

The background of the entire image is the Mexican national flag, featuring three vertical stripes of green, white, and red, with the national coat of arms in the center. The coat of arms depicts an eagle perched on a cactus, holding a snake in its beak. The flag is shown waving against a blue sky with light clouds.

NEGATIVE BALANCE

HUMAN RIGHTS IN MEXICO

December 2021

SIGNOS VITALES
EL PULSO DE MÉXICO



Is a non-profit, non governmental organization that is structured by a Council built up of people with an outstanding track record, with high ethical and professional level, which have national and international recognition and with a firm commitment to democratic and freedom principles.

The Council is structured with an Executive Committee, and Advisory Committee of Specialists and a Communication Advisory Committee, and a Executive Director coordinates the operation of these three Committees.

One of the main objectives is the collection of reliable and independent information on the key variables of our economic, political and sociocultural context in order to diagnose, with a good degree of certainty, the state where the country is located.

Vital Signs intends to serve as a light to show the direction that Mexico is taking through the dissemination of quarterly reports, with a national and international scope, to alert society and the policy makers of the wide variety of problems that require special attention.



Weak or absent pulse can have many causes and represents a medical emergency.

The more frequent causes are the heart attack and the shock condition. Heart attack occurs when the heart stops beating. The shock condition occurs when the organism suffers a considerable deterioration, which causes a weak pulse, fast heartbeat, shallow, breathing and loss of consciousness. It can be caused by different factors.

Vital signs weaken and you have to be constantly taking the pulse.

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1

TOWARDS A BALANCE



1

INTRODUCTION



The struggle for respect and human rights enforcement in Mexico is not new. It has taken many years, much effort, and, unfortunately, many lives in between. Locally, regionally, and federally, the transgression on these rights has become a recurrent and habitual practice not just by the authorities but also for society, allowing this abuse to prevail. To talk about human rights is to talk about respect for people's lives, for the activities and aspirations of each one of them. In Mexico, in the XXI century, these rights violations represent an enormous burden on the country and its population. This issue seems more and more complicated to eradicate and solve.

The most effective strategy to defend and promote the observance and compliance of human rights is through the construction and consolidation of institutions, with specific capabilities in the matter, independence in the decision-making process, with sufficient budgets and capable human resources, and the infrastructure and equipment that allow the institutions to adapt to the contextual external continual changes. In addition, all the mentioned above solve the public problem. Despite many former governments, including the current one, have been tepid on tackling the strengthening of Mexican institutions. Without a doubt, we can talk about the organisms and entities that have provided growth and development alternatives for the country, and they have propelled the construction of a more democratic Mexico. To this day, many of them still exist, generating options to reach consensus, while many others have disappeared or are about to do so shortly.

The current federal government has made a systematic effort to weaken the institutional counterweights and destroy the government capabilities and to disappear the organizations or bodies that could and must provide the balance that all democracies should have, and that is essential for development. In a context like this one, the elements that make the State promote,

respect, protect, and guarantee human rights under the universality principles, interdependency, indivisibility, and progressiveness are infringed and encourage a continuous violation.

Despite that in Mexico article 1st of the Constitution establishes that human rights are the pillar and foundation of the Mexican State, their violation and minimization continue to be a permanent problem. This way, the report shows how we are in the matter of contempt of human rights, and it allows, at the same time, to have a panoramic view of when and where these rights are violated; considering the institutions that transgress them such as the lack in political matters and actions that precisely do not allow to make these legal commands effective.

The current federal government has made a systematic effort to weaken the institutional counterweights and destroy government capabilities, and to disappear the organizations or bodies that could and must provide the balance that all democracies should have, which is essential for development.

For this reason, Signos Vitales decided to place in the national agenda through this report the state that the fundamental and human rights are in a bit over three years of this government self-called The Fourth Transformation (La cuarta transformacion in Spanish). This document makes a re-counting on the rights that we all Mexicans have by constitutional order. At the same time, an analysis of its protection importance, rendering account of how their violation affects the development and country's growth.

The report is divided into five main areas that address THE CIVIL AND POLITICAL RIGHTS IN THIS GOVERNMENT REGIME. In this section, the security and protection of life in Mexico are analyzed; the access to justice, the due process; pre-trial detention; attempts against people's privacy and legal certainty, as well as pressures from the freedom of speech and information access.

AN ADDITIONAL SECTION ANALYZES THE HUMAN RIGHTS AGAINST THE POLICIES AND MEGA-PROJECTS led by the government, addressing topics such as freedom of transit and residency, the unfortunate situation of the limitation on transportation means, and its social and economic repercussion; right of housing; losing housing risks; losing heritage risks. Finally, the con-

sequences the government's main projects have in the energy and agricultural sector mainly.

A THIRD SECTION NAMED INACTION, PANDEMIC AND SOCIAL RIGHTS IN CRISIS is included, which analyzes the vulnerability of people's rights on discrimination matter; social security; health; food security; gender equality; sexual and reproductive rights; violations to women's safety, and the difficulties to the access on the right to education. The section allows a panoramic view of how the government's lack of practical actions exposed the most needed sectors during the COVID -19 pandemic and, consequently, during the economic crisis.

A FOURTH SECTION CONSIDERS THE MOST VULNERABLE PEOPLE AND THOSE WHO DO NOT HAVE RIGHTS, such as migrants that cross Mexico; indigenous peoples and communities; affectations that girls, boys, and adolescents suffer; and the limitations when they are disabled. Additionally, the transgressions elderly persons suffer and the consequences in their lives is another topic discussed here.

LASTLY, THE IMPORTANCE OF THE ENVIRONMENT CONSERVATION TOPIC IS ADDRESSED AND THE ENCOURAGEMENT TO THE SUSTAINABLE DEVELOPMENT in the human environmental rights compliance. Similarly, the section analyses the ecological expenses of the mega-projects and policies that the current government has implemented and its impact in the violation of indigenous people and communities, and healthy environment rights, the latter covered in international agreements and the national environmental policy.

This report shows how the governments have prefixed their political and economic interests above people's and how these actions have degraded the life's quality of many of them. In particular, we will focus on the steps the current government is performing that do not compensate or help the situation in which the country and its population live in contrast with its campaign promise: to be a government that would promise to protect the most vulnerable. It has become a government that is interested only in political and electoral gains. Likewise, the document re-counts many rights enshrined in the Constitution breach and violation and presents the view and sentiment of some of the affected people to provide their perspective.

The report focuses on the actions that the current government is taking, as opposed to its campaign approach:

from being a government that promised to protect the most vulnerable, it has become a government that is mostly interested in political and electoral gains.



2

CIVIL AND POLITICAL RIGHTS IN THE CURRENT REGIME



2

CIVIL AND POLITICAL RIGHTS IN THE CURRENT REGIME



LIFE'S SAFETY AND PROTECTION IN MEXICO

The rights to life, integrity and personal safety are the most fundamental rights for people worldwide. The construction of the modern State itself lays on the provision of statal security to the individuals. The Constitution establishes that every person has the right their life to be respected, understanding this as the State must respect life while practicing its functions, and there is a limitation of action for the individuals, so none of them deprive the life of another person (CNDH, n.a.1). In addition, the Constitution also prohibits death penalties, mutilation penalties, disgrace penalty, branding, floggings, beatings, and any torment of any kind, excessive fine, the seizure of assets, and any unprecedented

and transcendent penalties (there is special protection of this right in the prohibition of inflicting torture or abuse, cruel treatments, inhumane or degrading treatment) (CNHD, n.a. 1).

However, these rights have been some of the most violated in Mexico for the last 14 years. From the beginning of the frontal fight against the organized crime policy or the war against narcotraffic as we know it, life protection, safety, and integrity of people in Mexico have become a challenge of gigantic dimensions. While in 2007, the intentional homicides rate per every 100,000 inhabitants was 8.1, the lowest since 1990. In 2009, it was 18, and in 2011 it

was 24 (INEGI, 2020g). Albeit in 2014 and 2015, they show a decrease (16.6 and 17 homicides per every one hundred inhabitants respectively), the number of homicides continued placing Mexico among the most violent and dangerous countries worldwide. With the arrival of the new government, this reality has not been modified.

In fact, 2018, 2019, 2020 have been the years with more intentional homicides in the history of Mexico (33 thousand 740, 34 thousand 689, and 34 thousand 558 intentional homicides, respectively), and if this trend holds, 2021 could be the most violent (INEGI, 2021f). This indicator places Mexico in a bad comparative position against countries of the region and the world. In the Global Study on Homicide presented in 2019¹⁵ by the United Nations against Drugs and Crime office, Mexico is in 12th place of the countries with the most homicides globally. Despite this, the government maintains expenses on security close to 0.7% of GDP, the smallest among the countries of the Organization for Economic Co-operation and Development's (OCDE for its acronym in Spanish) (Instituto para la Economía y la Paz, 2021).

¹⁵ he last available issue.

Concerning femicides, Mexico has terrible scores. It is observed that this crime has increased considerably since 2015 to date. The year 2020 has the largest registered femicides since the data is available, reaching 997. The years 2019 and 2018 follow with 970 and 914 femicides, respectively. In addition, up to September 2021, 762 have been recorded (Causa en Comun, 2021a).

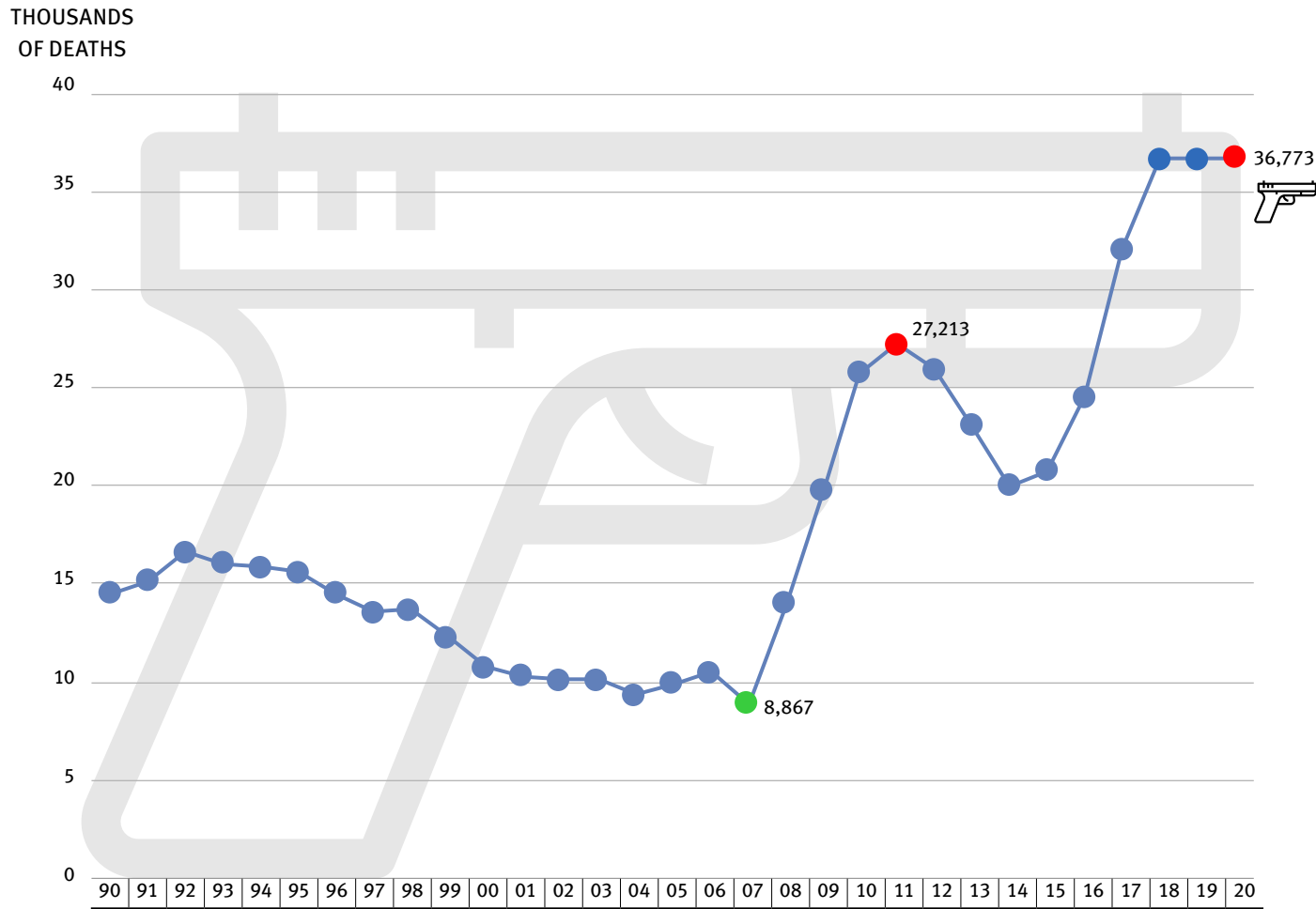
TABLE 1: RECORDED FEMICIDES AND DAILY AVERAGE
2015–2021

TERM	RECORDED FEMICIDES	AVERAGE RECORDED FEMICIDES
JANUARY–DECEMBER 2015	426	1
JANUARY–DECEMBER 2016	645	2
JANUARY–DECEMBER 2017	766	2
JANUARY–DECEMBER 2018	914	3
JANUARY–DECEMBER 2019	970	3
JANUARY–DECEMBER 2020	977	3
JANUARY–DECEMBER 2021	762	3

Source: In house– elaboration with data from Causa en Comun (2021a).

