly outside his house walking his dog when police arrested him without a warrant. Two days passed before the victim was advised of drug trafficking charges against him. Four days later he was released after family members successfully gathered evidence showing he was the wrong person.

Pretrial Detention: Lengthy pretrial detention was a problem. 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 where detainees had remained for more than 12 years in pretrial detention. A constitutional reform passed in February 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.

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

e. Denial of Fair Public Trial

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

Trial Procedures

In 2016 all civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an 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, however, and often the state public defender system was understaffed. Administration of public defender services was the responsibility of either the judicial or the executive branch, depending on the jurisdiction. According to the Center for Economic Research and Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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, could constrain freedom of expression.

Violence and Harassment: Journalists were killed or subject 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. According to the NGO Committee to Protect Journalists, as of August 31, 10 journalists had been killed because of their reporting.

Perpetrators of violence against journalists acted with impunity. According to the NGO Article 19, as of February the impunity rate for crimes against journalists was 99 percent. In 2018 there were 544 attacks against journalists, according to Article 19. Since its creation in 2010, the Office of the Special Prosecutor for Crimes Against Journalists (FEADLE), a unit in the Attorney General's Office, secured only 10 convictions for various related crimes, and only one for murder, in the 1,077 cases it investigated. Only 16 percent of the cases FEADLE investigated were taken to court. As of September, FEADLE had not opened any new cases, reportedly in an effort to focus on bringing existing investigations to trial.

Government officials believed organized crime to be behind most of the attacks against journalists, but NGOs asserted there were instances when local government authorities participated in or condoned the acts. According to Article 19, in 2018, 42 percent of physical attacks against journalists originated with public officials. Although 75 percent of those came from state or local officials, federal officials and members of the armed forces were also suspected of being behind 7 percent of attacks against journalists.

There were no developments in the 2017 killing of Miroslava Breach, a prominent newspaper correspondent who reported on organized crime and corruption. In March, Undersecretary for Human Rights Alejandro Encinas stated the federal government was “aiding” the state prosecutor in the case, ultimately affirming it would remain with state prosecutors.

In January the UN Human Rights Committee declared the government responsible for violating journalist Lydia Cacho’s human rights, including subjecting her to acts of torture in 2005 after she exposed government corruption and a pedophile ring, and for shortcomings in the investigation. In response, on April 11, FEADLE issued arrest warrants against former Puebla governor Mario Marin Torres, Kamel Nacif, Juan Sanchez Moreno, and Hugo Adolfo Karam for their role as masterminds of the acts of torture against Cacho. As of September all four remained fugitives. In July, two assailants entered Cacho’s home, poisoned her dogs, and stole research material—including 10 hard drives containing information on pedophile rings, both the one she exposed in 2005 and a new case she was working on. Article 19 referred to the incident as “an act of reprisal for her work as a defender of free speech.”

In August, Cacho fled the country due to fear for her safety, declaring herself “in a situation of forced displacement.” Article 19 stated, “Lydia Cacho was forced to leave the country in the face of not receiving the minimal conditions of security to carry out her job and continue the process of seeking justice for her arbitrary detention and torture perpetrated in 2005.”

Between 2012 and September 2019, the National Mechanism to Protect Human Rights Defenders and Journalists received 976 requests for protection for journalists and human rights defenders. Since 2018 five journalists with protective measures from the Mechanism were killed, including two during the year. In January, Rafael Murua, under Mechanism protection, was shot and killed in Baja California Sur. Police arrested three individuals in connection with the case. In May journalist Francisco Romero was beaten, shot, and killed in Quintana Roo.

He had received threats--including from local police--after exposing corruption of local authorities. Both victims had government-issued panic buttons. After these killings, the OHCHR representative in Mexico, Jan Jarab, said the Mechanism merited a “deep reflection” and added, “These cases show that violence against human rights defenders and journalists is deeply rooted and structural changes are needed.”

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

In March 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.

