

REPORT ON THE SITUATION OF HUMAN RIGHTS IN MEXICO: PREPARED BY CIVIL SOCIETY ORGANIZATIONS FOR THE UNIVERSAL PERIODIC REVIEW

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Fédération Internationale des ligues des Droits de l'Homme (FIDH)
Regional Latin America and Caribbean Office of The International Habitat Coalition (HIC-AL)
World Organization Against Torture (OMCT)
Peace Brigades International (Observer)
Inter American Platform on Human Rights, Development and Democracy (PIDHDD)
Food First Information and Action Network -FIAN International

1. Mexico has demonstrated a high level of participation in international human rights fora and has also made some advances in human rights that must be recognized. In recent years, largely due to pressure from civil society organizations, the government has opened the way for international scrutiny by issuing an open invitation to UN human rights mechanisms to conduct visits. Mexico also has a Technical Cooperation Agreement with the UNHCHR, a country office of the UNHCHR, a 2003 Diagnostic of the Situation of Human Rights in the country, a National Human Rights Program, and a Human Rights Policy Commission, among other features. However, the reality of human rights in Mexico remains a subject of grave concern for civil society organizations. Torture, extrajudicial executions, forced disappearances, undue restrictions on freedom of expression, a lack of respect or protection for any social, economic, or cultural rights, entrenched impunity, and significant obstacles to access to justice are all ongoing violations. To elaborate on these and other themes, we as civil society organizations have prepared this report to underscore the problems that we view as priority issues in the human rights situation in Mexico.

Failure to Align Mexican Legislation with International Treaty Obligations

2. The Mexican government has signed and ratified numerous UN human rights treaties. It has also accepted the contentious competence of various bodies and international courts, such as the Inter-American Court of Human Rights. Despite this, significant normative obstacles continue to impede the realization of human rights and the effectiveness of human rights mechanisms in Mexico, such as: failure to sign and/or ratify various instruments; the existence of significant reservations to several treaties;¹ and the lack of alignment with and implementation of international treaty obligations in domestic legislation. These obstacles underscore the need to identify and implement mechanisms to modify legislation at the federal level (as well as harmonizing state legislation with the new federal standards) to avoid restrictions or interpretations that hinder full protection of human rights. Although the government has taken some steps in this direction, these efforts have thus far been insufficient to overcome the obstacles mentioned here.
3. Within the federal executive branch, the body charged with overseeing the alignment of national legislation with international treaty obligations is the Human Rights Policy Commission, through its Subcommittee on Legislative Harmonization. However, the work of this Commission has been irregular and its inclusion of civil society has been inadequate, so that as of today there have not been any concrete advances in this area. For instance, despite having drafted various bills to modify legislation or the Constitution, none of these has been presented to Congress, nor have the final drafts respected the agreements reached in the Subcommittee on Legislative Harmonization. Likewise, despite sporadically mentioning the subject, the Commission has not discussed in any depth the design and implementation of a plan to withdraw Mexico's reservations to human rights treaties.
4. Effective alignment of Mexican legislation with international treaty obligations must begin with reforms to the Constitution, yet the government has not yet acted in this regard. Recently hundreds of civil society organizations, academics, and human rights specialists presented to Congress a proposal to reform the Constitution in harmony with Mexico's human rights obligations, to respond to the daily reality in which millions of Mexicans currently live. The proposal addresses a wide range of themes and seeks to resolve the structural deficiencies in the Constitution in terms of human rights so as to allow individuals to exercise their rights fully and without discrimination. We underscore the following fundamental objectives of the proposal: to introduce the concept of human rights into the Constitution; to guarantee the normative hierarchy and effectiveness of international human rights instruments in the Mexican system; to include in the Constitution various human rights that are not currently recognized; to strengthen the protection of various human rights that are recognized, in accordance with international human rights law on these subjects; to include a gender perspective in the Constitution's protection of human rights; and to strengthen the mechanisms set up to guarantee and protect human rights.

Human Rights Violations Arising from Mexico's Criminal Justice Reforms

5. On June 18, 2008, the government published² a series of Constitutional reforms in the area of criminal justice, including several reforms that represent setbacks for human rights, such as the establishment of a regimen of exception that restricts basic due process guarantees for individuals accused of involvement with organized crime, violating the principal of equality before the law. Further, ignoring the fact that Mexico's Supreme Court has declared the form of pre-charge detention known as *arraigo* to be unconstitutional, and that various UN human rights bodies have identified it as a form of arbitrary detention that facilitates torture and/or recommended that it be removed from national legislation,³ the Constitution now includes *arraigo* and allows this type of detention for up to 80 days before any charges are brought against the detainee.⁴ This time period greatly exceeds the normal range of 2-7 days established in the legislation of other democracies for pre-charge detention. The regimen of exception also imposes obligatory preventive detention for certain crimes, regardless of the circumstances of the case.⁵ Due to the high level of discretion in the application of measures that violate human rights in the name of the regimen of exception, we are very concerned about the potential manipulation of this regimen to apply to protesters and social movements. For these reasons, we consider it indispensable that Mexico annul *arraigo*, obligatory preventive detention, and the regimen of exception for organized crime.
6. The Constitutional reforms in criminal justice also contain several advances that could open possibilities for a gradual transition to an oral and accusatory system that includes the presumption of innocence and that excludes from trial confessions or other statements not made in the presence of the judge.⁶ However, with judges accustomed to an inquisitive system that gives the greatest evidentiary weight to a defendant's first statements regardless of the circumstances, it is necessary to supervise closely the implementation of these reforms. We also underscore that the *amparo* legal action, which the government considers the appropriate channel to protect human rights, has proven inadequate for this end. There are also a series of other factors that have prompted recommendations by UN mechanisms, and that continue to be applied in Mexico, such as the broad understanding of the term "flagrant," which has given rise to countless human rights abuses, such as illegal and arbitrary detentions. In addition, the use of disproportionately severe prison sentences and the excessive use of preventive detention cause serious overcrowding in the country's penitentiaries.
7. These problems have not been resolved by the Constitutional reforms. We consider it of the greatest importance that the government not only implement in good faith the advances contemplated in the reforms, such as an oral and accusatory system based on the presumption of innocence, but also that it annul or correct the provisions mentioned here that violate human rights.