GRAPH 1: HOMICIDES NATIONALLY

ANNUAL SERIES 1990–2020

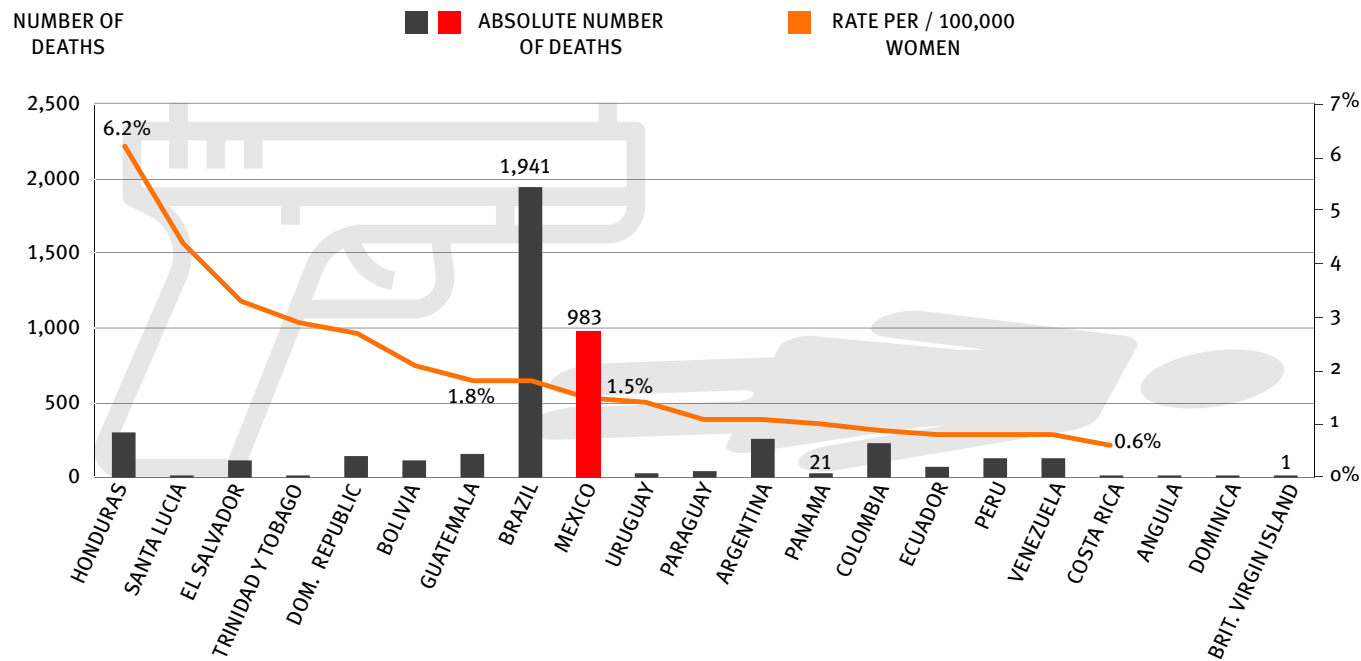


Source: In-house elaboration with data from INEGI (2021f).

At the regional level, the Gender Equality Observatory for Latin America and the Caribbean of the United Nations Economic Commission for Latin America and the Caribbean (CEPAL for its acronym in Spanish) informed in 2020 that up to 2018, Mexico was ranked as the second country in Latin America with most femicides only after Brazil, and as the eighth place with a significant femicides rate per every 100 thousand inhabitants just behind countries such as El Salvador, Honduras, Bolivia, Guatemala, Dominican Republic, Paraguay, and Uruguay.

Even though homicide and femicide are not the only crimes that impinge life, security, and people’s integrity, they are the most serious concerning the other crimes a marginal improvement has been observed, although it must be taken into account the fact that there is a raised black figure in various crimes. The National Survey of Victimization and Perception of Public Safety (EnVIPE for its acronym in Spanish) revealed that in 2020, around 93.3% of the crimes committed in Mexico were not decried, or the prosecutor

GRAPH 2: FEMICIDES IN LATIN AMERICA AND THE CARIBBEAN
(21 SELECTED COUNTRIES)



Source: In-house elaboration with data from the Latin–American and Caribbean Gender Equality Observatory (GEO) (2020).

did not investigate them (INEGI, 2021d). In addition, the Urban Public Safety National Survey (ENSU for its acronym in Spanish of National Institute of Statistics and Geography (INEGI for its acronym in Spanish) keeps showing that most Mexicans do not feel safe (66%). With regard to the last issue reported in June 2021, it shows a slight decrease of 2 percentage points regarding the one presented in December 2020. On the other hand, concerning kidnapping, since August 2019, there is a decrease in this crime. In January 2021 showed a historical minimum of fifty victims was recorded. This reduction could be due to the COVID-19 pandemic lockdown. Despite this fall, it must be considered that the ENVIPE shows a black figure of 98.6% for this crime (INEGI, 2021d).





Concerning violent vehicle theft, there is also a fall in 2017, 2018, and 2019. The occurrence of this crime in 2020 was 45 per every one hundred thousand inhabitants, ten points lower than in 2019, sixteen lower than 2018, and nine less than 2017. Between January and September 2021, 30 thousand 144 reports have been recorded on this crime. Finally, the infliction of injury crime decreased in 2020 regarding 2019, going from 183 thousand 937 to 161 thousand 071 registered. Up to September 2021, there have been 128 thousand 122 victims for this crime (Delito Causa Comun 2021^a).

In fact, 2018, 2019 and 2020 have been the years with the most malicious homicides in the history of Mexico. And, if the trend continues, 2021 could be the most violent (INEGI, 2021).

2018	33,740 deaths
2019	34,689 deaths
2020	34,558 deaths

TABLE 2: KIDNAPPING, VEHICLE, AND VIOLENT CAR THEFT 2015–2021

(UP TO SEPTEMBER)

TERM	THE NUMBER OF KIDNAPPING VICTIMS REGISTERED 	DAILY AVERAGE OF RECORDED KIDNAPPING VICTIMS 	DAILY AVERAGE OF KIDNAPPING VICTIMS REGISTERED 	CAR THEFT WITH VIOLENCE RATE PER EVERY 100 THOUSAND INHABITANTS 
JANUARY TO DECEMBER 2015	1,312	4	45,842	38
JANUARY TO DECEMBER 2016	1,381	4	46,294	38
JANUARY TO DECEMBER 2017	1,390	4	66,772	54
JANUARY TO DECEMBER 2018	1,560	4	76,676	61
JANUARY TO DECEMBER 2019	1,630	4	70,083	55
JANUARY TO DECEMBER 2020	1,041	3	56,880	45
JANUARY TO DECEMBER 2021	627	4	31,460	

Source: In-house elaboration with data of Causa en Comun (2021a).

JUSTICE ACCESS IN MEXICO: IMPUNITY AS A RULE AND NOT AS AN EXCEPTION



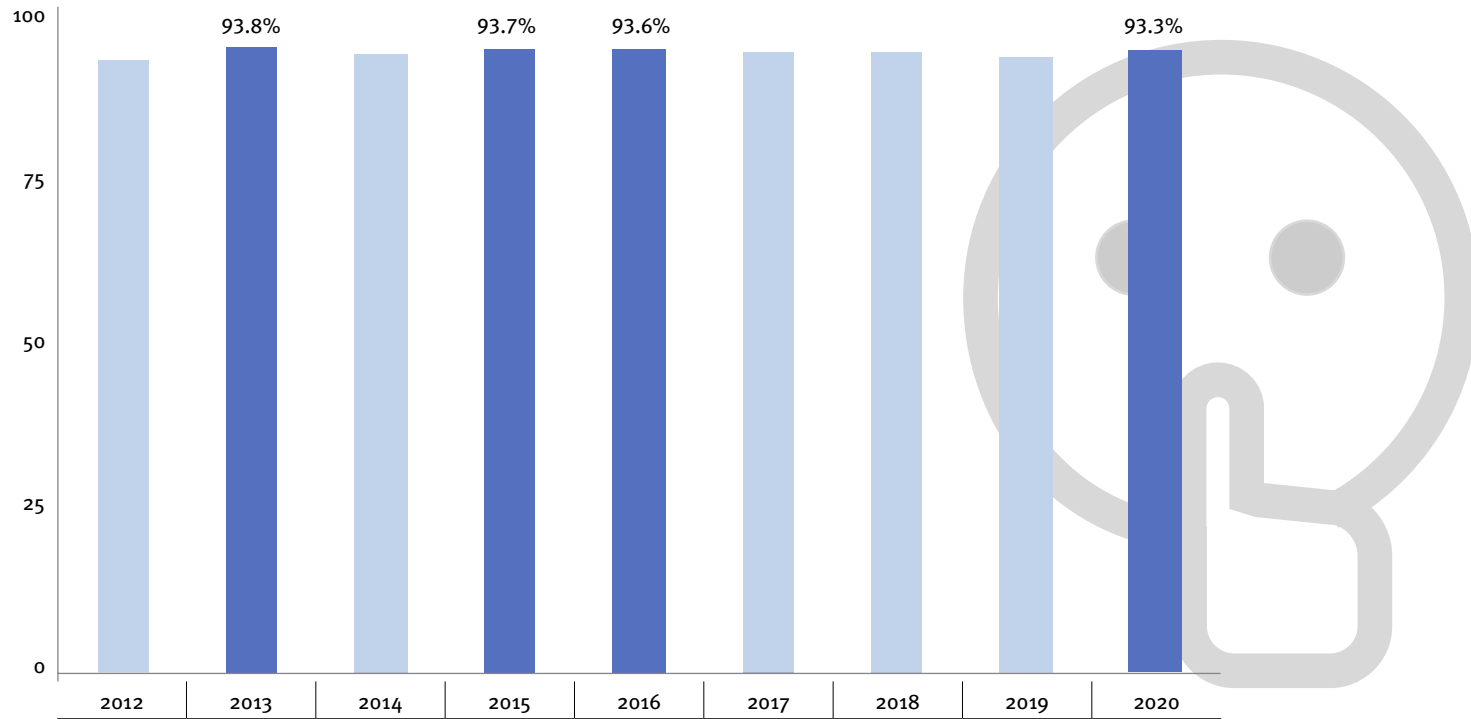
As repeated on many occasions, the impunity reflects the State's weakness in making justice the current regulatory framework. Although there are diverse ways of measuring impunity, it is done by counting the number of crimes without report, investigation, or sentence in Mexico. As previously mentioned, the EN-UIPE 2021 shows that 93.3% of the crimes committed in Mexico during 2020 were not reported nor investigated. Out of the 6.7 % remaining with investigation files by the prosecutor authorities, 48.4% nothing happened, or the report was not given a solution which represents an increase of four points regarding 2019. 27% of the investigation files are still in process, 5.9% of the victim recovered their goods, 4.6% of the offender was in custody and front of a judge, and only 3.8% there was compensation, and 2.8% pardon was granted. It is known that 93.4% of reported crimes do not conclude with a sentence or a compensation agreement, nor with an agreement between parts or damage claim (INEGI, 2021d).

TABLE 3: BLACK-FIGURE (%) BY CRIME TYPE (2019–2020)

TYPE OF CRIME	PERCENTAGE 2019 %	PERCENTAGE 2020 %
KIDNAPPING	93.9	98.6
EXTORSION	97.1	97.9
FRAUD	95.9	96.7
OTHER CRIMES	96.1	95.4
PARTIAL CAR THEFT	94.7	94.4
STREET ROBBERY OR IN PUBLIC TRANSPORTATION	94.2	94.4
OTHER HEISTS	91.5	92.0
BURGLARY	90.8	90.6
VERBAL THREATS	86.0	88.6
VERBAL THREATS	82.4	84.4
TOTAL CAR THEFT	39.0	37.9

Source: In-house elaboration with data of INEGI (2021d).

GRAPH 3: BLACK FIGURE
(%) FROM 2012–2020



Source: In-house elaboration with data of INEGI (2021d).

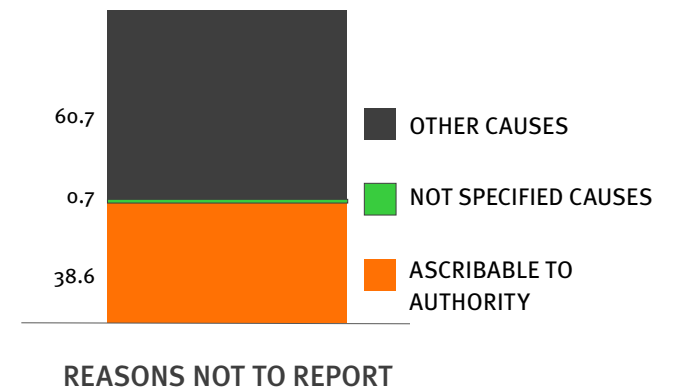
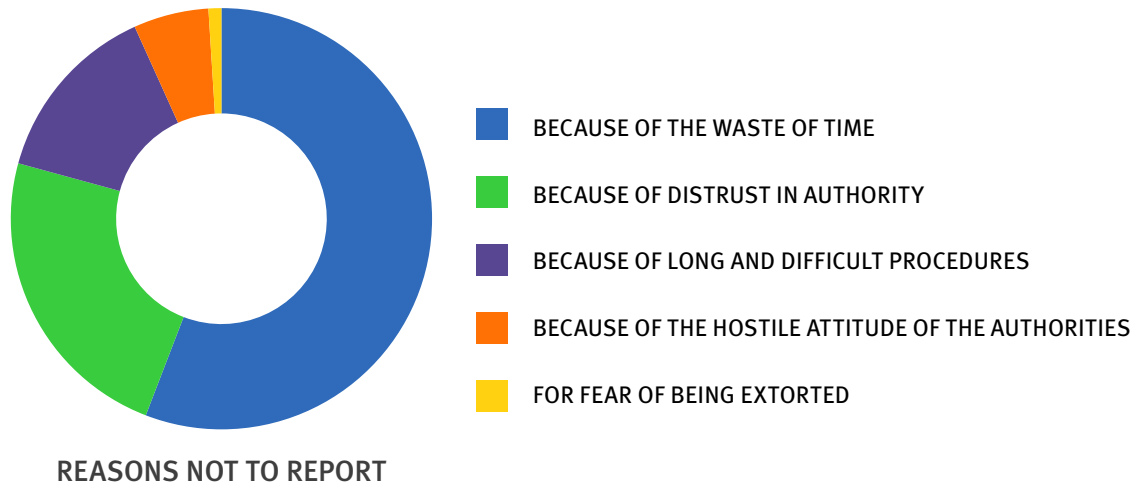
When people are asked why they do not report the crimes or why they consider justice access is not available, the most common answer is that it is a waste of time (33.9%), followed by untrusty authority (14.2%).