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, Hidalgo, Michoacan, Nayarit, Nuevo Leon, Sonora, Yucatan, and Zacatecas with sentences ranging from three months to six years in prison and monetary fines. Five states have laws that restrict the publishing of political caricatures or “memes.” These laws were seldom applied.

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

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

Internet Freedom

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2018 *Freedom on the Net* report categorized the country's internet as partly free, noting concerns about illegal surveillance practices in the country and violence against online reporters.

According to Freedom House, the country remained very dangerous for journalists, and at least four digital reporters were killed in 2018. Digital media journalists covering sensitive stories such as crime, corruption, and human rights violations experienced physical and technical violence.

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.

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 to government."

According to Freedom House, "No significant advances were made to investigate" illegal surveillance that took place in 2017 via a sophisticated surveillance software program, Pegasus, presumably targeting human rights defenders, anticorruption activists, and prominent journalists.

In March the Guadalajara-based Jesuit university ITESO released a study detailing "attacks and smear campaigns aimed at journalists and media outlets who have a critical stance against the government." The study suggested the creators of the attacks and campaigns employed a massive use of bots that created artificial trending topics on Twitter to invite users to defend President Lopez Obrador and attack his critics.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <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 migrants, including by kidnappings and homicides.

e. Internally Displaced Persons

The NGO Mexican Commission for the Defense and Promotion of Human Rights identified 12 incidents of forced internal displacement through June. These episodes took place in the states of Chiapas, Chihuahua, Durango, Guerrero, Michoacan, Oaxaca, and Sinaloa. The commission attributed the displacement of 10,947 persons in 2018 to armed attacks against civilians in the states of Chiapas, Oaxaca, and Sinaloa. Of the 25 episodes in 2018, 20 were caused by violence generated by armed organized groups, such as drug cartels, affecting 6,156 persons. The remaining five episodes were caused by land conflicts, social and ethnic violence, or local political disputes, affecting 5,335 individuals. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of displaced persons.

The OHCHR reported that the approximately 3,500 Tzotziles indigenous individuals who returned to their homes in the state of Chiapas did so only because the conditions at the shelter where they were staying were worse than the danger they faced upon return. During a 2017 border dispute between two municipalities, more than 5,000 Tzotziles indigenous individuals were displaced.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The press and NGOs reported victimization of migrants by criminal groups and in some cases by police, immigration officers, and customs officials. In September the Migrant Organizations Network (Redodem, a group of NGOs that shelter migrants) reported that in 2018, federal, state, and municipal police, as well as military forces, committed at least 865 crimes against migrants. Redodem registered 542 robberies committed by authorities, 131 cases of abuse of authority, 83 extortions, 46 injuries, 26 acts of intimidation, eight illegal detentions, and six acts of bribery, among others. According to the report, federal police agents committed 297 incidents, followed by municipal police (266), the state police (179), migration agents (102), the army (18), and the navy (four).

Government and civil society sources reported Central American gang presence spread farther into the country and threatened migrants who had fled the same gangs in their home countries. There were media reports that criminal groups kidnapped undocumented migrants to extort money from their relatives or force them into committing criminal acts on the groups' behalf.

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

Access to Asylum: Federal law provides for granting asylum or refugee status and complementary protection. The government has an established procedure for determining refugee status and providing protections. From January to August 10, the Mexican Commission to Assist Refugees received 42,788 petitions, a 230 percent increase over the same period in 2018.

The government worked with UNHCR to improve access to asylum and the asylum procedure, reception conditions for vulnerable migrants and asylum seekers, and integration (access to school and work) for those approved for refugee and complementary protection status.

g. Stateless Persons

Not applicable.

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 suffrage.

Elections and Political Participation

Recent Elections: International observers considered the July 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.

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 the killings resulted in just one arrest. In comparison with the 2012 elections, there were 10 times more killings of 2018 candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities 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 Peoples) rather than federal and state electoral law.