Human Rights Violations in the Context of Mexico's Public Security Crisis

8. Mexico is experiencing a public security crisis characterized by growing levels of homicides, kidnappings, and other violent crimes attributable to organized crime. This situation requires an effective strategy by the government based on a professionalized response by the police, the prevention and punishment of corruption in security forces, the prevention of crime, and respect for human rights at all times. However, the government has instead reacted to the present crisis by carrying out acts of repression against wide sectors of the population, making penalties more severe, deploying the military to fight criminals in the streets, and implementing other measures that violate human rights.
9. Violations in the context of militarization and the illegal extension of military jurisdiction. The government of Felipe Calderón has implemented numerous military operations with the justification of the fight against organized crime, which have been characterized by military forces carrying out public security tasks legally reserved for the police, despite the recommendations against this practice by UN mechanisms.⁷ These operations have caused countless human rights violations. In 2007 and 2008, the media has reported on more than 50 cases or situations of abuses by soldiers, including dozens of deaths. In multiple instances soldiers in military checkpoints have shot civilians, as was the case with the deaths of 5 women and children,

family members.⁸ Other cases include the shooting of 4 individuals without apparent motive on a highway⁹ and the rape and sexual abuse of a large number of women, often youths, including children and indigenous women. These cases generally remain in impunity, partly due to the illegal extension of military jurisdiction over cases of human rights violations. Article 13 of the Mexican Constitution establishes that “military jurisdiction subsists for crimes and offenses against military discipline,” but in reality military authorities investigate cases even when these can in no way be classified as offenses against military discipline, but rather human rights violations against civilians. When investigations into military human rights abuses are conducted by the military authorities themselves, they avoid transparency and lead to impunity. It is therefore absolutely necessary that the government comply with the recommendations of numerous UN bodies to Mexico¹⁰ regarding the requirement that human rights violations be investigated and tried within civil rather than military jurisdiction.

10. Excessive use of force. The Mexican legal framework, at both the state and federal levels, does not concretely regulate the use of force by security officials. This lack of legislation is a starting point for a pattern of systematic, excessive use of force, especially as a response to social protest. Among other examples one finds the repression of workers in Lázaro Cárdenas, Michoacán, in 2006, leaving 2 people dead, 21 injured by firearms, and 33 with other types of injuries;¹¹ the repression of a protest in Guadalajara in 2004, in which 19 cases of torture, 55 cases of cruel treatment, and 73 illegal retentions were documented;¹² the repression of the Popular Assembly of the Peoples of Oaxaca starting in 2006, leaving more than 27 people dead and hundreds detained; and the repression in the town of San Salvador Atenco in 2006, in which 2 youths lost their lives and the police arrested over 200 more individuals, beating the detainees and raping and sexually abusing dozens of detained women,¹³ a situation that has prompted concern from UN mechanisms in the sense that the use of force in Mexico does not obey international standards.¹⁴ There is a tendency for the Mexican government to respond to protests with massive acts of repression involving the security forces, along with tactics such as provocation of the protesters or the use of infiltrators.¹⁵ It is therefore necessary that Mexico legislate to regulate the use of force in accordance with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
11. Systematic torture and impunity. Torture remains a systematic, generalized, and unpunished practice in Mexico,¹⁶ as evidenced by the lack of any case in which a court has sentenced a perpetrator for torture. The lack of will to investigate torture; the lack of impartiality and independence in the application of the Istanbul Protocol; and the lack of standardization of the crime of torture and alignment with international standards¹⁷ in various states are grave problems. When investigated at all, Mexico’s public prosecutors classify the facts as a different, less serious crime than torture. This lack of will to investigate is in fact characteristic of the investigation of human rights violations by state agents in general (including those related to human rights defenders),¹⁸ notwithstanding relevant recommendations on this subject by UN bodies.¹⁹ For these reasons it is necessary that torture and other human rights violations be investigated and punished effectively; and that when appropriate, federal authorities assume jurisdiction over these cases. We note that the above problems are not resolved by the recent criminal justice reforms.

Forced disappearances

12. Following the elections of 2000, the government committed itself to clarify the numerous grave human rights violations of the past, and created the Special Prosecutor for Social and Political Movements of the Past (FEMOSPP) for this purpose. This Prosecutor concluded that there was conclusive proof of forced disappearance in 476 cases,²⁰ while the UN Working Group on Enforced or Involuntary Disappearances has reported 208 cases pending against Mexico, of which the majority date from the 1970s.²¹ In none of these cases have the relevant authorities located the disappeared persons. The FEMOSPP, closed in November 2006 following five years of work, presented only 16 indictments, of which none ended with the punishment of the perpetrators, since in the vast majority of cases the case was dropped due to statutes of limitations or lack of

evidence. Thus, despite international recommendations on this subject,²² Mexico's forced disappearances and other crimes of the past remain in impunity.²³

13. In addition, although Mexico recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the government did not recognize the competence of the Committee against Enforced Disappearances to receive and consider individual communications, depriving victims and their families of access to an important mechanism of protection. Finally, we underscore that the internal judicial mechanisms of protection are ineffective in cases of forced disappearance because the requirements of *amparo* actions render them inapplicable to this type of violation.²⁴ Further, Mexico has yet to incorporate international norms regarding this crime in domestic legislation.