In 60.7% of the cases, the reasons why victims of a crime decide not to report are attributable to administration (INEGI, 2021d).

That is to say, access to justice, understood as any person’s right to attend Court to receive justice promptly, thoroughly, impartially, and freely (CNDH, n.a.1), is not a reality in Mexico, fundamentally because of the incapacity of criminal–justice institutions as well as the little trust people have in institutions as a result. Although it is complicated to know why the State has little capacity to guarantee access to justice, it is known that the lack of criminal policies and the signif-

icant workload in the public ministry are relevant variables. As Mexico Evalua (2021) reports, despite 30% of the crimes could have been solved by internal justice (this means early termination mechanisms or the process), the absence of the prioritization crimes protocols block certain crimes from flowing rapidly. Similarly, The same organization revealed that, on average, each public ministry opens 145 investigation files a year where each federal level technician attends 160

GRAPH 4 AND 5: REASONS WHY PEOPLE DO NOT REPORT, AND CAUSES ATTRIBUTABLE TO THE ADMINISTRATION



Fuente: Elaboracion propia con informacion del INEGI (2021d).

forensic analysis requests and 448 locally, but they just attend 4%. In addition, Mexico counts only with 2.17 judges per every one hundred thousand inhabitants, less than the average in the region (Le Clercq y Rodriguez, 2020)

Internationally, Mexico is not well placed in the justice access category. The last issue of the World Justice Project (2021) puts Mexico in the 131st place of 139 countries in the civil justice category, which measures if ordinary people can solve complaints in a pacific and effective way through the civil justice system. This reflects a slight comparative drawback regarding previous years.

On average, each public ministry starts 145 research folders a year, but only 4% is attended. In addition, Mexico only has 2.17 judges for every 100,000 inhabitants, less than half the average in the region.

Mexico is ranked 131 out of 139 countries in civil justice:

It measures whether ordinary people can resolve their complaints peacefully and effectively through the justice system.

World Justice Project (2021).

DUE PROCESS IN MEXICO: THE ABUSE OF POWER



Due process is one of people’s most fundamental human rights since it implies that the authority action will not endanger other human rights. The due process should be understood as the right every person has to exercise their defense and be heard by the able authority with the due formalities and within a reasonable period, previous to the recognition pre-restriction of their rights and obligations (CNHD, n.a. 1). In this sense, the due process should contemplate the formalities that guarantee a proper defense that implies at all times: 1) the initiation of proceeding notice, 2) the opportunity to offer proofs and plead in someone’s defense, 3) a resolution that guarantees the reason discussed, and 4) the possibility of contesting the resolution through the procedural resources.

In Mexico, due process has been violated blatantly. Concretely, the beginning of the so-called war against organized crime in Felipe Calderon’s term triggered, as never before, the extrajudicial executions, the excessive use of public force against the alleged criminal groups, and a third party that was called “collateral damage.” Although the incidence of offenses or crimes is sub-reported, the official data records an

increase in the reports for crimes committed by public servants, which went from 11 thousand 821 in 2015 to 21 thousand 883 in 2020. Between January and September 2021, 16 thousand 145 were registered (SESNSP, 2021b).

TABLE 4: CRIMES COMMITTED BY PUBLIC SERVANTS
RECORDED BY THE SESNSP
JANUARY 2015 TO SEPTEMBER 2021

PERIOD	NUMBER OF CRIMES
JANUARY TO DECEMBER 2015	11 821
JANUARY TO DECEMBER 2016	13 471
JANUARY TO DECEMBER 2017	15 164
JANUARY TO DECEMBER 2018	18 332
JANUARY TO DECEMBER 2019	21 523
JANUARY TO DECEMBER 2020	21 883
JANUARY TO SEPTEMBER 2021	16 145

Source: In-house elaboration with data of SESNSP, (2021b).

Though the reports are directed to multiple institutions of the Mexican State, it is well known that many of the most violent arbitrariness include the participation of public safety bodies and the armed forces. Concerning the last mentioned, the data available, mainly related to the casualties that their conflicts with criminal groups are particularly shocking.

On July 3, 2020, a violent clash occurred in Nuevo Laredo, Tamaulipas, between the army and alleged members of a criminal group accused of kidnapping three civilians. In the incident, the military institution took down twelve civilians, including the suspected kidnapped civilians tied up and unarmed. After the hundreds of shots during the clash, a soldier in the pick-up of a truck asked his military comrades if they were ok, who, while getting closer to the alleged criminal van, discovered a person still alive, unarmed, and was asking for help. The first soldier screams coldly: “kill him! fucking kill him! “imatalo!, imatalo a la verga!” (Ferri, 2020). Later on was known that the extrajudicial execution was against Arturo Garza, a 19-year-old young man. In their reports, the soldiers omitted the extrajudicial execution. They did not distinguish between the alleged member of a criminal group and the suspected kidnapped victims, and they did not report any detention. In other words, the result was the



Image: Soldiers killed 12 in Nuevo Laredo, Tamps on July 3, 2020 / Zeta Tijuana at <https://tinyurl.com/zp8krnc>

complete extermination of civilians at the crime scene that early morning. The news came to light due to a video leakage published on October 24 and recorded by a soldier, in fact, the only one that had the video recorder on, as the law indicates. This event does not seem to be an exception. There are many cases, such as the massacre of Tlataya, registered in 2014, or the murder of Jorge Antonio Mercado Alonso and Javier Francisco Arredondo Verdugo in 2010. Two students at The Monterrey Institute of Technology and Higher Education (ITESM for its acronym in Spanish) were gunned down by the army institution that, as in the Tlataya case, tried to conceal evidence, modify the crime scene, and accuse the victims of being criminals who were later denied.

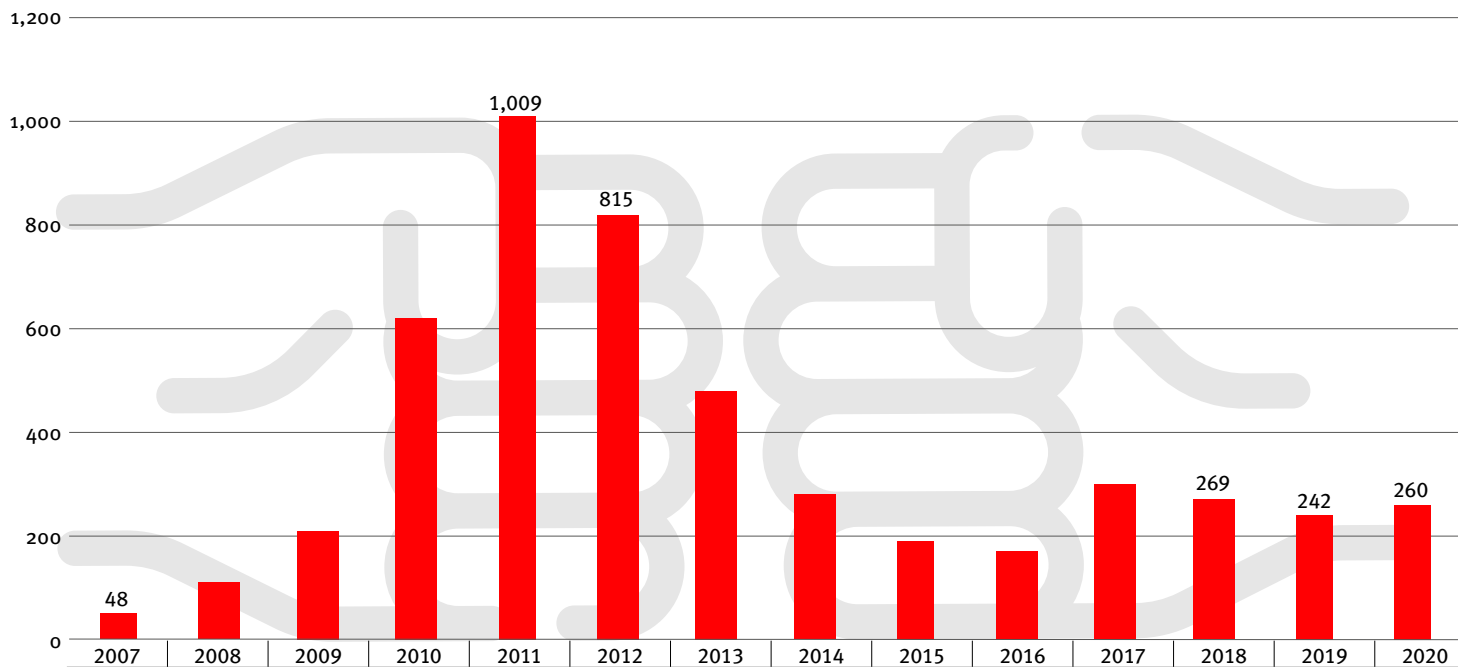
Even though articles 14 and 22 of the Constitution clearly establish that nobody will be deprived of freedom or properties, possessions or rights, among which is the right to life if it is not through a trial taken to previously established Court where the essential formalities of the procedure can be done and following the issued law previous the fact and is also forbidden the death penalty. In the facts, the armed corporations of the Mexican State have transgressed flagrantly this regulatory framework, mainly the armed forces.

As it was registered by the Intersecta organization and the Centre For Economic Research and Education (CIDE for its acronym in Spanish) between 2007 and 2020 4 thousand 997 confrontations between the Secretariat of National Defense (Sedena for its acronym in Spanish.) and the alleged criminal group were registered. 2011 and 2012 have the highest figures, and despite between 2014 and 2016 some reductions were observed, a sudden increase was recorded since 2017. 2020 registered 260 of these confrontations (Vela, 2021c).

5 thousand 84 deceased civilians and 2 thousand 210 wounded civilians have been documented among all the confrontations recorded. That is to say, for every injured civilian in an altercation where Sedena was involved, 2.3 civilians were killed (Vela, 2021c). This shows that the policy on fighting organized crime has not been characterized by keeping an approach on rights but tolerable in the extermination.

Likewise, Vela (2021c) mentioned that only in 2020 there were 260 conflicts in which Sedena was involved. The result was 170 civilians detained, 50 civilians and 56 soldiers wounded, 237 civilians and six soldiers deceased. That is to say, in 2020, 4.7 murdered civilians per every wounded civilian were reg-

GRAPH 6: CONFRONTATION BETWEEN SEDENA AND ALLEGED CRIMINAL GROUPS
(2007–2020)

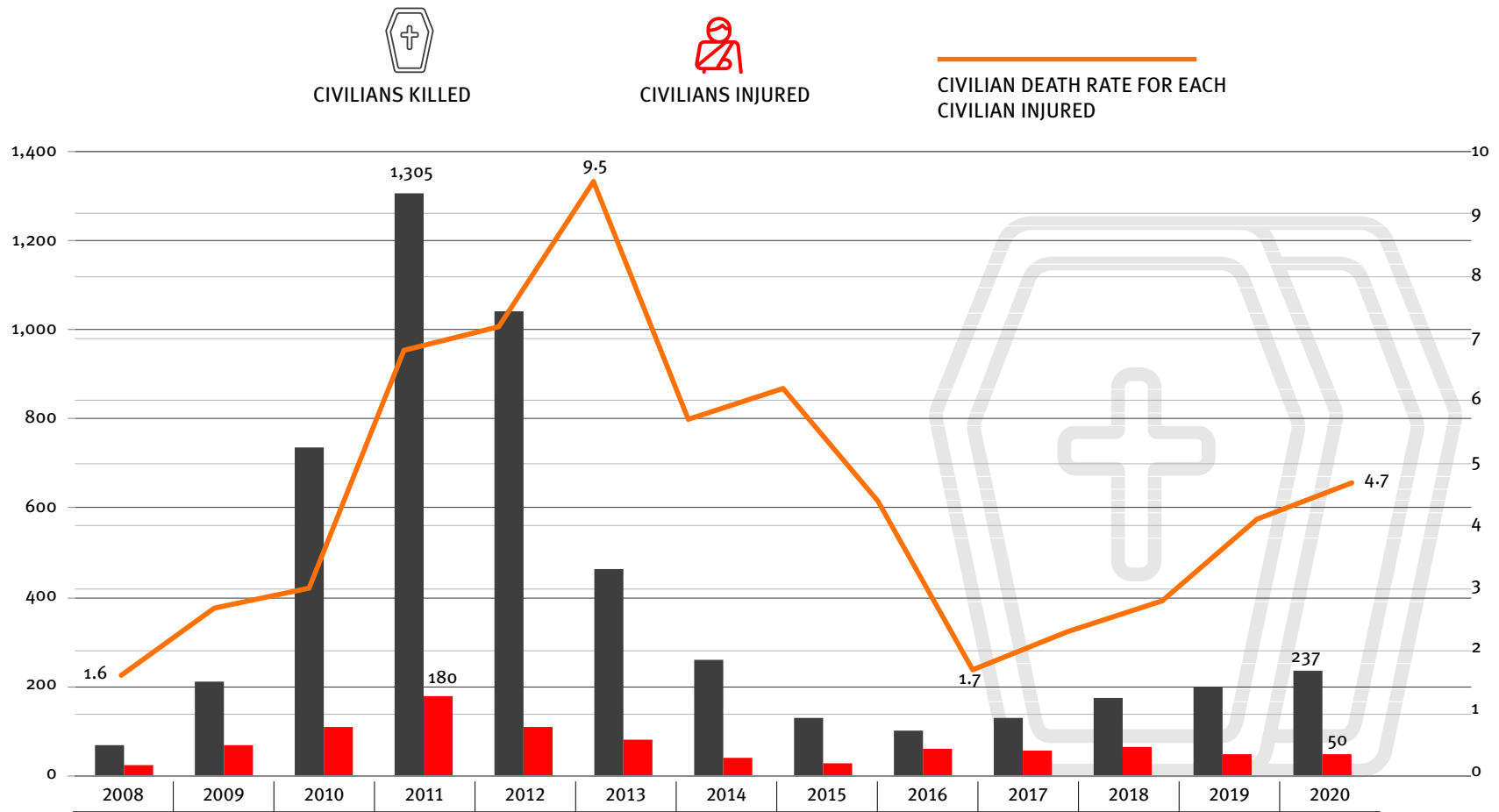


Source: In-house elaboration with data of Vela (2021c).

istered, and 39.5 murdered civilians per every murdered soldier. This last figure has been the highest since there is information about it. In addition, in 26% of the confrontations, only murdered civilians were registered, none wounded civilians or soldiers, nor dead civilians or soldiers. In 2020 the implementation capacity of the army had been exceptionally high.