In May, Congress unanimously approved a constitutional reform on gender parity that establishes a requirement to observe parity in the designation of public officials at every level (federal, state, local) in all three branches of government. A majority of state legislatures approved the reform on June 4, and it came into force on June 7. 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 a

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, 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). In December 2018 Congress also approved a constitutional reform, which came into force in March, to increase the number of illicit activities for which the government can seize assets, including acts of corruption.

On August 7, the Public Administration Secretariat launched a platform within its own website where persons can report cases of corruption. The platform allows citizens to report acts of corruption, human rights violations, and harassment in cases where public officials are involved. The secretariat responds to these reports based on three principles: guarantee of confidentiality, continuous monitoring of the case, and effective sanctioning.

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. Of the 32 states, 17 followed this legal procedure to strip officials of immunity.

Corruption: The Attorney General's Office opened a corruption investigation against Emilio Lozoya, former director of Petroleos Mexicanos (PEMEX), for receiving bribes in connection to the Odebrecht case. The Attorney General's Office also obtained an arrest warrant against Lozoya's mother, accused of money laundering, and on July 24, Interpol arrested her in Germany. As of September, Lozoya remained at large and was presumably out of the country. In a separate case, a judge ordered the detention of former social development minister Rosario Robles. On August 13, she was taken into custody pending criminal proceedings for her participation in an embezzlement scandal known as "Estafa Maestra," arguing she was a flight risk. She was detained for two months while an investigation took place. She faced allegations of involvement in the disappearance of billions of pesos allocated for welfare programs during her tenure as minister.

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 petition for a waiver to keep his or her file private. Criminal or administrative sanctions apply for abuses. President Lopez Obrador ordered all cabinet members to make their declarations public as a show of transparency. On July 9, the Coordinating Committee of the National Anti-Corruption System approved new formats for these asset disclosure statements. 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 new platform was scheduled to be operational by the end of the year.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views, with the president, cabinet officials, or both meeting with human rights organizations, such as the OHCHR, IACHR, and the CNDH. Some NGOs alleged individuals who organized campaigns to discredit human rights defenders at times acted with tacit support from government officials. As of April the National Mechanism to Protect Human Rights Defenders and Journalists protected 790 individuals, 292 journalists, and 498 human rights defenders.

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

All states have their own human rights commission. The state commissions are funded by state legislatures and are semiautonomous. State commissions did 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 or women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Spousal rape is criminalized in 24 states.

The federal penal code prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Of the 32 states, 29 stipulate similar penalties, although in practice 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.

Killing a woman because of the victim's gender (femicide) is a federal offense punishable by 40 to 60 years in prison. It is also a criminal offense in all states. According to Interior Secretariat statistics, in the first six months of the year, prosecutors and attorneys general opened 387 investigations into 402 cases of femicide throughout the country. (Statistics from state-level reports often conflated femicides with all killings of women.)

On November 7, anthropologist and human rights defender Raquel Padilla Ramos was killed by her domestic partner Juan Armando, in Ures, Sonora. On November 11, Armando pled guilty to femicide and was sentenced to 45 years in prison. He was also ordered to pay restitution to her family and an additional sum for pain and suffering.

The Special Prosecutor's Office for Violence against Women and Trafficking in Persons in the Attorney 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.

Sexual Harassment: Federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage. 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.

As of December 2018, Mexico City and the states of Chihuahua, Jalisco, Puebla, and Yucatan had criminalized the distribution of "revenge pornography" and "sextortion." Individuals may be prosecuted if they publish or distribute intimate images, audio, videos, or texts without the consent of the other party. The sentence ranges from six months to four years in prison.

Coercion in Population Control: There were no confirmed reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides women the same legal status and rights as men and "equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency." 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 derived citizenship both by birth within the country's territory and from their parents. Citizens generally registered the births of newborns with local authorities. Failure to register births could result in the denial of public services, such as education or health care.

Child Abuse: There were numerous reports of child abuse. The National Program for the Integral Protection of Children and Adolescents, mandated by law, is

responsible for coordinating the protection of children's rights at all levels of government.