Freedom of Expression

14. Attacks, murders, and disappearances of journalists. In the last eight years, at least 24 journalists and media workers have been murdered, 8 more remain disappeared, and dozens have been threatened, intimidated, or assaulted in retaliation for their work.²⁵ The majority of attacks against journalists remain in impunity, generating a climate of generalized censorship and self-censorship.
15. Journalists who investigate drug trafficking, as well as community and indigenous journalists, carry out their work in conditions of vulnerability; first, they are at risk of being the victims of crimes and second, the government fails to investigate effectively or punish those who attack them.
16. It is necessary to create a legal framework that gives the Special Prosecutor for Crimes Against Journalists (FEADP) independence to investigate and indict perpetrators. It is also essential to standardize legislation regarding crimes against freedom of expression to facilitate investigation and prosecution of these crimes between the federal and state levels.
17. The concentration of control of the media in the hands of a few individuals or groups of businesses prevents the full exercise of freedom of expression, and points to the need to review legislation governing radio, television, and telecommunications. Electronic media have remained in the hands of business and government institutions: 96% of all commercial television channels are controlled by two families. 86% of radio media is controlled by 13 business groups and permits are concentrated in universities, cultural institutions, and state governments – in other words, the Mexican government.²⁶ For these reasons, it is necessary that the government expressly provide in law for the participation of community-based media and establish conditions that will allow for this sector's survival.
18. On April 11, 2006, through publication in the Official Gazette (*Diario Oficial de la Federación*), the government passed a series of reforms to the Federal Law of Radio and Television and the Federal Law of Telecommunications. Consequently, on May 4, 2006, a group of Senators filed a legal challenge before the Supreme Court, arguing that the law violated individual guarantees and collective rights established in the Mexican Constitution. The Court recognized that the laws violated the right to freedom of expression, as they failed to guarantee equitable access to the full range of media, in particular with regard to the right of indigenous and similar communities to operate their own media, recognized in Article 2 of the Constitution.
19. The Mexican government has not adopted internal legal measures that establish democratic criteria to guarantee equality of opportunity in access to radio and television broadcasting.²⁷ The Supreme Court ordered the government to submit a legislative initiative for a new legal framework that would permit diversity in the media, but as of now the government has not complied.

Violence Against Women

20. Aside from the high levels of violence and discrimination that women suffer daily in the home, workplace, and social spheres, they also suffer institutional violence through the deficient or non-existent investigation and punishment of violence against women;²⁸ such impunity appears to be the guiding principle of the Mexican government and is accompanied by a lack of training and awareness among officials of all levels and areas²⁹ of the need to take into account a gender perspective when carrying out their work, to avoid revictimizing women through negligence or complicity with perpetrators.
21. Federal and state legislation regarding domestic violence fails to incorporate the obligations of the CEDAW treaty. In many cases, local legislation is insufficient or even contrary to Mexico's international obligations, for example with legislative gaps that leave women unprotected in certain areas, by not establishing certain forms of conduct as a crime or by excluding marital rape or rape between de-facto partners from certain penal codes.³⁰ Thus the commitments assumed by the government to align its legislation to eradicate discrimination and violence against women³¹ have gone unfulfilled. Despite the existence of a General Law for Women's Access to a Life Free of Violence in 21 of Mexico's 32 federal entities, this legislation is virtually inapplicable since only three states have passed regulations to implement it.
22. The grave problem of murders of women (*feminicidios*) remains unresolved by the government, with the result that Mexico seeks to hide this problem from the international community. In this context, we emphasize the disappearance of the Commission to Prevent and Eradicate Violence Against Women in Ciudad Juárez, added to the ineffectiveness of the Special Prosecutor for Crimes of Violence Against Women and Human Trafficking (FEVIMTRA).
23. We also underscore the total impunity for sexual torture of detained women, including rape. Examples of this phenomenon include the sexual abuse inflicted on women during police operations to repress protesters such as those in San Salvador Atenco; the rape of indigenous women by soldiers; and the rape of women detained by police in connection with criminal investigations.³² Such cases generally remain in impunity despite relevant recommendations by UN mechanisms.³³
24. Another manifestation of violence against women is human trafficking. This phenomenon prompted the publication in 2007 of the Law to Prevent and Punish Human Trafficking,³⁴ which still lacks implementing regulations nearly a year after its promulgation. There are no appropriate databases or statistics that would allow for a full understanding of the problem of trafficking;³⁵ neither is there a program of prevention that incorporates a gender perspective or provides holistic attention to victims, who are mainly young women and girls.

Economic, Social, Cultural and Environmental Rights

25. Violations of ESC rights, not to mention civil and political rights, continue to form a pattern stemming from diverse cases in which the Mexican State, on promoting mega development projects (infrastructure, dams and mines, commercial, tourism and residential projects) neither respects, protects nor guarantees the right of peoples to self determination of the use of natural resources and the freedom against deprivation of their means of subsistence, to receive appropriate information, to be consulted and to participate in decision making processes. These are just some of the human rights violations that occur and are potential in these contexts. These impacts have merited various recommendations and of UN Committees³⁶ and Special Rapporteurs³⁷ concerned over the lack of consultation, displacements of people from their inhabited and cultivated land and the violations of other ESC rights. The response of the State has been to ignore such recommendations and on the contrary, criminalize and harass the social opposition to such mega projects.

26. Despite advances in environmental management in Mexico, among the obstacles that limit or impede the fulfillment of the right to a healthy environment is the frequent inefficiency of legal mechanisms to access environmental justice due to delay, conflicts of interests, lack of enforcement, discretion of authority and the civil tradition that forces an affected party to demonstrate personal and direct damage, when a simple act or omission of authorities or private actors can produce a generalized effect, damaging properties and resources that benefit a wide range of actors.
27. The gap between the health conditions of the indigenous population and the rest of the population continues to grow and discrimination in health services accompanies this trend. As well as this, total malnutrition rates— moderate and severe – persist among children less than 5 years old in rural areas, with 20% of children of low height, while at the national level 5% of children less than 5 years are underweight, 12% low height and 1.6% with severe malnutrition.³⁸ In 2006 the percentage of the population in a situation of nutritional poverty in the rural sector was 24% and in the urban 7.5%³⁹. Meanwhile, there is no access to information respecting government budget resources in terms of food security, nor has this right been protected by the Constitution and those affected have no means of denouncing these violations. Among a number of governmental measures, the National Health Program lacks a universalist perspective, insisting on contributions in only certain forms, some of these contrary to human rights principles⁴⁰. Added to this is the policy of salary containment, which violates the ICESCR as much as recommendations of the CESCR Committee (1993, 1999 and 2006)⁴¹ respecting the adjustment of salaries in order to increase purchasing power and ensure dignified living conditions.
28. The Mexican State has also failed to attend to the recommendation of the CESCR Committee of 2006 to regulate the situation of persons who work in the informal and unstructured sector, besides the necessity to widen programs of support and work placement for persons seeking employment. 60% of the Economically Active Population is categorized as occupying the informal sector⁴², and programs such as the National Development Plan (PND) and the Sectorial Plan of the Department of Labor and Social Services are restricted to programs in the formal sector⁴³, and create only less than a third of the required positions of employment required each year⁴⁴.
29. Policies on trade union membership and corporations, as well as the lack of full harmonization of domestic legislation in line with standards of international law and the failure of the Mexican State to withdraw its interpretive declaration to article 8 of the ICESCR⁴⁵ - despite recommendations from the CESCR Committee in 1999 and 2006 - are factors that contribute to multiple violations of the right to association such as: repression and forced dismissals of workers that seek to create independent unions or democratize existing ones⁴⁶, as well as the increase in collective contracts favoring employers, which currently represent 90% of current employment contracts⁴⁷. In addition, the State has not complied with the recommendations of the same Committee in order to examine labor legislation to erase restrictions on trade unions rights, besides the obligation to ratify Convention 98 of the ILO. In addition, the office of the UNHCHR in Mexico in its “Diagnostic on the Situation of Human Rights in Mexico” of 2003, recommended the State to comply with obligations to fulfill the right to trade union membership, collective bargaining and freedom of membership.
30. In relation to the right to social security and social services, the Mexican State has omitted to take into account the recommendations of the CESCR Committee from 1999 and 2006 calling on the need to analyze the system of pensions and social security in the light of the ICESCR. Neither has the Mexican State taken into account the Individual Observation of the Committee of Experts on the Application of Conventions and Recommendations of the ILO of 2007, in regards to the incompatibility of the 1997 reforms to the Law on the Mexican Institute of Social Security (IMSS), respecting Convention 102 of the ILO on social security⁴⁸. Furthermore, the reform of March 2007 to the law on the Public Employees Social Security and Services Institute (ISSSTE) violates constitutional guarantees, rights from the ICESCR and of ILO Convention 102.⁴⁹