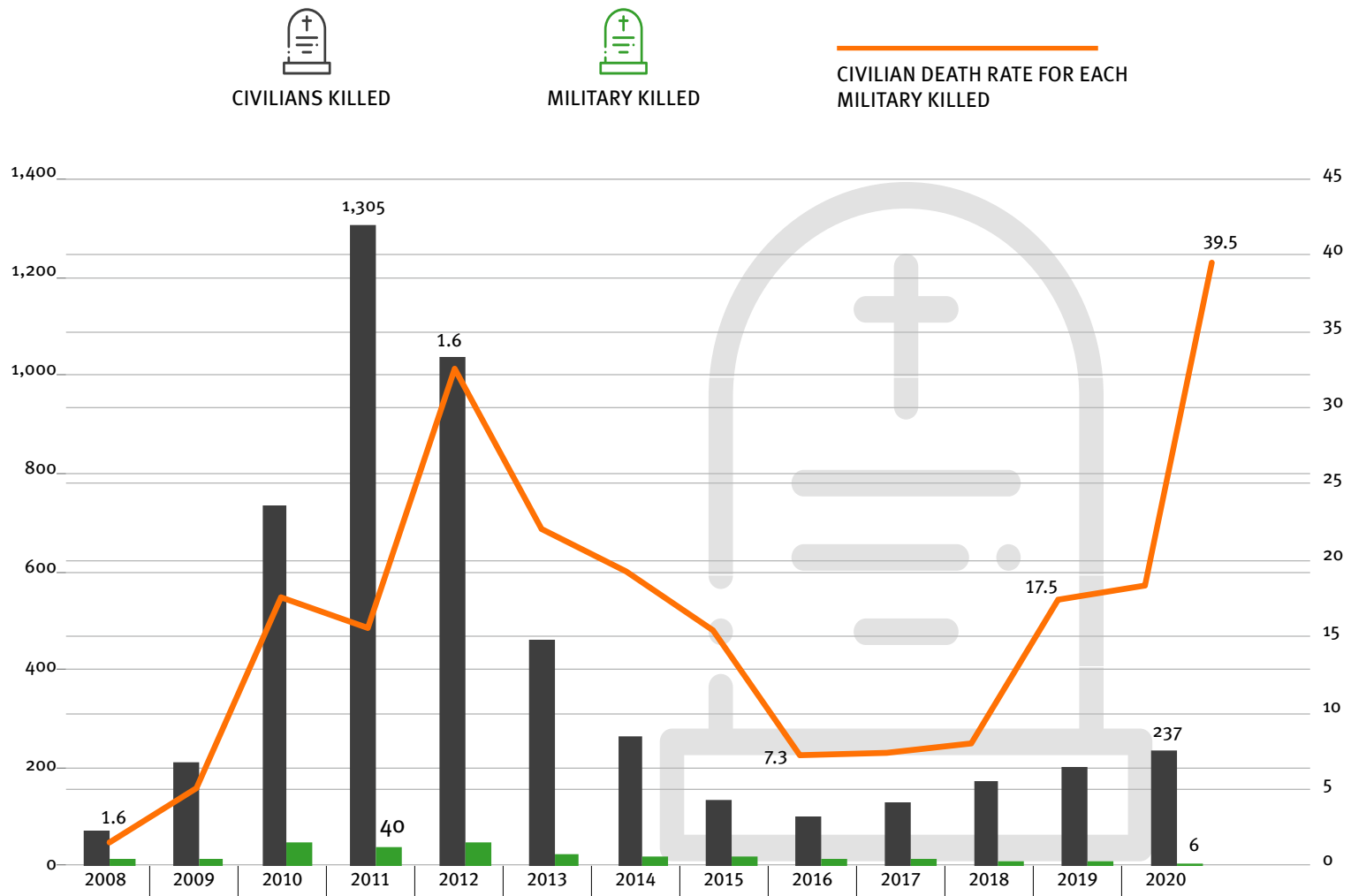
From this data, it can be said that the military institutions in charge of public safety in Mexico have not had a significant concern to respect the due process, seizing according to the law and presenting the accused to the prosecutor authorities.

GRAPH 7: CIVILIANS KILLED AND ARRESTED IN SEDENA CONFLICTS



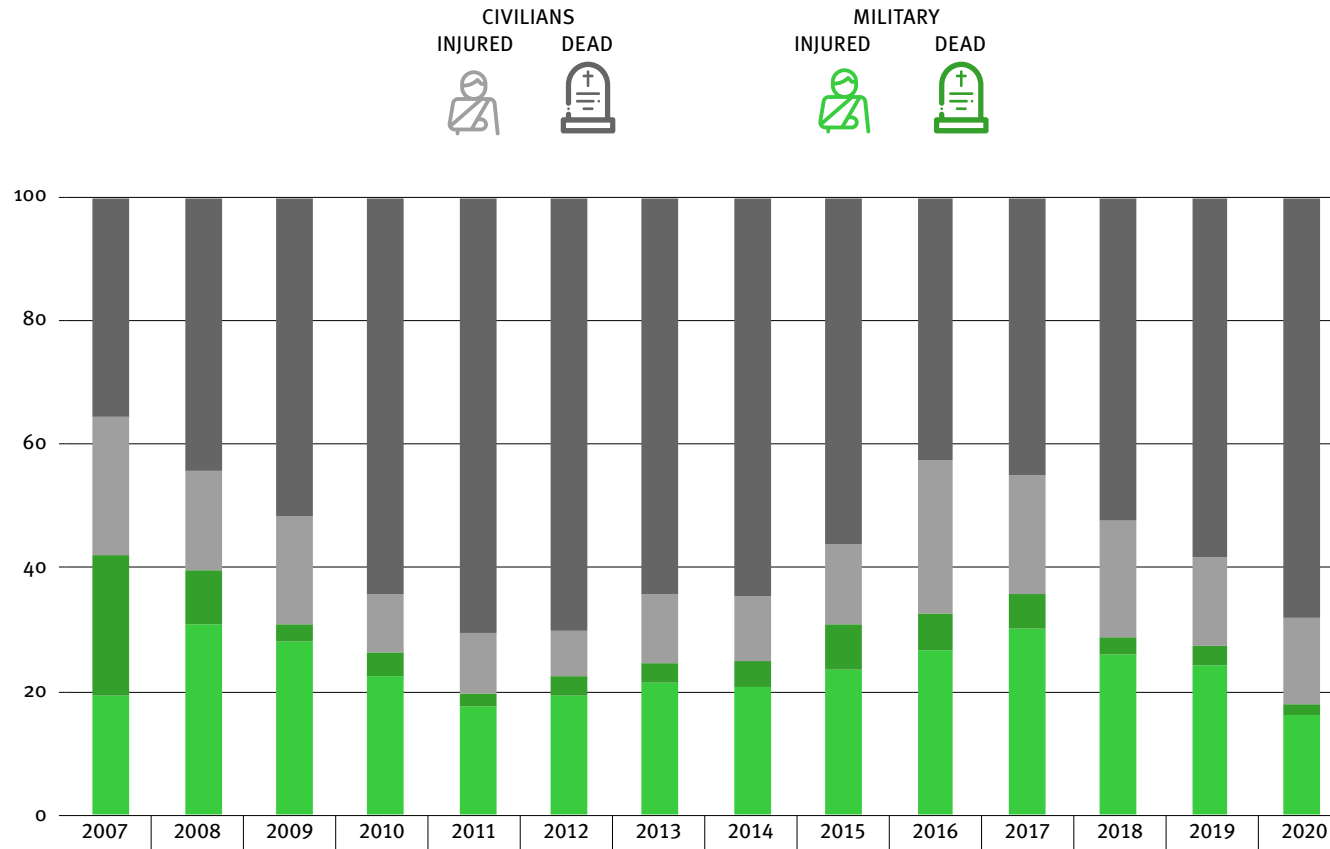
Source: In-house elaboration with data of Vela (2021c).

GRAPH 8: DECEASED CIVILIANS AND DECEASED SOLDIERS IN CONFRONTATIONS WITH SEDENA



Source: In-house elaboration with data of Vela (2021c).

GRAPH 9: INJURED AND DEAD PEOPLE IN CONFRONTATIONS WITH SEDENA



Source: In-house elaboration with data from Vela (2021c).

Albeit Sedena has insisted that its personnel only attack civilians by a reaction to initial aggressions from the counterpart, the organization Intersecta showed there is no evidence supporting this thesis. Through a set of requests for information, this organization asked the Secretariat of National Defense (Sedena) and the Marine Secretary to be served with the respective reports on the use of force, which the law supported, but the answer was a negative one. The Sedena replied that it does not count with documented evidence, and Semar denied being required to issue reports and police reports. However, article 35 of the national legislation on the use of force establishes that these institutions have to make these reports and publish them annually (Vela, 2021c).

These reports should include:

1. the data related to detentions,
2. the results of the physical evaluation that is done on the detainees,
3. the number of deceased people by the use of force, disaggregated by sex, and
4. in its case, recommendations from the human rights public organizations that have been issued due to this type of events and the attention that is given to them.

Once again, it is evident that the military institutions that so much claimed for a regulatory framework to rule their actions in public safety matters have not enforced the law. It is essential to highlight that 2020 is when the civilians represent the most considerable portion of wounded and murdered people in the Sedena confrontations (82% of the victims) (Vela, 2021c).

Regarding the arbitrary detentions, many cases have seen the light. The case of Giovanni Lopez highlights, due to its severeness and popularity, a 30-year-old builder detained by municipal police officers in Ixtlahuacan, Jalisco, on May 4, 2020. After being detained the whole night arbitrarily without a warrant and allegedly due to not wearing a mask, Giovanni died under police custody. The medical report indicates he died due to head trauma as a result of a significant blow. This made Amnesty International, the Office of the United Nations High Commissioner for Refugees (OACNUDH for its acronym in Spanish), and multiple

It is evident that the military institutions that so much claimed for a regulatory framework to rule their actions in public safety matters have not enforced the law.

human rights organizations remind Jalisco's government that according to the "Model protocol for the legal research of the extra-legal, arbitrary and summary executions" the deaths happened when the person is in State custody are presumably illicit. There is a general presumption of the State's responsibility unless it proves otherwise.

This is due to the sluggishness of the State Prosecutor's Office of Jalisco acted with. This event led to protests in that state monitored by International Amnesty (2020), which reported the arbitrary detention of at least 27 people who were moved in different vehicles without official labels and detained in not identified places illegally for several hours. It has been said that at least 20 of these detentions could be considered enforced disappearances. All these organizations considered Giovanni's case a police brutality crime that more than an exception seems to be the rule. Only during 2019, the National Commission of Human Rights (CNDH for its acronym in Spanish) and the Human Rights Public Bodies (OPDH for their acronym in Spanish) registered 7 thousand 393 arbitrary detentions in the complaint files as alleged in violation of human rights (CNDH, 2020).