Early and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states. In April, Congress unanimously approved reforms to the law prohibiting child marriage. Excluding Baja California, which retained exceptions in its civil code, all states now prohibit marriage of persons younger than the age of 18 in their civil codes. The reforms came into force on June 4. Previously, some civil codes allowed girls to marry at 14 and boys at 16 with parental consent. 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 reported sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas.

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

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

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

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/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. NGOs reported no changes in the mental health system to create community services nor any efforts by authorities to have independent experts monitor human rights violations in psychiatric institutions. Public buildings and facilities often did not comply with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended school at a lower rate than those without disabilities.

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

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

Indigenous People

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

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

On February 20, gunmen shot and killed Samir Flores Soberanes, an indigenous and environmental rights activist with the Peoples in Defense of the Earth and Waterfront. State attorney general officials in Morelos opened an investigation into the killing in June, stating they believed it was related to his work fighting against the Integral Morelos Project, which would build two thermoelectric plants and a natural gas pipeline through indigenous communities. Soberanes was slain several days prior to a public referendum on the project. On May 3, unknown assailants killed activists Otilia Martinez Cruz and Gregorio Chaparro Cruz in the indigenous territory of Coloradas de la Virgen, Chihuahua.

On February 20, two years after the killing of indigenous activist Isidro Baldenegro, authorities sentenced his killer to 11 years in prison. In 2005 Baldenegro received the Goldman Environmental Prize for his nonviolent efforts against illegal logging in Chihuahua.

In 2018, 14 environmental activists were killed, compared with 15 in 2017, according to a Global Witness Report. A majority of the victims came from indigenous communities. Since 2013, 10 activists were killed in areas of conflict ostensibly due to their opposition to logging. One victim was Julian Carrillo Martinez, killed in October 2018 despite allegedly receiving law enforcement protection. A suspect was on trial for his murder. Mining was also a motivation of violence against activists.

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

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

Discrimination based on sexual orientation and gender identity was prevalent, despite a gradual increase in public tolerance of LGBTI individuals, according to public opinion surveys. There were reports the government did not always investigate and punish those complicit in abuses, especially outside Mexico City. A CNDH poll conducted during the year found six of every 10 members of the LGBTI community reported experiencing discrimination in the past year, and more than half suffered hate speech and physical aggression.

According to the OHCHR, in the first eight months of the year, there were 16 hate crime homicides in Veracruz, committed against nine transgender women and seven gay men.

Other Societal Violence or Discrimination

The Catholic Multimedia Center reported criminal groups targeted priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. On August 22, Catholic priest Father Jose Martin Guzman was stabbed to death in his church in Matamoros. He was one of 26 priests killed in the past seven years, according to the center. On August 3, a Presbyterian minister was allegedly kidnapped from a migrant shelter he operated in Nuevo Laredo; as of October he had not been located. His disappearance was reportedly related to his refusal to allow cartels to recruit migrants from the shelter. No arrests were made in either case.

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. On May 1, President Lopez Obrador signed a labor reform law aimed at ensuring workers may freely and independently elect union representatives and approve or reject collective bargaining agreements before they are implemented. Revisions to the constitution in 2017 envisioned independent labor courts to replace the system of conciliation and arbitration boards (CABs) and streamline the judicial process for labor disputes. The labor reforms passed during the year provide the implementing legislation for this new labor justice system and establish a four-year timeline for transfer. The government demonstrated its prioritization of labor reform through its commitment of budgetary resources and its regular issuance of implementing regulations to bring the new laws into force.

The government announced it would implement the labor reforms in a phased manner, beginning at the federal level and in 10 states in October 2020. In August unions began registering updated bylaws with the Secretariat of Labor and Social Protection and holding leadership elections under the terms of the labor reform. The registration process was scheduled to conclude in May 2020. The secretariat also began the process of having workers review and vote on the collective bargaining agreements under which they work following the procedures for free and fair elections under the new labor reform.

