



## RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

17 January 2008

**MEX102683.E**

Mexico: Treatment of indigenous people in urban areas; state protection efforts (2005 - 2007).  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### Background

Estimates of the proportion of people in Mexico who are indigenous range from 12 percent (UN 2003, 153; UN n.d.) to 30 percent of the population (US 13 Dec. 2007), depending on whether language or self-description is used as an identifier (Mexico 13 Dec. 2007a). In 2000, the number of indigenous language speakers was estimated at 12.4 million, one third of whom live in the cities (UN n.d., Mexico 13 Dec. 2007b). According to a United States (US) Library of Congress country profile, specialists estimate that there are at least 90 different indigenous languages in Mexico (US July 2006). The Library of Congress profile also cites census figures from the year 2000 indicating that 83 percent of those who speak an indigenous language also speak Spanish, and that the number of people who speak only an indigenous language is approximately one million (ibid.).

In 2003, a UN report indicated that the indigenous population was predominantly rural, but had become increasingly urban (UN 2003, 153). In telephone interviews with the Research Directorate, a director at the Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF) and the Mexico City Area Specialist at the National Commission for the Development of Indigenous Peoples (Comisión Nacional para el Desarrollo de los Pueblos Indígenas, CDI) both stated that indigenous peoples in cities have on average less schooling, fewer economic resources, more arduous jobs and lower salaries than the rest of the population (Mexico 13 Dec. 2007a; Mexico 13 Dec. 2007b). However, according to a researcher at Mexico's National Institute of Anthropology and History (Instituto Nacional de Antropología e Historia, INAH), some indigenous groups whose livelihoods are based on the buying and selling of goods have benefited economically from extended commercial ties with urban centres (Pérez Ruiz 2007, 85).

### Migration

Indigenous migrants are mainly attracted to the large cities, and particularly Mexico City (Mexico n.d.a, Para. 4). In Mexico City alone, the population of indigenous language speakers is estimated at 650 thousand (Mexico 13 Dec. 2007b). However, it is common to find indigenous language speakers in almost all cities in Mexico (Pérez Ruiz 2007, 75). In northern cities, indigenous migrants tend to settle on the margins of the cities in areas that correspond to cultural and kinship lines, which enables them to maintain traditional elements of their cultures as they adapt to their urban way of life (Mexico n.d.a, Para. 16).

Female indigenous migrants constitute a "important element" of the indigenous migrant population, and are integrated into labour markets as, for example, domestic help, or in the informal, agricultural or hotel sectors (Mexico n.d.a, Para. 23). By migrating to the city, indigenous women may achieve more control over their lives and the lives of their children by earning income independently of their spouse (Pérez Ruiz 2007, 82).

The Researcher at the INAH notes that in the cities, indigenous youth are confronted with delinquency, violence, unemployment and lack of opportunities for upward social mobility (Pérez Ruiz 2007, 82). Child labour is also an issue, according to the Interdisciplinary Centre for Social Development (Centro Interdisciplinario para el Desarrollo Social, CIDES), an institute that works with migrating children in Mexico City (Red por los Derechos de la Infancia en Mexico n.d.), which reports that 60 percent of indigenous children in Mexico City, or approximately 182 thousand children, work either indoors or on the streets (*Reforma* 11 Nov. 2007). According to an anthropologist of the National Autonomous University of Mexico (Universidad Autónoma Nacional de México, UNAM), indigenous migration to the cities has resulted in social challenges such as child exploitation, abandonment or prostitution, which have reportedly [translation] "overwhelmed Mexican authorities" (*El Norte* 1 Nov. 2007).

### Education and work

The Office of the United Nations High Commissioner for Human Rights (OHCHR) reports that indigenous communities nationwide suffer from poverty and exclusion, which represent "obstacles to the enjoyment of the right to education" (UN April 2006, 130). According to the United Nations Permanent Forum on Indigenous Issues, illiteracy rates among the urban indigenous population are four times as high as rates for non-indigenous people

living in cities, and indigenous people drop out of school much earlier to look for work (UN n.d.). This systematically leads to low-paid, low-skilled employment (ibid.). A national survey on discrimination in Mexico conducted by the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación, CONAPRED) in rural and urban areas during November and December 2004 found that indigenous people's greatest needs, as perceived by the general population, were access to work (29.7%) and to education (15.9%) (Mexico May 2005). Similarly, the indigenous people surveyed, when taken separately, believed that in order to eliminate discrimination against them, society should create work opportunities (17%) and provide education for indigenous people (15.5%) (ibid.). However, when asked which of their rights most needed to be respected, the right to justice (17.6%) came first, while the right to education came seventh (4.6%) and the right to a decent job came eighth (3.8%) (ibid.).