This crime represents 4.1% of the total complaints in human rights institutions in Mexico. The most point-

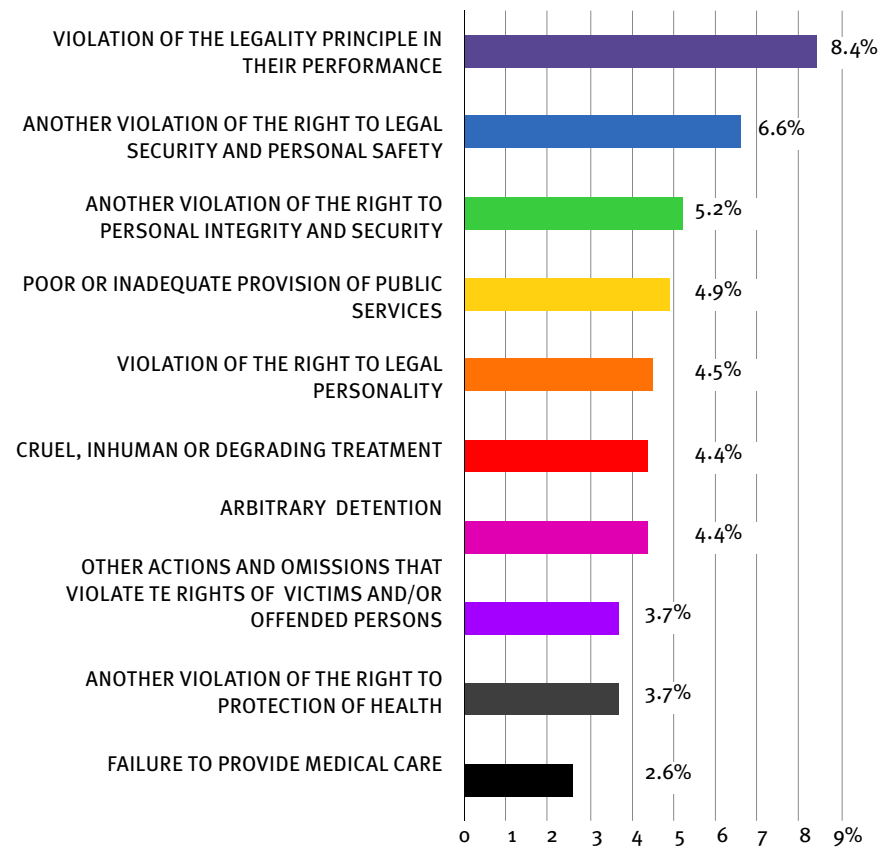


Source: Three policemen killed Giovanni Lopez for not wearing a face mask/Telediario at <https://tinyurl.com/2p83dpj4>

ed out institutions by these arbitrary detentions were state and municipal police agencies that gather 34.4% and 30.5%, respectively, followed by the Attorney's General of the Republic with 22.7% of these pointing's (INEGI 2020a). These detentions continue happening despite the issue of the Manual on Use of Force and the Use of Force Law.

In addition, the Urban Public Safety National Survey (ENSU) (2021) reported that at least half of the population trust municipal police (49% in September 2021), and 55% trust statal police. That is to say, around half of the people in Mexico do not trust the institutions in charge of guaranteeing people's safety. Moreover, even though the police are not the most pointed out institution in the reported complaints in the CNDH and OPDH, they are the most penalized. Although only in the 1.9% of the total of completed complaints in the CNDH and OPDH were recommendations dictated to public institutions, 43.3% of the fines as a result of the observations and recommendations to public institutions of the OPDH were for members of an institution in charge of public safety or road management (INEGI, 2020a). Regarding fined public servants by the CNDH, 34.7% were also affiliated with the Prosecutor Office or the Attorney General's Office (INEGI 2020a).

GRAPH 10: PERCENTUAL DISTRIBUTION OF ALLEGED VIOLATING ACTS OF THE HUMAN RIGHTS COMMITTED TO THE VICTIMS REGISTERED IN THE CNDH AND OPDH, BY TYPE, 2019



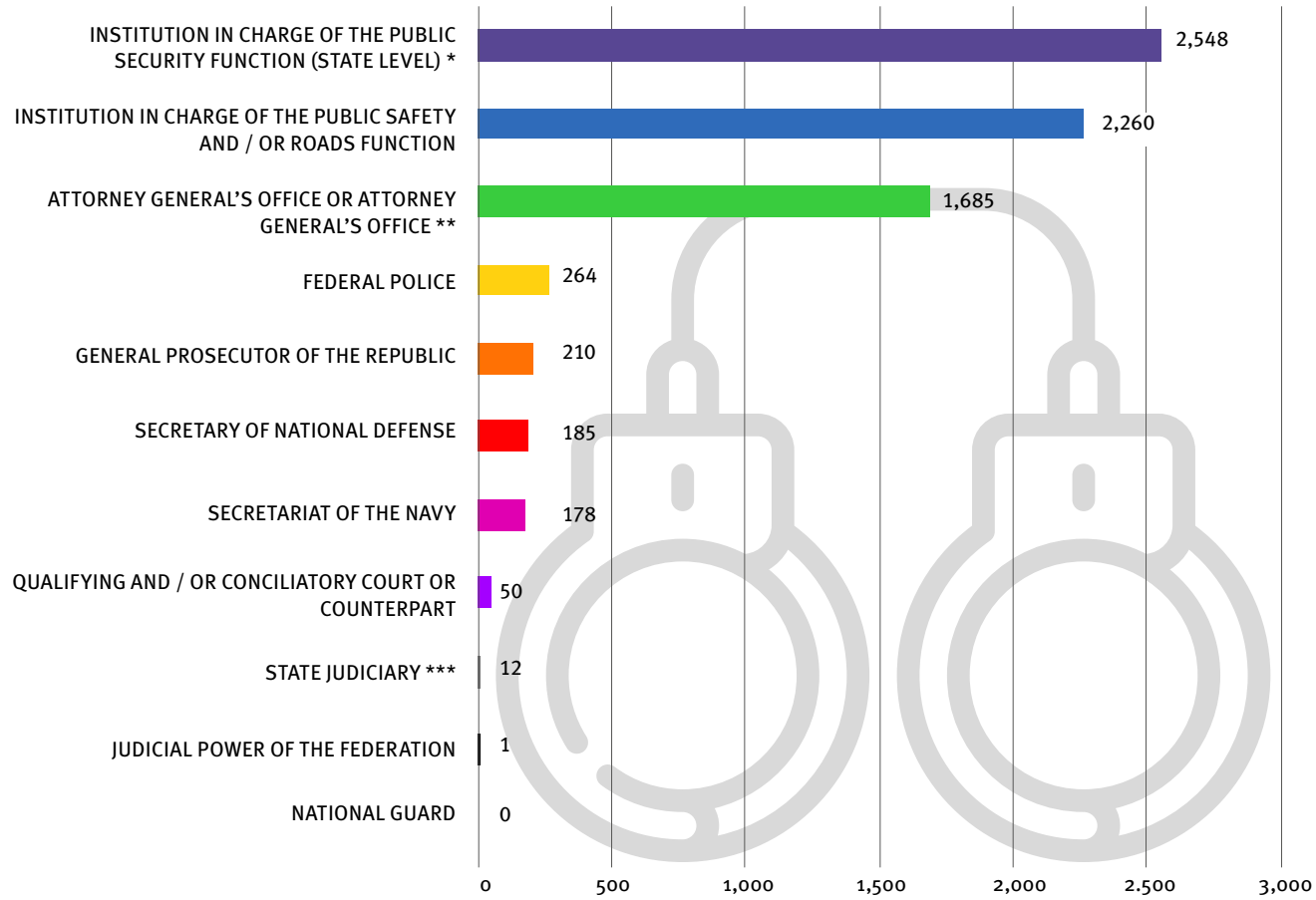
Source: In-house elaboration with data of INEGI (2020a).

TABLE 5: ALLEGED VIOLATING ACTS OF HUMAN RIGHTS COMMITTED TO THE REGISTERED VICTIMS IN CNDH AND THE OPDH,
BY TYPE, 2019

TYPES OF ALLEGED VIOLATING ACTS OF HUMAN RIGHTS	PEOPLE			COLLECTIVES /GROUPS	NOT IDENTIFIED	NOT SPECIFIED
	MEN	WOMEN	NOT IDENTIFIED			
The violation of the principle of legality in performing a public function	21,40%	15,10%	0,10%	1,20%	0,10%	62,10%
Another violation to the legal certainty and personal freedom	44,60%	26,50%	2,80%	1,50%	0,10%	24,50%
Another violation to the personal integrity and personal safety rights	52,80%	31,30%	1,10%	2,40%	0,30%	12,10%
The negative or inadequate service delivery by public services	30,40%	20,10%	0,80%	1,30%	0,00%	47,40%
Transgression to the legal personality right	55,20%	41,80%	0,00%	3,00%	0,00%	0,00%
Cruel, inhuman, or degrading treatments	65,00%	25,40%	1,00%	0,90%	0,00%	7,70%
Arbitrary detention	62,50%	24,60%	0,30%	1,30%	0,20%	11,10%
Other acts and omissions transgress victims or offend people's rights	41,40%	55,40%	0,00%	0,60%	0,20%	2,40%
Another violation of the right of health protection	10,90%	7,60%	0,00%	0,40%	0,10%	81,00%
Medical attention omission or denial	33,50%	13,40%	0,50%	0,30%	0,20%	52,10%

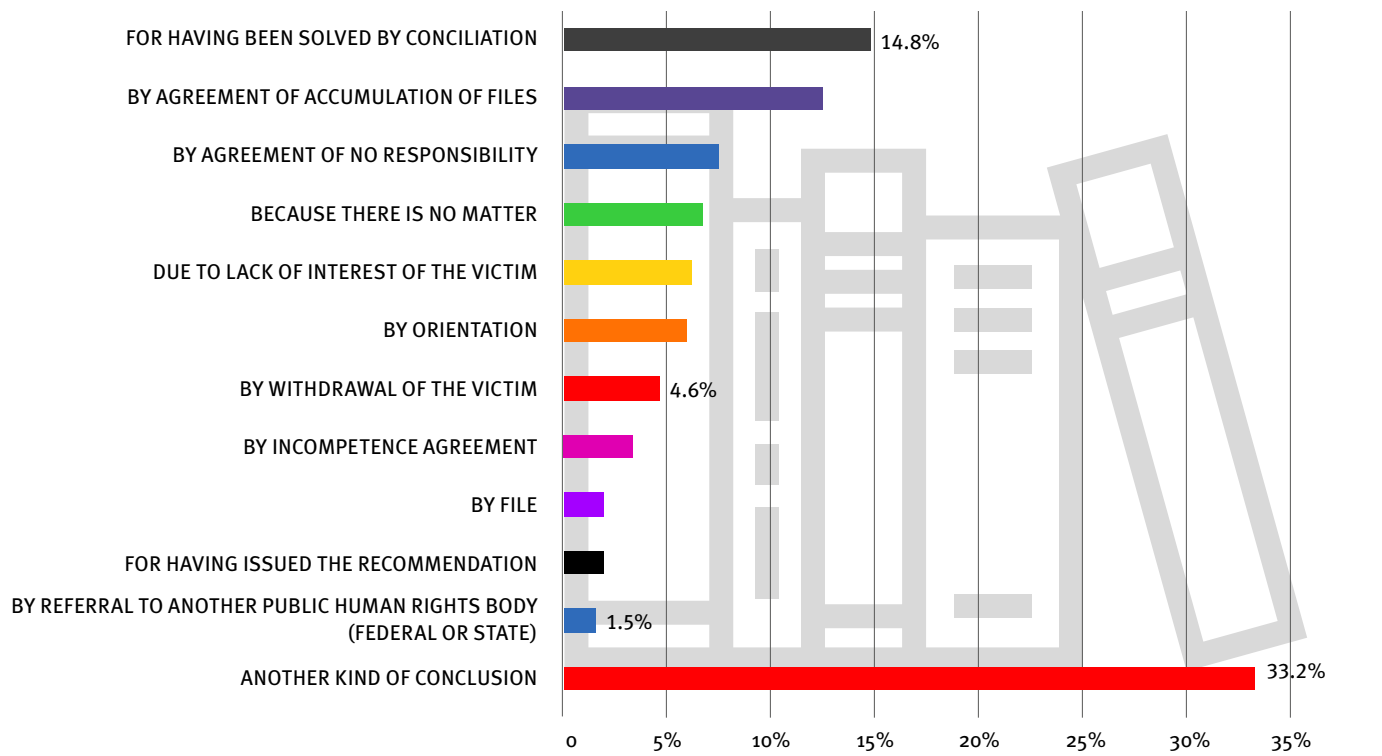
Source: In-house elaboration with information of INEGI (2020a).

GRAPH 11: ARBITRARY DETENTION BY INSTITUTION TYPE



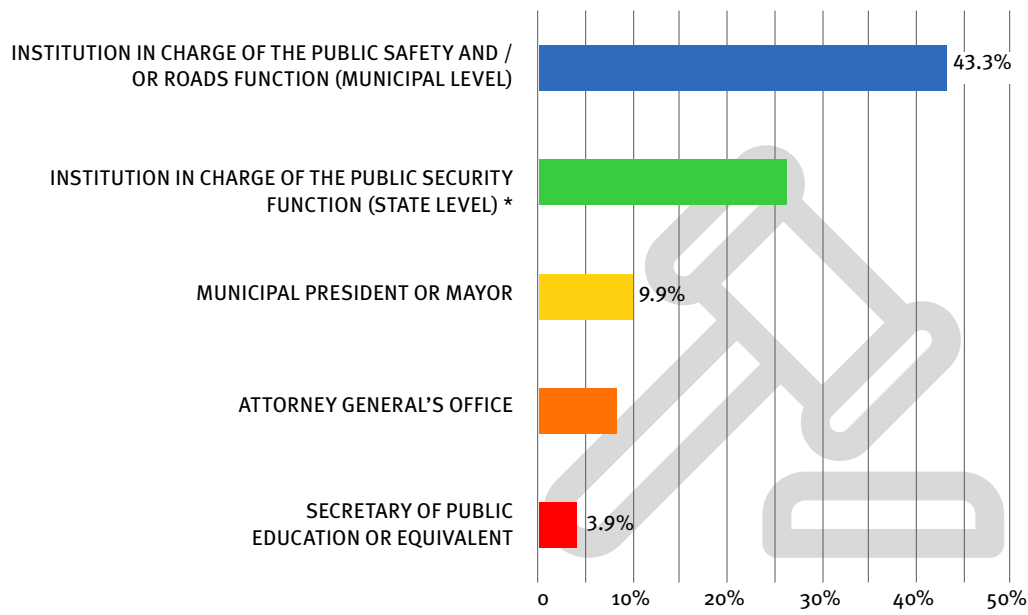
Source: In-house elaboration with information of INEGI (2020a).

**GRAPH 12: PERCENTUAL DISTRIBUTION OF FINALIZED DOSSIER BY THE CNDH AND OPDH,
BY TYPE OF CONCLUSION, 2019**



Source: In-house elaboration with data of INEGI (2020a).