In September 2018 the Senate ratified International Labor Organization (ILO) Convention 98 on collective bargaining. By ratifying the convention, the government subjects itself to the convention's oversight and reporting procedures. According to the independent unions, ratification also contributes to ensuring the institutions established as a result of the labor justice reform are, in law and practice, independent, transparent, objective, and impartial, with workers having recourse to the ILO's oversight bodies to complain of any failure.

Federal labor law requires a minimum of 20 workers to form a union. To receive government recognition, unions must file for registration with the appropriate CAB or the Secretariat of Labor and Social Welfare. For the union to be able to function legally, its leadership must also register with the appropriate CAB or the

secretariat. CABs operate under a tripartite system with government, worker, and employer representatives. Outside observers raised concerns that the boards did not adequately provide for inclusive worker representation and often perpetuated a bias against independent unions, in part because worker representation on the CABs was based on majority representation, which is held by “protection” unions. Protection unions and “protection contracts” were common in all sectors.

By law a union may call for a strike or bargain collectively in accordance with its own bylaws. Before a strike may be considered legal, a union must file a “notice to strike” with the appropriate CAB, 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, including the CABs, did not consistently protect worker rights. The government’s common failure to enforce labor and other laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor problems. The CABs’ frequent failure to impartially and transparently administer and oversee procedures related to union activity, such as union elections, registrations and strikes, undermined worker efforts to exercise freely their rights to freedom of association and collective bargaining. For example, the government rejected registration applications for locals of independent unions, and for unions, based on technicalities.

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

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

procedural obstacles that impacted the results and undermined workers' right to organize.

Other intimidation and manipulative practices were common, including dismissal of workers for labor activism. For example, 57 workers at a Goodyear factory in San Luis Potosi alleged they were fired after striking in April 2018 to demand better working conditions, wages, and authentic union representation. The workers claimed that because of their independent strike, a corporatist union had blackballed them from working in other factories.

b. Prohibition of Forced or Compulsory Labor

The constitution and the 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 sufficient to deter violations, very few cases reached the court system or were successfully prosecuted.

Forced labor persisted in the industrial and agricultural sectors, especially in the production of chili peppers and tomatoes, as well as in the informal sector. Women and children were subject to domestic servitude. Women, children, indigenous persons, and migrants (including men, women, and children) were the most vulnerable to forced labor. In July 2018 authorities identified 50 forced agricultural workers on three commercial tomato farms in Coahuila. Authorities in Coahuila freed an additional 25 forced agricultural workers--including nine children--from a chili pepper and tomato farm in August 2018. In both cases the victims reportedly lived in unsanitary conditions, worked excessive hours under the threat of dismissal, and received subminimum wage payments or no payment at all.

Day laborers and their children were the primary victims of forced and child labor in the agricultural sector. In 2016 INEGI reported 44 percent of persons working in agriculture were day laborers. Of the day laborers, 33 percent received no financial compensation for their work. Only 3 percent of agricultural day laborers had a formal written contract.

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. In July authorities in Chihuahua rescued 21 men who had been kidnapped

and forced to grow marijuana and poppies, allegedly by the Sinaloa Cartel. Migrants were also recruited by criminal organizations to conduct illicit activities.

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

The government was reasonably effective in enforcing child labor laws 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 and in agriculture and construction, and nearly absent in the informal sector, in which most child laborers worked. In January the newspaper *El Universal* reported as many as 400 children were working on tomato and chili pepper farms near Coahuayana, Michoacan, receiving little education and earning very low wages.

Underage children in urban areas throughout the country earned money by begging, washing windshields, selling small items, or performing in public places for gratuities. In April authorities in Sinaloa announced they had identified 312 children who had been working in the streets of various cities. In the same month, two children from Chiapas were identified in Reynosa, Tamaulipas, while begging in the streets dressed as clowns. Authorities found the children had no relatives in the area and were possibly victims of human trafficking. In October 2018 authorities identified 63 persons, including 56 children, who had been forced to work in the streets of Oaxaca, and arrested 11 individuals on charges of human trafficking.