31. For its part, the Mexican educational system mirrors the inequality, exclusion and authoritarianism of the existing political and cultural system. The lag in educational standards especially affects children of agricultural day workers, street children, disabled persons and indigenous peoples. In his visit to Mexico in 2003, the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples recommended the Mexican State to strengthen institutions and funding for bilingual and intercultural education and in 2006 the CESCR Committee noted its concern with the budgetary reductions in this area, leading it to recommend further resources and assign further measures to guarantee free, quality education at all levels and in all regions. Despite this, public investment in education has not been enough to attend to the 2.1 million children between 5 and 14 years old that do not receive basic education, and the fact that not even 8% of GDP is devoted to public funds dedicated to public education. There is no public policy on education that takes a human rights perspective into account and many programs do not comply with international standards⁵⁰. Despite the fact that the Mexican State has had at least 48 recommendations from treaty-based and non-treaty based international bodies in regards to the adequate training needed for public servants in education and human rights (including judges, teachers, public prosecutors, federal and state public servants), any training currently provided is insufficient, nor systematic or permanent.
32. The national policy on housing, rather than being founded on a human rights perspective, is based on real estate brokerage and mortgage policies, leaving families at the mercy of market forces, while the federal government issues subsidies to the “poorest” among the population. The CESCR Committee has also issued numerous recommendations on this issue in 1999 and 2006, as well as the then Special Rapporteur on the Right to Adequate Housing in his Report of 2003, recommendations which have still not been complied with. Besides these problems, despite advances in the Housing Law of 2006⁵¹ this legislation lacks implementation and the Mexican State has not adopted national legislation related to housing that openly includes a human rights perspective. Although the law incorporated the recognition of “social cooperative construction” of housing, it did not include instruments for application⁵². Official information on forced evictions is also lacking, ignoring the effective implementation of guidelines outlined in General Observation No. 7⁵³. In terms of evictions based on mortgage rulings, unpaid accounts receivable are sold to transnational companies that charge for credits on these loans at 3 or 4 times their value, speculating without any regulation from the State⁵⁴. Mexico urgently lacks a legal and administrative framework that guarantees housing security to all and legal protection from harassment and involuntary eviction.
33. Governmental programs do not respond adequately to the housing needs of the poor and do not provide housing at a reasonable cost⁵⁵. The criminalization of irregular settlements is also a cause for concern. Housing and social programs do not attend to those persons and families that live in irregular settlements that due to their condition of poverty or extreme poverty do not have the resources to access land or a formalized residence, much less basic services.

Sexual and Reproductive Human Rights of Women

34. The full enjoyment of the human rights of women is subject to changes in the national legal framework that should be accompanied by national policies to be carried out by the Mexican State with a specific budget to effect their implementation. The prohibition, denial or in some cases inexistence of these laws and policies means that a number of rights are nullified and has also elicited a number of recommendations from UN Committees⁵⁶ towards the Mexican State, which remain without having been implemented.
35. Legislative harmonization relating to abortion is required at federal and state levels. One relevant recommendation⁵⁷, overlooked by the Mexican State, is that is that the motives for allowing for abortions should be uniform throughout the different federal entities of Mexico. Currently, in the Federal District (DF) of Mexico City and in the 31 states of the Mexican Republic there are 7 motives, depending on each state, that allow for the interruption of pregnancy (abortion) to not be punished.