GRAPH 13: PERCENTAGE DISTRIBUTION OF FINED PUBLIC SERVANTS DUE TO RECOMMENDATIONS EMITTED BY OPDH, BY THE AFFILIATION TO INSTITUTION 2019



Source: In-house elaboration with data of INEGI (2020a).

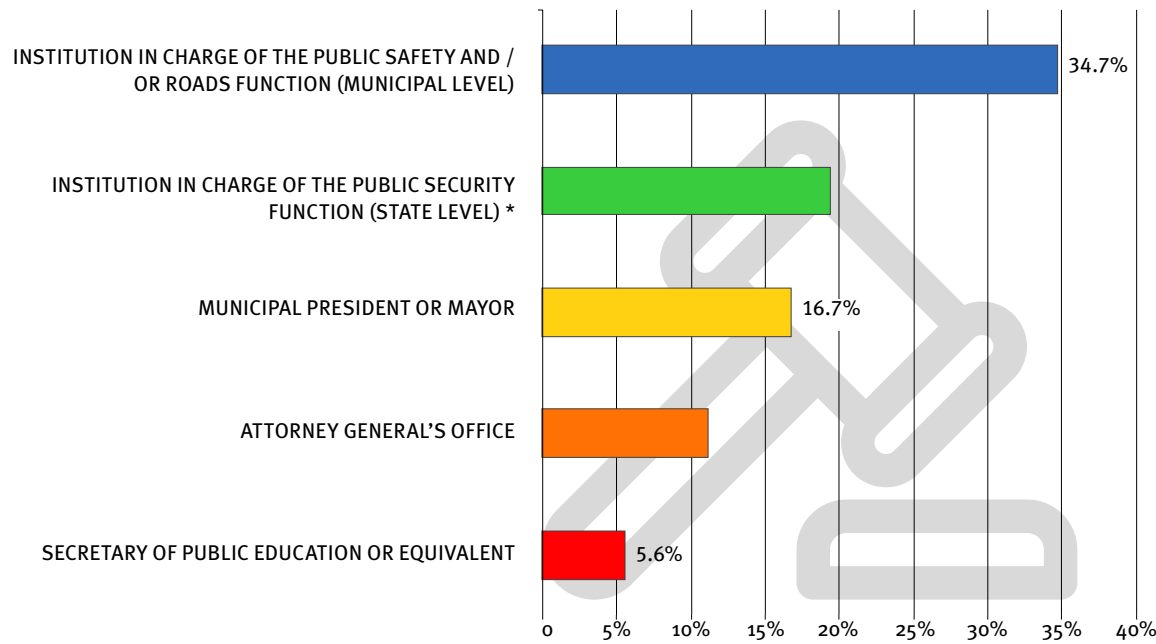
In other words, a big part of the abuses and violations of human rights proved by bodies responsible for their protection are related to public safety and the pursuit of justice.

It is well known that torture crime is particularly complicated to measure due to the lack of trusty information. In fact, the Special Rapporteur of the United Nations Organization recognized in his visit to Mexico

in 2014 that even torture was a general action in the country, it was difficult to know the exact number of torture cases accurately due to the lack of reliable official information (ONU, 2014).

Although Mexico signed and ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) that in its second article establishes that “All State Party will take leg-

GRAPH 14: PERCENTUAL DISTRIBUTION OF PUBLIC SERVANTS BY RECOMMENDATIONS
EMITTED BY CNDH, BY TYPE OF AFFILIATION, 2019



Source: In-house elaboration with data of INEGI (2020a).

islative, administrative, judicial or of any other matter effective to impede the torture acts in the territory under its jurisdiction) and even the constitutional article 20 establishes that “it is forbidden and it will be punished by the penal law all incommunication, intimidation or torture and the confession given before any authority that is not the public ministry or a judge; or

in front of them without the assistance of a defense counsel will not have the proper probative value”, there is a consensus between human rights organizations over the acute torture crisis that Mexico lives. The big cases are many: Atenco Tlatlaya, Elvira Santibañez case, Israel Vallarta case or the Ayotzinapa case among many, many others.





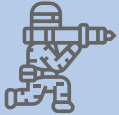


One of the cases that have shocked Mexican society is the one related to multiple tortures exerted during the investigation of the Ayotzinapa case, perpetrated by diverse government institutions during Peña Nieto's term. Among these institutions stand out the Federal Ministerial Police, Sedena, Semar, and the Criminal Investigation Agency. In fact, the Office of the High Commissioner for Human Rights in its report "Double Injustice: Report on the Human Rights violation in the case Ayotzinapa investigation" (2018), informed to have found convincing elements that indicate the commission of torture acts and other violations of human rights at least in 34 cases. Two videos leaked to the press strengthen this version: one was broadcasted on June 21, 2019, which shows three individuals torturing Carlos Canto Salgado, related to the students' disappearance on the video. The second was broadcasted in July 2020, where Tomas Zeron, former director of the criminal investigation agency, appears interrogating, under torture death threats and degrading treatments to Felipe Rodriguez, the man accused of the student's disappearance case who was released in 2018 precisely because the torture applied to him was proved.

The National Human Rights Census (2020) shows that, in 2019, the CNDH and the OPDH reported 3

thousand 167 torture facts and 6 thousand 523 cruel treatments. 50% of the torture facts incriminate the local prosecutor offices and district attorneys, 24.7% to state police, 14.5% municipal police or traffic police. Regarding cruel, inhuman, and degrading treatment, the most pointed institution was estatal police (38.7%), followed by estatal prosecutor offices and district attorneys (23.6%) and the municipal police and traffic police (21.4%). Also in 2019, The General Prosecutor Office, in concert with the state district attorney, reported 7 thousand 307 penal investigations for torture. From this, 45.4% physical torture was reported, 38.8% for psychological torture, 7.9% for sexual torture, and 7.9 % for another type of torture (INEGI, 202a).







Facing the difficulties of having complete information, the organization Causa en Comun has published the study *Gallery of Horror: atrocities and events of high impact registered in the press*. The study gathers extreme violent events that have been registered in the press and media which, although committed among civilians, as it has been internationally recognized that the State has the responsibility to warrant the respect of human rights in its territory, concerning life and security.

TABLE 6: VIOLATING FACTS OF HUMAN RIGHTS IN THE SAFETY AND JUSTICE BODIES

INSTITUTION	ARBITRARY DETENTION 	CRUEL, IN-HUMAN AND DEGRADING TREATMENTS 	TORTURE 	FORCED DISAPPEARANCE 	ARBITRARY EXECUTION OR SUMMARY 	TOLERANCE AND OMISSION FROM THE AUTHORITY FOR THE PROTECTION AGAINST HUMAN TRAFFICKING OR SEXUAL EXPLOITATION TO THIS END 	FORCED DISPLACEMENT OF PEOPLE 
The institution in charge of the Public Safety Function (from the state)*	2.548	2527	783	63	39	2	0
The institution in charge of the Public Safety and Traffic	2.260	1396	459	68	21	10	0
General Prosecutor Office and the Penal Court **	1.685	1542	1613	125	22	12	0
Federal Police	264	306	149	8	1	0	2
General Prosecutor Office	210	226	98	20	2	0	1
Secretariat of National Defense	185	264	37	9	2	0	0
Marine Secretariat	178	189	21	21	2	0	1
Homologous, Conciliatory Jury	50	34	3	0	0	0	0
Judiciary State Power***	12	24	3	0	0	2	0
Federal Judicial Authority	1	1	0	0	0	0	0
National Guard	0	14	1	0	0	0	0

Source: In-house elaboration with data of INEGI, (2020a).

TABLE 7: ATROCIOUS ACTS JANUARY –DECEMBER 2020 AND JANUARY– OCTOBER 2021

ATROCIOUS ACT TYPE 	JANUARY–DECEMBER 2020 	JANUARY–OCTOBER 2021 	ATROCIOUS ACT TYPE 	JANUARY–DECEMBER 2020 	JANUARY–OCTOBER 2021 
Torture	944	924	Political actors murder	59	63
Mutilation, dismemberment and desecration of bodies	27	700	Vulnerable groups members murder		40
Mass Grave	1350	520	Lynching	39	37
Massacre	672	459	Terrorism	42	26
Extreme cruelty on women murders	171	389	Right advocates murder	29	16
Incineration	519	321	Reporters murder	13	9
Children and adolescents murder	410	320	Human rrafficking and slavery	84	9
Lynching attempt	150	249	Dismemberment and corpse desecration	709	
Civil servant and relevant actors in the area of security	75	154	“Others”	64	
Violent acts between criminal groups or against the authority, with a high communal impact		130	Individual raped by several individuals, by three men or more, rapes for long periods, genital mutilation, and intentional STD transmission	16	
Violence against migrants		96	Disabled people murder	7	
Aggravated rape		65	TOTAL ATROCITIES	5,380	4,527

Source: In-house elaboration with information of Causa en Común (2020, 2021b).

Due to the impunity levels on most crimes, but concretely in the ones where severe violations against human rights are presented, such as homicides, femicides, tortures, and enforced disappearances, the right to the truth has been transgressed. The right to the truth is understood as any victim and relatives' right to know the factual truth that originated the infringement of their human rights. This right also corresponds to society understanding what happened and the reason and circumstances generating the facts to contribute and avoid the fact happening again (CNDH, n.a.1). In this sense, the State must clarify the facts, investigate, judge, and punish people responsible for the human rights violations, and guarantee access to estatal information about the fact as the law indicates (CNDH, n.a.1).

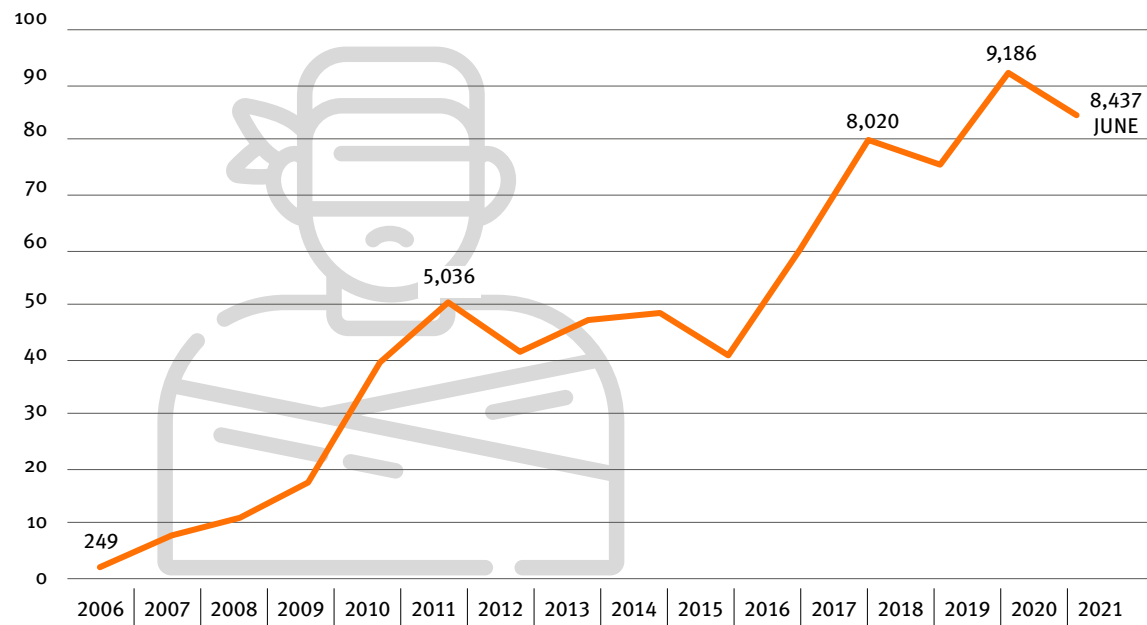
In Mexico, thousands of families demand justice for multiple human violations where the disappearances highlight. One of the numerous families looking for someone missing is the family of 48 years old Claudia Uruchurtu. They documented and reported corruption from the municipal government of Nochixtlan, which Lizbeth Victoria Huerta leads. According to the description of the facts by Corriente Alterna (2021), on March 26, the day when Claudia went missing, she participated in a demonstration in Plaza Central of

Nochixtlan when several men forcibly picked her up in a van. Since then, nobody has had information about Claudia, although the mayoress was detained and bound over to trial.

In its biannual report on the search and identification of missing people, the Secretariat of Government reported that between March 1964 and June 2021, 220 thousand 330 people missing had been registered, from which 89 thousand 448 (40.6%) are still missing. Around 25% are women, girls, or adolescents (21 thousand 840 between 2006 and June 2021). Since this new administration began and up to June 2021, 49 thousand 581 missing persons were reported, from which 21 thousand 546 have been located (43.4%). Among the located ones, two thousand 258 have been found dead (8%). It is essential to mention that 2019 is the year with the most missing and non-located people that have been registered since 1964, reaching 9 thousand 186 (Segob, 2021).

GRAPH 15: MISSING AND NO LOCATED PEOPLE PER YEAR

PERIOD 2006– JUNE 30, 2021





Source: In-house elaboration with data of Segob (2021).

The states with more missing people that were not found between December 2018 and June 2021 are Jalisco with 3 thousand 948 (18.3%); Mexico City, with 1 thousand 758 (8.1%); Michoacan with 1 thousand 739 (8%); Nuevo Leon with 1 thousand 503 (6.9%); and Tamaulipas with 1 thousand 445 (6.7%) (Segob, 2021).