### **Access to Judicial System**

According to the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), a major challenge for indigenous people in Mexico is access to the country's judicial system. (Mexico 2006, 28). In its 2003 diagnosis of the human rights situation in Mexico, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reports that many indigenous people find themselves at a loss when faced with officials from the public prosecutor's offices (*agentes del Ministerio Público*) or judges because they do not understand or speak Spanish very well and are not provided with an interpreter (UN 2003, 155). *Country Reports on Human Rights Practices for 2006* states that

[a]lthough the law provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, this generally was not done. Consequently, indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and suspects frequently were convicted without fully understanding the documents they were required to sign. (US 6 Mar. 2006, Sec.1.e)

In a 2005 report to the United Nations Committee on the Elimination of Racial Discrimination (CERD), the Mexican government stated that aside from the lack of interpreters and capable defence lawyers, trials of indigenous people are often "plagued with irregularities" because prosecutors often ignore indigenous customs (Mexico 19 May 2005, Para. 167). The same report indicates that sentences are sometimes out of proportion with the crime committed (ibid.).

### **State Protection Efforts**

In 1989, Mexico ratified the International Labour Organization's Convention 169, thus recognizing certain collective rights of indigenous people living in Mexico (Hernández and Ortiz Elizondo 2007, 369). In 2001, the constitution was amended to recognize and guarantee "indigenous political, legal, social and economic rights" with the intent of prohibiting discrimination against indigenous people "based on race and tribal affiliation" (*Europa 2007, 3057*).

In its 2005 report to the CERD, the Mexican government suggests that although discrimination exists at all levels of society, the government of Mexico has "sought to create an appropriate legal framework and competent bodies to prevent and punish the acts of discrimination that persist in Mexico" (Mexico 19 May 2005, Para. 215-216).

On 21 May 2003, the National Commission for the Development of Indigenous Peoples (Comisión Nacional para el Desarrollo de los Pueblos Indígenas, CDI) was created by decree (Mexico n.d.b). One of its roles is to propose and promote measures necessary for the fulfillment of obligations relating to indigenous people in Article 2, Section B of the constitution (Mexico n.d.b), which states the following:

In order to promote equal opportunities for indigenous peoples and to eliminate any discriminatory practices, the Federation, the Federal District, the States and the Municipalities, shall establish the institutions and shall determine the policies, needed to guarantee full force and effect of indigenous peoples' rights and the comprehensive development of their towns and communities. Such policies shall be designed and operated jointly with them. (Mexico Aug. 2005)

At the national level, all Mexicans have access to the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) to report human rights violations by authorities and public servants (Mexico n.d.c). Mexicans also have access to the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación, CONAPRED), which deals with complaints of human rights abuse among private individuals (Mexico 13 Dec. 2007a).

At the state level and in the federal district, Mexicans have access to the state human rights commissions (Comisiones Estatales de Derechos Humanos, CEDH) and the Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF), which, like the CNDH, are responsible for processing complaints of human rights infractions committed by public servants (Mexico 28 Nov. 2006).

Since March 2007, indigenous peoples in Mexico City also have had access to the Office of the Public Prosecutor's Specialized Agency for Indigenous Peoples (Agencia Especializada del Ministerio Público para la

Atención a Poblaciones Indígenas) (Mexico 13 Dec. 2007a). At all levels of the agency, employees are indigenous people who are fluent in indigenous languages (ibid.). This agency uses traditional indigenous approaches to justice such as bringing the plaintiff and accused together to resolve the problem in a communal setting (Mexico 13 Dec. 2007b). If necessary, the agency staff is also able to proceed according to the regular justice system (Mexico 13 Dec. 2007a; Mexico 13 Dec. 2007b). Information on whether similar agencies exist in other cities in Mexico could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

*The Europa World Year Book 2007*. 2007. "Mexico." London: Routledge.

Hernández, Rosalva Aída and Héctor Ortiz Elizondo. 2007. "Different but Equal: Access to Justice for Mexico's Indigenous Peoples." In *Reforming the Administration of Justice in Mexico*. Edited by Wayne A. Cornelius and David A. Shirk. Notre Dame, IN: University of Notre Dame Press.

Mexico. 13 December 2007a. Comisión de Derechos Humanos del Distrito Federal (CDHDF). Telephone interview with a director.

\_\_\_\_\_. 13 December 2007b. Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI). Telephone interview an urban area specialist.

\_\_\_\_\_. 28 November 2006. Comisión de Derechos Humanos del Distrito Federal (CDHDF). Interview with the Technical Secretary and the Social Outreach and Citizen Participation Officer.

\_\_\_\_\_. 2006. Comisión Nacional de los Derechos Humanos (CNDH). *Agenda de Derechos Humanos 2006*. <<http://www.cndh.org.mx-ag2006.pdf>> [Accessed 14 Dec. 2007]

\_\_\_\_\_. August 2005. Supreme Court of Justice of the Nation. *Political Constitution of the United Mexican States*.