At the federal level, the Secretariat of Social Development, Attorney General's Office, and National System for Integral Family Development share responsibility for inspections to enforce child labor laws and to intervene in cases in which

employers violated such laws. The Secretariat of Labor is responsible for carrying out child labor inspections. Penalties for violations were not sufficiently enforced to deter violations.

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

Also, see 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 the law prohibit discrimination with respect to employment or occupation. The federal labor law specifically proscribes discrimination on the basis of ethnicity, nationality, gender, age, handicap (or challenged capacity), social status, health, religion, immigration status, political opinion, sexual preference, marital status, or pregnancy. The government did not effectively enforce the law or regulations. According to a 2017 INEGI survey, 12 percent of women had been 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 6 percent experienced sexual violence.

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

indigenous groups, persons with disabilities, LGBTI individuals, and migrant workers.

e. Acceptable Conditions of Work

The tripartite National Minimum Wage Commission is responsible for establishing minimum salaries. In December 2018 it unanimously approved the largest general minimum wage increase (16 percent) in 23 years and a doubling of the minimum wage in the economic zone along the border with the United States. Wages had stagnated since 1994, with the country's minimum wage declining almost 20 percent in real terms. Despite the minimum wage increase, the real general minimum wage fell once again below the official poverty line. Nonetheless, most formal-sector workers received between one and three times the minimum wage. The minimum wage increase set off major strikes by unionized workers in Matamoros, who demanded employers honor contractual employment clauses unique to the city requiring all wages to go up by a factor of any minimum wage increase. According to reports, manufacturing executives in the northern border region colluded with one another to keep wages artificially low. As a result of the strikes in Matamoros, most of the manufacturing plants agreed to worker demands, a general wage increase of 20 percent and a bonus of 32,000 pesos (\$1,600).

The federal labor 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 regulations, issued jointly by the Secretariat of Labor and the Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Secretariat of Labor is responsible for enforcing labor laws and inspecting workplaces. Neither the number of labor inspections nor the penalties for violations of labor law were sufficient to secure compliance with labor law. A chemical spill on July 9 by the mining company Grupo Mexico called widespread public attention to that company's long record of safety and environmental

violations, leading President Lopez Obrador to call for talks with union leaders and Grupo Mexico's ownership to resolve the miners' grievances. Through its DECLARALAB self-evaluation tool, the secretariat provided technical assistance to almost 4,000 registered workplaces to help them meet occupational safety and health regulations.

According to labor rights NGOs, employers in all sectors sometimes used the illegal "hours bank" approach--requiring long hours when the workload is heavy and cutting hours when it is light--to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays. Additionally, many companies evaded taxes and social security payments by employing workers informally, using subcontracting regimes or by submitting falsified payroll records to the Mexican Social Security Institute. INEGI estimated 57 percent of the workforce was engaged in the informal economy during the year. Of the 30 million informal workers, approximately one-quarter (7.6 million) were employed by formal businesses or organizations, often 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 that employers in export-oriented supply chains were increasingly using hiring methods that lessened job security. For example, manufacturers commonly hired workers on one- to three-month contracts, and then waited a period of days before rehiring them on another short-term contract, to avoid paying severance and to prevent workers from accruing seniority. This practice violated federal labor law and restricted worker's rights to freedom of association and collective bargaining. Observers noted it also increased the likelihood of work-related illness and injury. Outsourcing practices made it difficult for workers to identify their legally registered employer, limiting their ability to seek redress of labor grievances.

Citizens hoping to secure 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 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 Secretariat of Labor, there is no enforcement mechanism, and only a handful of recruiters complied. During the year the

secretariat's National Employment Service began reviewing ways to enforce the foreign recruitment registration law.

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

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

In April the Senate unanimously approved legislation intended to improve working conditions for the 2.4 million domestic workers, 90 percent of whom were women, by making it possible for 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 2018 there were 201,310 workplace accidents, resulting in 303 deaths. In June an accident involving an industrial press in Nuevo Leon caused the partial amputation of four workers' arms. In August an accident at a silver and gold mine in Oaxaca killed a contractor who was operating heavy machinery.