Regarding clandestine graves, since the beginning of the Lopez Obrador government and until the first se-

mester of 2021, 1,749 clandestine graves have been reported (not necessarily generated in this administration) and 3 thousand 25 bodies have been recovered. The municipalities with the most clandestine graves in that period have been Tecoman in Colima, with 117 (6.7%); Ursulo Galvan in Veracruz, with 77 (4.4%); Acapulco in Guerrero, with 77 (4.4%); Vicente Beach in Veracruz, with 66 (3.7%); and Salvatierra in Guanajuato, with 65 (3.7%) (Segob, 2021).

TABLE 8: STATES WITH THE MOST NUMBER OF MISSING PEOPLE AND NOT LOCATED REPORTS. DECEMBER 2018–JUNE 2021

ENTITY 	MISSING AND STILL NOT LOCATED PEOPLE 	PERCENTAGE %
JALISCO	3.948	18,32%
MEXICO CITY	1.758	8,15%
MICHOACAN	1.739	8,07%
NUEVO LEON	1.503	6,98%
TAMAULIPAS	1.445	6,71%
STATE OF MEXICO	1.369	6,35%
GUANAJUATO	1.289	5,98%
SONORA	1.273	5,91%
SINALOA	1.141	5,30%
ZACATECAS	983	4,56%
TOTAL	16.447	76,33%

Source: In-house elaboration with data of Segob (2021).

Since the beginning of the current administration and until June 2021, a total of 49,581 missing persons were reported, of which 21,546 have not been located (43.4%).

Among the people located, 2,258 have been found dead (8%).

PRE-TRIAL DETENTION IN MEXICO: VIOLATION TO THE FREEDOM OF PEOPLE



Unofficial pre-trial detention is the precautionary measure most criticized internationally since it blatantly violates the right of presumption of innocence, judicial guarantees, and due process (CNDH, 2021). Despite this, in 2019 it was carried a legislative reform to increase the crimes catalog that merits pre-trial detention. Among these, sexual violence against underage, the use of social programs with electoral goals, robbery to cargo transport in any mode, enforced disappearance related crimes, army, navy, and the air force exclusive-use firearms and explosives crimes, the disappearance of people by individuals, crimes related to the robbery of hydrocarbons and tax crimes.

This way the constitutional article 19 relating the crimes that merit pre-trial detention such as the Código Nacional de Procedimientos Penales (Criminal and Criminal Procedure Codes), Código Fiscal (Tax Code), Ley General en Materia de Delitos Electorales (General Law in Electoral Crimes); Ley General en Materia de Desaparición Forzada de Personas (General Law on Enforced Disappearance individual matters) Desaparición Cometida por Particulares (Disappearance com-

mitted by individuals) Sistema Nacional De Búsqueda de Personas (Search of Missing People National System) La Ley Federal para Prevenir y Sancionar los Delitos Cometidos en Materia de Hidrocarburos (Federal Law to Prevent and Punish Crime in Hydrocarbons matters) Ley Federal contra la Delincuencia Organizada (Federal Law against Organized Crime), Ley de Vías Generales de Comunicación (Law of General Routes and Roads), and Ley de Seguridad Nacional (National Safety Law). The legal modifications motivated the National Human Rights Commission to file two Unconstitutionality Action Lawsuits, on 130/2019 and 49/2021, considering that such modifications contravene the human rights of Mexicans. The Court has yet to rule on the second of these trials.

On October 25, 2021, among all these dispositions, the Supreme Court of Justice of the Nation declared unconstitutional the pre-trial detention for tax crimes and concretely for tax fraud, smuggling, and the crimes alike, and the issue sell and use of fake invoices. There is still in force the pre-trial detention for the rest of the crimes. Several specialists commented that this precautionary measure is excessive, and it should

be considered only in exceptional situations where a high probability of the accused people evading justice (Pichardo, 220). In addition, the results in safety and seek of justice matters are still bad. Between January 2019 and June 2021, 3 million, 767 thousand files of investigations were opened by reports made in District Attorney's Office, from which 177 thousand 514 were solved cases as on trial, with sentences through alternative mechanisms (Ortega y Atiesta, 2021). The impunity persists in 95.3%. That is to say, pre-trial detention, apart from violating human rights, is not improving justice indicators.

At the end of 2019, 180 thousand 102 people were deprived of their liberty in penitentiary facilities 1 thousand 432 adolescents in specialized treatment and confinement centers. From the total population, 94.7% were men, and 5.3% were women (INEGI, 2020e). Regarding the legal status of people detained in the penitentiary facilities presented, 63 thousand 726 people were there without sentence; this means at least four people for every ten detained are there without being proved guilty. On their part, the specialized treatment and confinement centers reported 353 adolescents with a precautionary measure of protective custody in remand homes 1,079 more in protective custody and semi-remand homes or pro-

tective custody in free time (INEGI, 2020c). Regarding prison departures, the Penitentiary System Census shows that six of every ten men and eight of each ten women who are released from prison do so without being proven that they have committed a crime.

In addition, as the organization Intersecta informed (2021) in its report "The conviction without sentence: the abusive use of pre-trial detention in Mexico during the pandemic" the most significant average increase of the incarceration of persons in penitentiary centers since 2005 was in 2020 (3.1% that is 14 thousand inmates more than the previous year). Albeit between 2015 and 2019, a decrease in penitentiary admission rate was registered, the 2019-2020 period showed an increase that can be explained because of the rise of pre-trial detention, which among the precautionary measures is the most used. 2020 alone, 85% of people who entered prison did so without trial or sentencing. In addition, more than half of incarcerated women do not have a sentence (52%) (Ortega and Atuesta, 2021).

On October 25, 2021, the Supreme Court of Justice of the Nation declared unconstitutional the one relating to informal preventive detention for tax crimes.

It is worth mentioning that robbery continues to be the crime most people go to prison for, followed by homicide, rape, and kidnapping. As *Animal Politico* showed in the investigation “Pre-trial Detention: the weapon that imprisons the poor and the innocent,” the profile of detainees is of people who work in informal commerce, have no more than high school education, and are defended by public defenders who have up to 300 cases at a time (Angel *et al.*, 2021b).







From a comparative perspective, it can be observed that the abusive use of pre-trial detention is an important regional problem. While there are countries such as Panama, Costa Rica, Uruguay, or Canada that have less than 25% of prisoners in pre-trial detention concerning the total number of people incarcerated, there are countries such as Venezuela, Bolivia, Paraguay, and Haiti where the majority of those incarcerated do not have a sentence. Mexico is in 13th place out of 34 countries in America, with the highest number of prisoners without a sentence, with 42.8% incarcerated in pre-trial detention as of 2021 (The World Prison Brief, 2021).

Mexico is in the 13th place out of 34 countries in the American continent with the highest number of prisoners without a sentence. As of 2021, there are 42.8% in pre-trial detention.



Image: Informal preventive detention/Legal Forum at <https://tinyurl.com/587v92fd>

TABLE 9: INCARCERATED POPULATION PERCENTAGE ON PRE-TRIAL DETENTION IN AMERICA

COUNTRIES 	PRE-TRIAL DETENTION DETAINEES 	LAST DATE 	COUNTRIES 	PRE-TRIAL DETENTION DETAINEES 	LAST DATE 
Panama	5.20%	(31.8.2021)	Bahamas	37.00%	December 2020)
Costa Rica	19.90%	(31.8.2021)	Ecuador	37.00%	(1.1.2020)
Granada	20.40%	(31.12.2017)	Guyana	39.50%	(November, 2020)
Nicaragua	21.40%	(October 2016)	Mexico	42.80%	(31.7.2021)
Uruguay	22.30%	(31.1.2020)	Argentina	43.50%	(31.12.2019)
Jamaica	22.50%	(31.8.2021)	Guatemala	48.40%	(13.9.2021)
El Salvador	23.10%	(22.3.2021)	Surinam	50.00%	(February 2011)
Canada	23.30%	2019	Honduras	54.10%	(31.12.2018)
United States of America	23.30%	2019	Barbados	54.70%	(31.12.2018)
Dominica	23.70%	(March, 2020)	Dominican Republic	58.60%	(September, 2020)
San Vicente and las Granadinas	24.30%	(20.9.2018)	Trinidad and Tobago	59.70%	(18.9.2018)
Colombia	24.50%	(31.8.2021)	Venezuela	62.50%	2020
Brazil	28.90%	(31.12.2020)	Bolivia	65.00%	(March 2020)
San Cristobal and Nieves	30.50%	(Junio 2017)	Santa Lucia	68.50%	(11.12.2020)
Belize	35.80%	(30.6.2021)	Paraguay	71.70%	(30.8.2021)
Peru	36.10%	(July 2021)	Haiti	81.90%	(31.5.2021)
Chile	36.60%	(31.8.2021)	Cuba	sin datos	No data
Antigua and Barbuda	37.00%	(24.2.2016)			

Source: In-house elaboration with data of The World Prison Brief, (2021).

AUTHORITARIAN ATTEMPTS AGAINST PERSONAL PRIVACY AND LEGAL CERTAINTY



The rights related to personal data and privacy protection are not new, but they have gained particular attention in recent years due to the accelerated technological progress experienced, especially in telecommunications. Although there is a tension between security and privacy, many of the ways that some governments have followed, including the current Mexican government, violate privacy without necessarily guaranteeing greater safety for individuals. Some of the clearest examples are the government's attempt to possess a massive database through the creation of the National Registry of Mobile Phone Users or the issuance and reform of various laws such as the National Law of the Registry of Arrests, the General Law of the National Public Security System and the National Guard Law that give the National Guard the power to: conduct crime prevention investigations, carry out verification tasks to prevent administrative infractions, request the georeferencing of mobile equipment, ask the intervention of communications, gather information in public places, require and request information from authorities and individuals, as well as analyze and process information. Likewise,

the permanent Armed Force is authorized to carry out and record arrests (Vital Signs, 2021a).

The Federal Telecommunications and Broadcasting Law reform that mandated the creation of the National Registry of Mobile Telephone Users was justified by arguing that the purpose of this was to stop crimes such as extortion and kidnapping, which are often committed using cell phones and sometimes from prisons. The reform mandated the creation of a mandatory registry of telephone lines associated with biometric identity. Several organizations, such as the Red en Defensa de los derechos digitales (Defense of Digital Rights Net) (R3D for its acronym in Spanish) and the UN Office of the Rapporteur for Freedom of Expression, warned that this registry represents an enormous risk to the privacy and security of individuals, as it violates their right to communicate anonymously and facilitates the monitoring of the population by the authorities.

In addition to the more than three thousand injunctions filed, the Federal Communications Institute (IFT), the National Institute of Transparency, Access to Infor-

mation and Protection of Personal Data (INAI), and a group of Senators filed several constitutional challenges. The IFT, in particular, requested the invalidity of, among others, Article 180 Bis in connection with the third transitory article, which stipulated that legal acts performed from a telephone line are presumed to correspond to the person associated with the same in the registry unless such person can prove otherwise. This clearly violates the right of presumption of innocence. The second chamber of the Court resolved the indefinite suspension of the registry. At the same time, the Court's plenary defines the constitutionality or unconstitutionality of the reform, arguing that otherwise, the autonomy of the IFT could be violated, an institution that claimed that the cost of the registry exceeds its budgetary capacity (Carrillo, 2021).

R3D (2021) warned that this policy was attempted during Felipe Calderon's government when the National Registry of Telecommunications Users was created in 2008 (and disappeared in 2011) with disastrous results since, after its creation, crimes such as extortion and kidnapping increased. The same organization stated that there is no evidence to believe that such a policy helps to reduce the incidence of crime, as reported by the Global Association of Telephony Operators GSMA. It is worth mentioning that, inter-

nationally, there are only 17 countries that require biometric identification of telephone users to obtain a SIM card, among which are: China, Venezuela, Saudi Arabia, Afghanistan, and the United Arab Emirates (R3D, 2021).

Another government's attempt to violate individuals' legal safety and the presumption of innocence was the issuance of the National Law on Extinction of Ownership. Although it suffered the invalidation of several articles (part of article 1, section XIX of article 2, second paragraph of article 5, second section of article 7, and article 9), it intended to enable the authority to investigate any individual as a measure to prevent the commission of a crime. This act violates due process and the presumption of innocence. It reserves the information gathered for the forfeiture proceedings until it is filed before the competent judicial authority. It again violates the access to information right and to seize and apply the forfeiture proceedings on occupied properties for the commission of any of the crimes detailed below. These provisions violate the right to private property, due process, and the right to legal certainty.

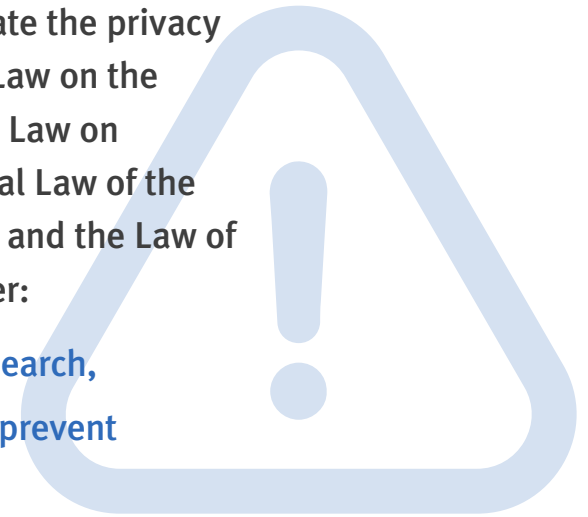
The law contemplated this possibility even when the owners were not part of the commission of such cri-

mes and were not aware of them, in addition to the fact that a penal sentence would not be necessary to initiate the process of forfeiture proceedings, which violates the presumption of innocence of the individuals. The law also established the imprescriptibility of the forfeiture proceedings, meaning it was intended that the authority initiate such action at any time so that individuals would be obliged to keep all documentation proving the lawful origin of their assets for excessive periods (Vital Signs, 2021a). This made the law retroactive since it empowered the authority to extinguish the domain over properties obtained before the existence of this law. The Court will have to discuss and approve the concrete effects of the resolution.