36. Only abortions in cases of rape are free from punishment in the criminal codes of each of the 31 states and the Federal District; 29 codes decriminalize abortions deriving from aggravated or imprudent pregnancies; 29 when the pregnancy endangers the woman's life; 13 due to genetic deformations or grave congenital problems; 11 due to grave health risks for the woman; 11 for artificial insemination without consent, and only 1 state allows for abortions due to grave economic consequences. This situation reflects the discrimination and inequality that women suffer throughout Mexico, which in itself is an obstacle to the exercise and enjoyment of reproductive and sexual rights.
37. Notwithstanding the recommendations in this area and the important advances of April 2007, when the Federal District of Mexico City decriminalized abortions at the request of the woman in the first 12 weeks of the gestation period, the federal government has failed to act in good faith in relation to recognizing the obligation it has to recognize the motives for abortion in cases where the law permits it. Furthermore, various attempts have been made to reform legislation to restrict the right to an abortion even further⁵⁸, all of which make incorrect interpretations of international human rights instruments, principally the ICCPR and the Inter American Convention on Human Rights, as well as making clear omissions of the interpretative criteria established by international organs in this area⁵⁹.
38. For another part, the Mexican State has been recommended to ensure that the states of Mexico revise their legislation in order to guarantee the rapid access to abortion in cases in which the local legislation permits it (whether in such cases it is not punished or that the state considers it legal). However, up to the time of writing there are no norms that regulate medical services in this respect, nor a protocol to follow on the part of doctors or public prosecutors. The Department of Health has not approved the Official Mexican Norm NOM – 190 – SSA1 – 1999, Health Services and Criteria for Attention related to Familial Violence, which seeks to give a primary response to the legal gap that exists in cases where pregnancies are the result of rapes, without even mentioning the lack of medical attention given for other cases contemplated in criminal codes.
39. Prevention and attention to sexual harassment. Sexual harassment is recognized in 26 criminal codes, however in only 22 of these is there a punishment contemplated when the aggressor is in a position of hierarchical power, be it in labor or educational spheres. This allows for women to be unprotected against a climate of harassment by not only partners, but also actors in other unspecified spheres. In states such as Campeche, Guanajuato, Quintana Roo, San Luis Potosí, Tamaulipas and Tlaxcala, the crime of sexual harassment is not even considered. For this reason it is important to widen the legislation in the states in regards to sexual harassment, as well as creating effective complaint mechanisms and attention for these crimes.
40. Sexual and Reproductive Health. Despite diverse international recommendations in regards to poverty, child malnutrition and access to health services, there are many areas of inaction, inadequate levels of attention and in some areas a worsening of the situation, for example: 43% of young people aged 12 to 19 years old do not use contraception; only 21% of women aged 40 to 49 years old are covered by breast cancer programs; and only 36.1% of cases registered for cervical cancer correspond to early detections. In the specific case of contraceptive methods, women are limited in their access to a wide range of contraception options, above all emergency contraception, which makes it vital to disseminate information to the wider public, especially to young people, about available methods.

Human Rights of Migrants

41. Migrants that transit through Mexico suffer a number of violations of their human rights. From 2002 to 2006 both the UN Special Rapporteur on the Human Rights of Migrants as well as the Committee for the Protection of the Rights of Migrant Workers and their Families, along with the Rapportuer on Migrant Workers of the Inter American Commission on Human Rights, have all emitted recommendations regarding due process and access to justice regarding the conditions in Mexican detention centers and the detention of adolescents as well as verification of migratory status, for example. All these aforementioned recommendations have still not been complied with.
42. Regarding access to justice and due process, 16 recommendations have been made in relation to the fact that the General Law of Population (LGP) and its Regulations, through their articles 67 to 69 and 201, 151 and 154 respectively, effectively block access to justice to migrants in irregular situations. Regarding due process, the very legal instruments and federal Norms of Practice for Detention Centers violate this right, as well as the right to access to information, constancy of proceedings, consular protection, legal assistance, and communication and translation services, among others.
43. Following such recommendations, reform of the General Law of Population and its Regulations is essential so that migrants do not need to formalize their presence in the country before having access to courts. In the same sense, it is necessary to carry out changes in procedures and practices in order to guarantee due process in the migration system.
44. Roughly 12 recommendations have been made regarding Mexico's detention centers. Despite the provisions in the very Federal Law of Population in Article 128 and articles 208 and 225 of its Regulations, Norms of Practice for Detention Centers and even Article 16 of the International Convention for the Protection of the Rights of Migrant Workers and their Families, conditions of detention continue to gravely violate human rights of detainees.
45. In line with the recommendations mentioned, we call for the respect of due process rights during detention, as well as guaranteeing conditions of dignity that avoid overcrowding (considered cruel and inhumane treatment), requesting alternatives for the detention of adolescents, the right to not be deprived of one's possessions, rights to health and personal hygiene, to nutrition, physical integrity, dignified and humane treatment, freedom of beliefs and expression, among others. Besides these, family unity, the rights of the child as a first priority and the principle of non – discrimination must be respected.
46. In terms of the approval of migratory status, 7 recommendations have been made towards Mexico, highlighting that authorities without faculties for the verification of migratory status and detention should cease their participation in these activities. The requirement that any requests for auxiliary support by way of the use of force from other authorities made by the National Institute of Migration be made in writing (as stipulated in article 73 of the General Law of Population and Article 98 of the Regulations), is often not complied with. In practice, diverse authorities from the three levels of government participate in verifications of migratory status and detention, even if their intervention has not been requested in writing. This situation continues despite complaints and the fact that responsible parties are not punished.
47. The Mexican government must change this situation; when requesting auxiliary support from other branches of government, this must always be done in writing; as well as allowing for simple and accessible mechanisms that permit migrants to denounce whichever authority that breaks the law; and finally, punishing those responsible for crimes and human rights violations against migrants, in order to stem the trend of impunity.

Rights of the Child

48. In light of the absence of an integrated national program for the protection of the rights of the child and adolescence, and reiterating the recommendation of the Committee of the Rights of the Child⁶⁰ we consider it vitally important that such a program is created, involving wide participation from different sectors including civil society and children in order to make a guiding instrument for public policy for this section of the population. Furthermore, systems of information regarding children, as well as Defenders Offices for the rights of the child are very much needed in order to guarantee a service of socio-juridical protection to children.
49. Measures are urgently needed against discrimination and criminalization of marginalized young people⁶¹ given repeated acts of criminalization of children and adolescents. A special governmental budget and programs public awareness for society and public servants is important in this regard.
50. Despite recommendations from the Committee on the Rights of the Child, a large disparity in access to health services exists, as well as problems of child obesity and environmental hygiene, problems which require increased coverage, access, quality and adequacy of health services directed at children.⁶² It is also urgent to implement a national system of nutritional monitoring which would integrate and follow up on nutritional disorders. In line with recommendations from various UN Committees, it is also necessary to develop programs of specific attention to adolescents with a focus on their sexual, reproductive health rights.⁶³
51. In the area of education, the Mexican State has not complied with the recommendation of the Committee on the Rights of the Child to guarantee the equality of access and the quality of education, reduce regional disparities and take efficient measures to improve the educational situation of those groups living in vulnerable conditions.⁶⁴
52. Protection measures that promote social and juridical harmony and that protect such a vulnerable population are needed. This is added to the establishment of good quality public funding that finances non-governmental programs that assist this child population, particularly in areas where less coverage is available for such services⁶⁵.
53. In order to combat human trafficking, the Mexican State needs to comply with various recommendations of international bodies which have been made in order to combat and punish this phenomenon⁶⁶. In particular, the clear classification of and severity towards all forms of exploitation and sexual violence is particularly urgent in regards to the rights of the child, including violence which is perpetrated in the home, school, work place and other institutions of the community, as much as the illicit use of information technologies to this end. Promotion of legal measures to precisely punish the variety of actors involved in these crimes is particularly important: procurers, mediators and clients; and also to take necessary measures to promote bilateral and multilateral agreements commitments on the issue with the aim of avoiding that further cases remain in impunity. The Mexican state must also comply with its commitments to integrate databases, create statistics, and fulfill international agreements on the exchange of information, among others, besides the implementation of information and prevention campaigns to create awareness among the population.