\_\_\_\_\_. 19 May 2005. *Report Submitted by States Parties Under Article 9 of the Convention. Fifteenth Periodic Reports of States Parties Due in 2004: Addendum - Mexico*. (United Nations: CERD.C.473.Add.1). <<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.473.Add.1.pdf>> [Accessed 14 Dec. 2007]

\_\_\_\_\_. May 2005. Consejo Nacional para Prevenir la Discriminación (CONAPRED). *Primera Encuesta Nacional sobre Discriminación en México*. <<http://www.conapred.org.mx/Noticias/noticiasTextos/imgmmedia//PENSDM-Indigenas.pdf>> [Accessed 14 Dec. 2007]

\_\_\_\_\_. N.d.a. Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI). "Migration." *National Profile of the Indigenous Peoples of Mexico*. <[http://www.cdi.gob.mx/ini/perfiles/nacional/english/06\\_migration.html](http://www.cdi.gob.mx/ini/perfiles/nacional/english/06_migration.html)> [Accessed 27 Nov. 2007]

\_\_\_\_\_. N.d.b. Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI). "Sobre la CDI." <[http://www.cdi.gob.mx/index.php?id\\_seccion=1](http://www.cdi.gob.mx/index.php?id_seccion=1)> [Accessed 27 Nov. 2007]

\_\_\_\_\_. N.d.c. Comisión Nacional de los Derechos Humanos (CNDH). "Atribuciones." <<http://www.cndh.org.mx/lacndh/funcion/atribuci.htm>> [Accessed 17 Dec. 2007]

*El Norte* [Monterrey]. 1 November 2007. Daniel Santiago. "Advierten por peligros de migración indígena." (Factiva)

Pérez Ruiz, Maya Lorena. 2007. "Metropolitanismo, globalización y migración indígena en las ciudades de México." *VillaLibre: Cuadernos de estudios sociales urbanos*, No.1. <<http://www.cedib.org/pdocumentos/zonasur/villalibre/68.pdf>> [Accessed 27 Nov. 2007]

Red por los Derechos de la Infancia en México. N.d. "Members of the Child Rights Net Mexico." <[http://www.derechosinfancia.org.mx/Red/red\\_ing2.htm](http://www.derechosinfancia.org.mx/Red/red_ing2.htm)> [Accessed 21 Dec. 2007]

*Reforma* [Mexico City]. 11 November 2007. Mirtha Hernández. "Acercan educación a población indígena." (Factiva)

United Nations (UN). April 2006. Office of the High Commissioner for Human Rights (OHCHR). *Report of Civil Society Organisations on the Situation of Economic, Social, Cultural and Environmental Rights in Mexico (1997-2006)*. <[http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/mexico-coalition\\_En.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/mexico-coalition_En.pdf)> [Accessed 17 Dec. 2007]

\_\_\_\_\_. 2003. Office of the High Commissioner for Human Rights (OHCHR). *Diagnóstico sobre la situación de los Derechos Humanos en México*. <[http://www.cinu.org.mx/prensa/especiales/2003/dh\\_2003/6Derechosindigenas.pdf](http://www.cinu.org.mx/prensa/especiales/2003/dh_2003/6Derechosindigenas.pdf)> [Accessed 26 Nov. 2007]

\_\_\_\_\_. N.d. Permanent Forum on Indigenous Issues. "Los Pueblos Indígenas en Áreas Urbanas y la Migración: Retos y Oportunidades." <[http://www.un.org/esa/socdev/unpfii/documents/6\\_session\\_factsheet2\\_es.pdf](http://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet2_es.pdf)> [Accessed 14 Dec. 2007]

United States (US). 13 December 2007. Central Intelligence Agency (CIA). "Mexico." *The World Factbook*. <<https://www.cia.gov/library/publications/the-world-factbook/geos/mx.html>> [Accessed 19 Dec. 2007]

\_\_\_\_\_. 6 March 2007. Department of State. "Mexico." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78898.htm>> [Accessed 7 Dec. 2007]

\_\_\_\_\_. July 2006. Library of Congress. Federal Research Division. *Country Profile: Mexico*. <<http://lcweb2.loc.gov/frd/cs/profiles/Mexico.pdf>> [Accessed 26 Nov. 2007]

#### Additional Sources Consulted

**Oral sources:** A representative of the Consejo Nacional para Prevenir la Discriminación (CONAPRED) was unable to provide information within the time constraints for this Response.

**Internet sites, including:** Amnesty International (AI), Fédération internationale des ligues des droits de l'homme (FIDH), Human Rights Watch (HRW), International Committee of the Red Cross (ICRC), Washington Office on Latin America (WOLA), U.S. Committee for Refugees and Immigrants, *El Universal*.

**The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.**