Conclusion

54. It is vital that the Mexican State implements the recommendations of various human rights bodies in good faith and carries out all actions necessary to guarantee the respect of and compliance with international obligations that have been acquired through the signing and ratification of numerous treaties. Such action must be accompanied by thoughtful evaluation of results and processes, with the aim of ensuring a real improvement of the human rights of all and an end to the widespread impunity in this country. Only when such commitment is displayed will the rule of law truly exist in Mexico.

¹ The reservations filed by Mexico when ratifying international treaties include a reservation to Article 13 of the International Covenant on Civil and Political Rights (in light of Article 33 of the Mexican Constitution, which permits the executive branch to expel any foreigner without due process, in contravention of international norms); an interpretive declaration limiting the application of Article 8 of the ICESCR; a reservation to Article 22 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and an interpretive declaration to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (limiting the application of the Convention to crimes committed after its entry into force in Mexico, thus undermining the principle of non-applicability of statutory limitations).

² *Diario Oficial de la Federación*, June 18, 2008.

³ *Report of the Working Group on Arbitrary Detention on its Visit to Mexico (October 27 to November 10, 2002)* E/CN.4/2003/8/Add.3, para. 50 (criticizing *arraigo*); Committee Against Torture (2006), *Concluding Observations*, CAT/C/MEX/CO/4, para. 15 (recommending that *arraigo* be annulled).

⁴ Art. 16, Mexican Constitution.

⁵ Art. 19, Mexican Constitution.

⁶ The principles of an accusatory system appear in Articles 16 (paras. 2 and 13); 17 (paras. 3, 4, and 6); 19; 20; and 21 (para. 7) of the Constitution. The guiding principles established by the Constitution for criminal procedure are found in Article 20.

⁷ This concern was voiced by then-High Commissioner for Human Rights Louise Arbour during her visit to Mexico in February 2008. *See also Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir*, E/CN.4/2000/3/Add.3, Nov. 25, 1999, para. 107b (“The Special Rapporteur recommends that the Government of Mexico... Ensure the demilitarization of society and avoid deputizing the armed forces to maintain law and order or to eradicate crime”); *Report of the Working Group on Arbitrary Detention on its Visit to Mexico (October 27 to November 10, 2002)*, E/CN.4/2003/8/Add.3, Dec. 17, 2002, para. 72e (“The Working Group believes it is appropriate to insist on the need to maintain a clear-cut distinction between military tasks and policing tasks in law-and-order functions”).

⁸ *Matan a familias en retén*, Reforma (June 3, 2007).

⁹ Javier Cabrera, ‘Plantón’ en la 9 Zona Militar, El Universal (March 31, 2008), available at <http://www.eluniversal.com.mx/estados/67985.html>

¹⁰ Committee Against Torture, *Concluding Observations*, CAT/C/MEX/CO/4, Feb. 6, 2007, para. 14 (“The State party should ensure that cases involving violations of human rights... committed by military personnel against civilians, are always heard in civil courts, even when the violations are service-related”); Committee Against Torture, *Report on Mexico Produced by the Committee Under Article 20 of the Convention*, CAT/C/75, May 25, 2003, para. 220g (“The application of military law should be restricted only to offences of official misconduct and the necessary legal arrangements should be made to empower the civil courts to try offences against human rights”); *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk*, E/CN.4/2006/61/Add.4, Jan. 13, 2006, para. 69a(vi) (“Ensure... that all cases of violence against civilians committed by military personnel are investigated by civilian authorities, prosecuted by civilian authorities and adjudicated by independent and impartial civilian courts”); *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen*, E/CN.4/2004/80/Add.2, Dec. 23, 2003, para. 90 (“Any offence by a member of the military committed against a civilian should without exception be heard in the civil courts”); *Report of the Special Rapporteur, Mr. Nigel Rodley*, E/CN.4/1998/38/Add.2, Jan. 14, 1998, para. 88j (“Cases of serious crimes committed by military personnel against civilians [should] be subject to civilian justice”); *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir*, E/CN.4/2000/3/Add.3, Nov. 25, 1999, para. 107f (“Initiate reforms aimed at ensuring that all persons accused of human rights violations, regardless of their profession, are tried in ordinary courts”); *Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Kumaraswamy*, E/CN.4/2002/72/Add.1, Jan. 24, 2002, para. 192d (“With regard to the military and military courts: Crimes alleged to be committed by the military against civilians should be investigated by civilian authorities...”). The Inter-American Commission and Court of Human Rights have also declared that the application of military jurisdiction to cases of human rights violations is incompatible with respect for human rights.

¹¹ Information taken from Recommendation 37/2006 of the National Human Rights Commission, Oct. 11, 2006, available at www.cndh.org.mx.

¹² *Informe Especial de la Comisión Nacional de los Derechos Humanos relativo a los hechos de violencia suscitados en la Ciudad de Guadalajara, Jalisco, el 28 de mayo del 2004, con motivo de la celebración de la III Cumbre de América Latina, el Caribe y la Unión Europea*, (2004), available at www.cndh.org.mx.

¹³ *See* World Organisation Against Torture, Miguel Agustín Pro Juárez Human Rights Center, and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), *State Violence Against Detained Women in Mexico: the San Salvador Atenco Case*, alternative report presented to the CEDAW Committee, Aug. 2006, Chapter II, available at www.omct.org/pdf/VAW/2006/CEDAW_36th/CEDAW_alt_report_Mexico_en.pdf.

¹⁴ Committee Against Torture, *Concluding Observations*, CAT/C/MEX/CO/4, Feb. 6, 2007, para. 18a (“Ensure that force will be used only as a last resort and in strict conformity with the international rules of proportionality and necessity in the light of the existing threat”).

¹⁵ Liga Mexicana por la Defensa de los Derechos Humanos, *Criminalización de la Protesta Social*.

¹⁶ *See* Committee Against Torture, *Report on Mexico Produced by the Committee Under Article 20 of the Convention*, CAT/C/75, May 25, 2003, paras. 137-38 (“[T]orture continues to be practised frequently in Mexico... the widespread absence of penalties, whether administrative or criminal, for those responsible, facilitated by collusion between public attorneys’ offices and the judicial police [is a contributing factor]”).

¹⁷ Committee Against Torture (2007); Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (2003).

¹⁸ UN bodies that have expressed concern over attacks and harassment of human rights defenders include the Special Representative for Human Rights Defenders (2007); the Special Rapporteur on the independence of judges and lawyers (2001); the Special Rapporteur on extrajudicial, summary or arbitrary executions (1999); and the Special Rapporteur on Torture and Other Cruel, Inhuman, and Degrading Treatment (1997).

¹⁹ Committee Against Torture (2007); Human Rights Committee (1999); Working Group on Indigenous Peoples (2000).

²⁰ FEMOSPP, *Informe Histórico a la Sociedad Mexicana 2006*.

²¹ Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/7/2, Jan. 10, 2008, paras. 207-217.

²² *Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Kumaraswamy*, E/CN.4/2002/72/Add.1, Jan. 24, 2002, para. 192(h); Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/7/2, Jan. 10, 2008, paras. 216-217; Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/4/41, Jan. 25, 2007, para. 264.

- ²³ This pattern of impunity is the reason that the Mexican government currently must appear before the Inter-American Court of Human Rights in the case of the forced disappearance of Mr. Rosendo Radilla Pacheco.
- ²⁴ See Articles 17 and 117 of the *Amparo* Law, establishing that when a family member or third party files an *amparo* on behalf of a detained person, the detainee must ratify the *amparo* and the *amparo* must indicate his or her place of detention and the authority responsible. These requirements are impossible in cases of forced disappearance due to the nature of this violation.
- ²⁵ These data represent the greatest level of consensus among national and international organizations that specialize in freedom of expression and that analyze the situation of risk in Mexico.
- ²⁶ Situation of Freedom of Thought and Expression in Mexico, “*Informe: Balance de un sexenio, 2000-2006*”, presented to the Inter-American Commission on Human Rights, Mexico, April 2007, by AMARC, ARTICLE 19-Mexico Section, and CENCOS, among others.
- ²⁷ Op. Cit
- ²⁸ Human Rights Committee (1999); *Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Cumaraswamy* (2002); Report of the Commission of International Experts, United Nations Office on Drugs and Crime, Mission to Ciudad Juárez, Chihuahua, Mexico, Sept. 2003; Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Jan. 2005; *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk* (Feb. 2005); Committee on Economic, Social, and Cultural Rights, March 2006; Committee Against Torture, Nov. 2007.
- ²⁹ *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk* (Feb. 2005); Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Jan. 2005; *Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Cumaraswamy* (2002); Report of the Commission of International Experts, United Nations Office on Drugs and Crime, Mission to Ciudad Juárez, Chihuahua, Mexico, Sept. 2003.
- ³⁰ National Women’s Institute (2006), *Análisis comparativo de la legislación local en materia de violencia familiar y una propuesta de Ley Marco*, p. 143.
- ³¹ Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), Jan. 2005 and Aug. 2006; *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk* (Feb. 2005); Committee on Economic, Social, and Cultural Rights, March 2006.
- ³² See World Organisation Against Torture, Miguel Agustín Pro Juárez Human Rights Center, and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), *State Violence Against Detained Women in Mexico: the San Salvador Atenco Case*, alternative report presented to the CEDAW Committee, Aug. 2006, Chapter III, available at www.omct.org/pdf/VAW/2006/CEDAW_36th/CEDAW_alt_report_Mexico_en.pdf.
- ³³ See, e.g., Human Rights Committee, *Concluding Observations, CCPR/C/79/Add.109*, July 27, 1999, para. 16 (“The Committee is concerned at the level of violence against women, including... the many allegations of rape or torture by the security forces of women in detention... The State party should take effective measures to protect the security of women...and to ensure that all allegations of abuse are investigated and the perpetrators brought to justice”); Committee Against Torture, *Concluding Observations, CAT/C/MEX/CO/4*, Feb. 6, 2007, para. 19a (“Conduct a prompt, effective and impartial investigation into the incidents which occurred during the security operation in San Salvador Atenco on 3 and 4 May 2006, and ensure that those responsible for the violations are tried and properly punished”); CEDAW Committee, *Concluding Comments, CEDAW/C/MEX/CO/6*, Aug. 25, 2006, para. 15 (“the Committee urges the State party to take without delay all necessary measures to eliminate violence against women by any person... as well as violence committed by, or resulting from, actions or omissions by State agents”).
- ³⁴ CEDAW Committee, *Concluding Comments, CEDAW/C/MEX/CO/6*, Aug. 25, 2006.
- ³⁵ *Id.*
- ³⁶ United Nations Committee on Economic, Social and Cultural Rights (hereafter CESCR) to the Mexican State in its 2006 Final Observations of the CESCR; E/C.12/CO/MEX/4, paragraph 28
- ³⁷ See for example: A/HRC/7/16/Add.1, March 4, 2008 regarding the case of the construction of the Hydroelectric Dam “La Parota”
- ³⁸ National Survey on Health and Nutrition, ENSANUT 2006
- ³⁹ National Council for the Evaluation of Social Development Policy (CONEVAL) 2006
- ⁴⁰ One of these is the program entitled “medical insurance for a new generation”, which discriminates against children not born in the period of the new presidential administration, violating the right to health; It is estimated that the proportion of children that could be covered by this insurance, at the end of 2008, would be 15.6% (births accumulated through 2007 and 2008, among the total of children under 12 years)
- ⁴¹ Final Observations of the CESCR Committee to Mexico, 1993 (E/C.12/1993/16); Final Observations of CESCR to Mexico, 1999 (E/C.12/1/Add.41); Final Observations of CESCR to Mexico, 2006 (E/C.12/MEX/CO/4).
- ⁴² See report entitled “Employment Panorama 2008”, Organization for Cooperation and Economic Development (OCDE). For its part, the ILO estimates that 25.5 million people are employed under informal conditions in Mexico. A growing number of heads of households are obligated to look for more than one source of employment and more family members are contributing to the family income, as well as 2 million 976 thousand people finding themselves in situations of unemployment.
- ⁴³ Both plans contain among their objectives the promotion of free market labor conditions that give incentive to the supply and demand style system, as well as containing the objective to create high quality formal employments. To this end, the National Employment Service (SNE) will coordinate all programs at a national level to give coverage to the placement and publicity of employment vacancies. Employment fairs were created by the First Job Program, the Observatory on Labor Issues and well as STPS which provides attention through telephone consultation and on its website http://www.empleo.gob.mx/wb/BANEM/BANE_inicio
- ⁴⁴ Beside the fact that there is no available information from the STPS about the type of employment that the public accesses through its programs, nor the permanency of these positions, their benefits and salaries.
- ⁴⁵ The contents of which make it operate practically as a reservation on the part of Mexico to the spirit of article 8 of the Covenant.

⁴⁶ Some workers affected by this policy are the Independent Trade Union of Vidriera in the State of San Luis Potosí, The National union of Workers, Miners and Metal Workers, the Independent Trade Union of Postal Workers, the Electrical Industry Coalition of Workers and the National Alliance of Petrol Workers.

⁴⁷ The consequences of these types of contracts are: salary levels equal to those in the minimum wage levels, informality of working conditions, limitations on the right to strike, undemocratic conditions of elections for union representatives, etc: For more information see: <http://ccpp.iiec.unam.mx/main.html>

48 CEACR, 2007, Documento No. (ilolex) 062007MEX102.

49 Besides, in terms of security cover, official figures document that finding work does not guarantee the enjoyment of benefits of social security from employers. The most recent indicators on occupation and employment note that only 62.6% of the population employed in the country does not have access to health institutions, and this affects more than 27.1 workers in Mexico (almost 2 in 3).

50 Educational Reforms only integrate human rights as part of the unit of “citizen values”. This comes alongside programs such as “safe schools”, “full time schools”, “see well to learn better” “quality schools” and the program of bilingual instruction, among others.

51 Universality and other defining legal characteristics of the General Observation 4 of CESCR were recognized by the Mexican government; however elements of affordability and cultural adequacy have not been recognized.

52 The Housing Law defines “Social Cooperative Construction of Housing” as that which is carried out under the control of auto-producers and auto-constructors that operate on a non-for-profit basis and that are oriented primarily towards attending the needs of a population of low income, including those that arise from organic and solidarity processes that give priority to the use of a house in its place in social definition, mixing resources, constructive processes and technologies with a foundation in idiosyncratic necessities and the ability to manage decision making. Although the Law recognizes the “Social Production”, it has not elements for implementation in this respect.

53 Evictions are referred to in the recommendations of CESCR in 1999 and 2006 and the Report of the Special Rapporteur of 2003, in which besides recommending a registry of housing be carried out by a working group in which civil society participates, it also recommends that judges and magistrates be given formation in this area in respect to international treaties. The Rapporteur’s report also recommends the creation of a national humanitarian fund for housing with the aim of solving urgent problems for communities affected by floods or earthquakes, which lack shelter or that have been left without a home or been displaced. If the Natural Disasters Fund does indeed exist in Mexico, it does not include affects for such involuntary evictions and on occasions does not act with sufficient speed.

54 Although the Economic, Social and Cultural Sub Commission of the Commission on Governmental Policy on Human Rights has included the theme of evictions since 2003, on the proposal of civil organizations, concrete measures have still not been established in order to avoid evictions and design adequate instruments to register them by the judicial power, which at this time does not take part in this theme. Besides, the Judicial Power should have a system of counting and registering and making transparent this information in regards to conflicts between individuals and collectives, violated rights, procedure times, advances in the dictation of a legal sentence, among others.

55 The instruments of financing of housing programs are directed at the populations that has an income at least 4 or 5 times higher than the minimum wage, generating an over demand of housing that cannot be paid for by the vast bulk of the population who are left to seek housing in peripheral zones of cities or in conditions of risk and vulnerability.

56 We refer to the Human Rights Committee, the CESCR Committee, the Committee for the Elimination of Racial Discrimination, Committee CEDAW, the Committee Against Torture (CAT), the Committee on the Rights of the Child, the Committee for the Protection of the Rights of Migrant Workers and their Families, the Committee on the Rights of People with Disabilities

57 The CEDAW Committee recommended to Mexico in August 2006: “The Committee requests the State party to harmonize legislation pertaining to abortion at the federal and State levels”: (CEDAW/C/MEX/6), Para 33, concluding comments of the Committee on the Elimination of Discrimination against Women: Mexico. Besides, the General Recommendation number 24 of the CEDAW Committee outlines that “When possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion” Committee on the Elimination of Discrimination against Women, General Recommendation 24, Women and Health (Twentieth session, 1999), U.N. Doc. A/54/38 at paragraph 31

58 In various states of Mexico proposals for laws that would protect life from the moment of conception have been made with the intention of ruling out abortions in any circumstance – states such as Baja California, Tamaulipas (where the bill was approved) and Jalisco

59 See Amicus Curiae of the International Commission of Jurists and the Center for Reproductive Rights presented to the Supreme Court of the United States of America. Amicus Curiae of the International Right to Sexual and Reproductive Health, Faculty of Law, University of Toronto. Amicus Curiae of the Diversity Collective.

60 Committee on the Rights of the Child (2006), Conclusions and Recommendations (CRC/C/MEX/CO/3), párr.12.

61 Committee on the Rights of the Child, Conclusions and Recommendations (CRC/C/MEX/CO/3), paragraph 34 a dn b, paragraph 69

62 Ibid, paragraph 49

63 Ibid, para 51; CESCR Committee, 2006 (E/C.12/MEX/CO/4), paragraph 44, CEDAW Committee (2006), Final Observations (CEDAW/C/MEX/CO/6), paragraph 33

64 Committee on the Rights of the Child, Conclusions and Recommendations (CRC/C/MEX/CO/3), par 57

65 ibid

66 ibid