Government measures that violate the privacy of people through the National Law on the Registry of Detentions, National Law on Extinction of Domain, the General Law of the National Public Security System and the Law of the National Guard that empower:

- » **carry out crime prevention research,**
- » **carry out verification tasks to prevent administrative infractions,**
- » **request georeferencing of mobile equipment,**
- » **request the intervention of communications**
- » **collect information in public places,**
- » **require and request information from authorities and people,**
- » **as well as analyze and process information.**

In addition, the Armed Forces is authorized to carry out and record arrests.



PRESSURES AGAINST THE RIGHT OF FREEDOM OF SPEECH AND INFORMATION ACCESS:

A COMPARATIVE PERSPECTIVE



Freedom of speech is one of the most fundamental rights of liberal democracy. The violation of this right constitutes a violation of human rights and an attack against the democratic order. Although Mexico has managed to move from a closed system to a competitive system that enables the alternation of power, respect for freedom of expression has been an essential pending issue. However, the attacks against freedom of speech in the country did not begin during this government. In the last three years, the indicators in this area have not improved, and the president's behavior during the morning conferences and the Congress in approving certain legislation has worsened the problem.

Although journalists and human rights activists are some of the main targets of repression and attacks on freedom of expression, it cannot be overlooked that the legislation that has been passed in recent years puts at risk the right to demonstrate of any individual, as well as the rule of law. Although the Supreme Court of Justice of the Nation declared unconstitutional the sixth article of the National Law on

the Use of Force because it considered that the Legislative Power did not contemplate the provision of the use of force and the provision of the subjugation of the use of force to the principles of rationality and opportunity, at the same time, it declared constitutional the Use of Force Law. Simultaneously, it declared the law constitutional in general, which enables the authorities responsible for public safety to unilaterally define the level of risk they face and the level of force they may exercise. This includes lethal force, whose use in social manifestations is contemplated in articles 28 and 29 of the law, which the Court ratified, and the first paragraph of Article 27 does not establish when a manifestation is considered lawful and peaceful.

In its ruling, the Court considered that legal security, freedom of expression, freedom of assembly, and the principle of legality are not violated. In this sense, the person's ability to demonstrate without fear of being a victim of any level of public force depends on the members of the police corporations or the armed forces' interpretation of the level of risk

and violence. This fact is grave in the Mexican context, in which the repression of demonstrations has not been an exception. Cases such as Atenco or No-chixtlan are just some of the most famous examples. Likewise, the use of lethal force tends to be disproportionate, and the examples of arbitrariness are multiple, although it is difficult to count them due to the opacity of the reports that security agents must submit when using force.


The murder of 35-year-old Jessica Silva in Delicias in Chihuahua in 2020 by elements of the National Guard is one of many examples. After participating in a farmers' protest for water rights, the van in which Silva was traveling was shot several times by elements of the National Guard, who argued, as they usually do, that they were repelling an attack. Although the institution first defended that version, it recanted and accepted that the agents had not been the object of any aggression after multiple pieces of evidence. Despite this, the institution considered that the event was nothing more than a mistake, and five of the six detained agents were exonerated (Espino, 2020).

As far as journalistic practice is concerned, Mexico has already established itself as hostile territory for

journalists. The organization Article 19 reported that from January 2020 to October 2021, there had been 145 murders against journalists for reasons related to their work. Of these, 25 have been registered during the six-year term of Lopez Obrador, and there have been seven only in 2021. This puts Mexico among the most lethal countries for journalists, only compared to Afghanistan (UNESCO, 2021). At the same time, the Ministry of the Interior has counted more journalists murdered: 47 during the first three years of the current administration.


Aggressions against journalists and the media have also maintained their trend concerning the previous year. Artículo 19 (2021a) reported that during 2021 first semester of 2021, 362 aggressions against journalists had been registered, more than half of the total number of aggressions registered in 2020 (692) and (602) in 2019. Most of the aggressions were intimidation and harassment (31.2%), followed by threats (14.9%), physical attacks (9.6%), and illegitimate use of public power (9.6%).

**TABLE 10: NUMBER OF MURDERED JOURNALISTS
IN MEXICO BY YEAR
2000–2021**

JOURNALISTS MURDERED IN MEXICO 	YEAR 
3	2000
3	2001
2	2002
1	2003
4	2004
3	2005
10	2006
3	2007
10	2008
9	2009
10	2010
8	2011
7	2012
4	2013
5	2014
7	2015
11	2016
12	2017
9	2018
10	2019
7	2020
7	2021


Source: In-house elaboration with data of Article 19 (2021b).

**TABLE 11: NUMBER OF MURDERED JOURNALISTS
BY INTERNATIONAL COMPARISON**

NUMBER OF JOURNALISTS MURDERED 	COUNTRY 	NUMBER OF JOURNALISTS MURDERED 	COUNTRY 
0	CHINA	0	ISRAEL
0	UNITED STATES OF AMERICA	2	AZERBAIJAN
0	ARGENTINA	0	IRAN
1	BRAZIL	0	IRAQ
0	CANADA	1	TURKEY
1	COLOMBIA	1	KENIA
0	CHILE	0	NIGERIA
0	EL SALVADOR	3	DEMOCRATIC REPUBLIC OF CONGO
0	VENEZUELA	1	SOMALIA
7	MEXICO	0	YEMEN
4	INDIA	0	FRANCE
0	JAPAN	0	ITALY
0	INDONESIA	0	CROATIA
0	VIETNAM	0	GERMANY
7	AFGANISTAN	0	RUSSIA

Source: In-house elaboration with data of UNESCO (2021).

TABLE 12: AGGRESSIONS AGAINST JOURNALISTS

TYPE OF AGGRESSIONS		MEN	WOMEN	MEDIA / COLLECTIVE	TOTAL
Unauthorized Access		3	5	2	10
Burglary		4	3	0	7
Threat		15	37	2	54
Murder		0	3	0	3
Attack on personal assets		11	6	0	17
Physical Attack		9	26	0	35
Denial Service Attacks (DOS, DDOS)		0	0	6	6
Altering or content blockade		11	20	1	32
Disappearance		0	1	0	1
Displacement		1	1	0	2
False Domain, Fake Account		1	2	6	9
Intimidation y Harassment		50	54	9	113
Deprivation of Liberty		8	8	0	16
Content Removal		2	10	8	20
Public Power Misused		6	21	8	35
Illegal Communication Surveillance		1	1	0	2
TOTAL		122	198	42	362

Source: In-house elaboration with information of Article 19 (2021a).

It is worth noting that the perpetrators of most of the aggressions were considered non-state, partly because in 81 aggressions, there are no elements to identify a perpetrator. Similarly, 134 aggressions came from the State, representing 37% of the total registered, and 56 from political parties. The states with the highest number of aggressions were Mexico City (64), Tamaulipas (23), and Quintana Roo (23) (Article 19, 2021a).

TABLE 13: AGGRESSIONS AGAINST JOURNALISTS BY PERPETRATOR

PERPETRATOR		NUMBER OF AGGRESSIONS
State Agents	Armed Forces	5
	Civil Security Forces	46
	Public Servant	83
	Political party	56
Non-state Agents	Organize crime	12
	Private	79
	Without enough elements	81
TOTAL		122

Source: In-house elaboration with data of Article 19 (2021a).

TABLE 14: STATES WITH MORE AGGRESSIONS AGAINST JOURNALISTS AND MEDIA DURING 2021 FIRST SEMESTER

STATE	NUMBER OF AGGRESSIONS
MEXICO CITY	64
TAMAULIPAS	23
QUINTANA ROO	23
PUEBLA	22
GUERRERO	21
BAJA CALIFORNIA	19
YUCATAN	18
VERACRUZ	18
SINALOA	16
OAXACA	15
GUANAJUATO	15
SAN LUIS POTOSI	14
JALISCO	14
COAHUILA	12

Source: In-house elaboration with information of Article 19 (2021a).

The number of investigation files initiated by the Special Prosecutor's Office for Attention to Crimes Committed against Freedom of Expression (FEADLE for its acronym in Spanish) remains at similar levels to previous years. While in 2020, there were 298 investigation files in process, between January and September 2021, there were 233. Furthermore, it is noteworthy that since its creation in 2010 and until 2021, the FEADLE has only investigated 27 of the 92 homicides registered by the government since it considered that in 65 cases (70.7%), the homicides were not related to journalistic work. Of the total number of homicides investigated, only five were sentenced (FGR, 2021).

In conclusion, the challenges for practicing journalism in Mexico continue to be enormous. The safety of journalists is not guaranteed, attacks against them continue to go unpunished, and the state and federal governments have done very little to change this reality. At the same time, the new legislation maintains wide gaps that call into question the right of assembly and demonstration of all persons, leaving the application of the use of force to the interpretation of security agents who, as has been shown, often engage in abuses of authority, arbitrary detentions and even torture or disappearance of persons.

TABLE 15: REPORTS OR COMPLAINTS NUMBERS AGAINST THE FREEDOM OF SPEECH

CONCEPT	PRELIMINARY INQUIRIES FOR CRIMES AGAINST FREEDOM OF EXPRESSION											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
TOTAL IN PROCESS	61	176	217	256	303	337	380	371	382	354	298	233
TOTAL DETERMINATIONS	22	93	150	134	120	99	161	88	147	195	142	77
TOTAL PENDING	39	83	66	122	186	238	219	283	235	159	156	156

Source: In-house elaboration with information of FGR (2021).



3

**HUMAN RIGHTS VERSUS
FEDERAL GOVERNMENT'S MEGA PROJECTS
AND POLICIES**



3

HUMAN RIGHTS VERSUS FEDERAL GOVERNMENT MEGA PROJECTS AND POLICIES



RIGHT TO FREEDOM OF TRANSIT AND RESIDENCE

ROADBLOCKS: ECONOMIC AND SOCIAL REPERCUSSIONS

The economic impact in Mexico derived from the COVID-19 pandemic, as in other countries in the world, was devastating. Suddenly, production chains stopped, including the mobility of people within their communities and outside of them. Additionally, the communication routes were affected, both by organized crime and by social protests. Although the latter have the right to express themselves, they may affect the rights of third parties.

The right to voluntary mobility is related to various inherent needs of individuals, from providing themselves with food, going to a medical appointment, their workplace, or simply traveling. Also, people require certain goods supplied through distribution chains, which mainly use the road network, bridges, and federal railways. According to the 2020 Railway Statistical Yearbook, during that year, a total of 900.8 million tons were moved in the country, where

highway transport is the one with the highest participation (56.9%), followed by maritime (29.6%), rail (13.4%) and the remaining 0.1%, aerial. According to the same source, in 2020, there were 2,362.2 million passengers, where road transport predominates (96.4%) (2,277 million passengers), the rest of the modes of transport (air, rail, and maritime) only moved 3.7 % of passengers (ARTF, 2021). In such a way that it is vitally important that the public infrastructure on roads and railways is in adequate condition.

The reform to constitutional Article 4 published in the Official Journal of the Federation (DOF for its acronym in Spanish) on December 18, 2020, recognizes such right: “Everyone has the right to mobility in conditions of road safety, accessibility, efficiency, sustainability, quality, inclusion and equality” (Segob, 2020). Additionally, the General Communications Law says the following:

Article 533.– “Whoever damages or destroys the general communication routes, or the means of transport, interrupts the construction of said routes, or totally or partially interrupts or deteriorates the services that operate in the general routes of communication or means of transport,

will be sanctioned with a penalty of two to nine years and a fine of two hundred to one thousand times the daily value of the measurement and updated unit at the time of committing the crime” (Chamber of Deputies of the Congress of the Union, 2021, p.59).

Article 536.– “A prison term of fifteen days to six years and a fine of ten to five thousand pesos shall be imposed on anyone who in any way destroys, disables, turns off, removes, or changes signage established for the safety of general communication routes or means of transportation.” (Chamber of Deputies of the Congress of the Union, 2021, p.59).

Although the right to mobility is recognized, several phenomena impede it in our country, such as road and railroad blockades, toll booth takeovers, and in general, the increase in insecurity on highways. According to the Annual Report of Activities of the National Guard, during 2020, there were 6,815 toll booths seizures on highways under federal jurisdiction. Of these, 360 were resolved through dialogue, which means the National Guard participated effectively in only 5.3%. Of the total tollbooth blockades, 43.2% took place in the second quarter of the year,

the worst moment of the recent economic crisis, equivalent to an average of six blockades per day or one blockade every four hours. In turn, the most affected states are: Sonora (29.6%), Nayarit (27.2%), Sinaloa (24.6%) and CDMX (4.8%) (SSCP, 2021). According to this same source, 1,122 assaults were recorded on highways and areas under federal jurisdiction (SSCP, 2021), close to 94 assaults per month on average, approximately three assaults per day.

Information collected by Animal Politico via the request for transparency indicates that between January and October 2019, there were 590 assaults on federal roads, this implies that on average, 59 assaults occurred per month in the country (Ureste, 2019), which is equivalent to two cases per day, or one assault on federal roads every 12 hours. The variation between 2019 and 2020 is 58.5% on average. The insecurity in communication routes does not yield. The reasons why roads are blocked can be different, from social protest to crimes related to deprivation of liberty.

An emblematic case: In February 2021, on the Trans-isthmian federal highway 185, in the section of Matias Romero – Palomares, all types of vehicles were prevented from entering circulation, including those



transporting medicinal oxygen. The blockade was due to the dissatisfaction of San Juan Mazatlan residents caused by the intent of re-election by the former mayor, who failed to fulfill his promise to carry out public works for the benefit of the community (Briseño, 2021). “The lack of this oxygen puts the lives of many patients with respiratory diseases at risk,” said a citizen (Briseño, 2021).

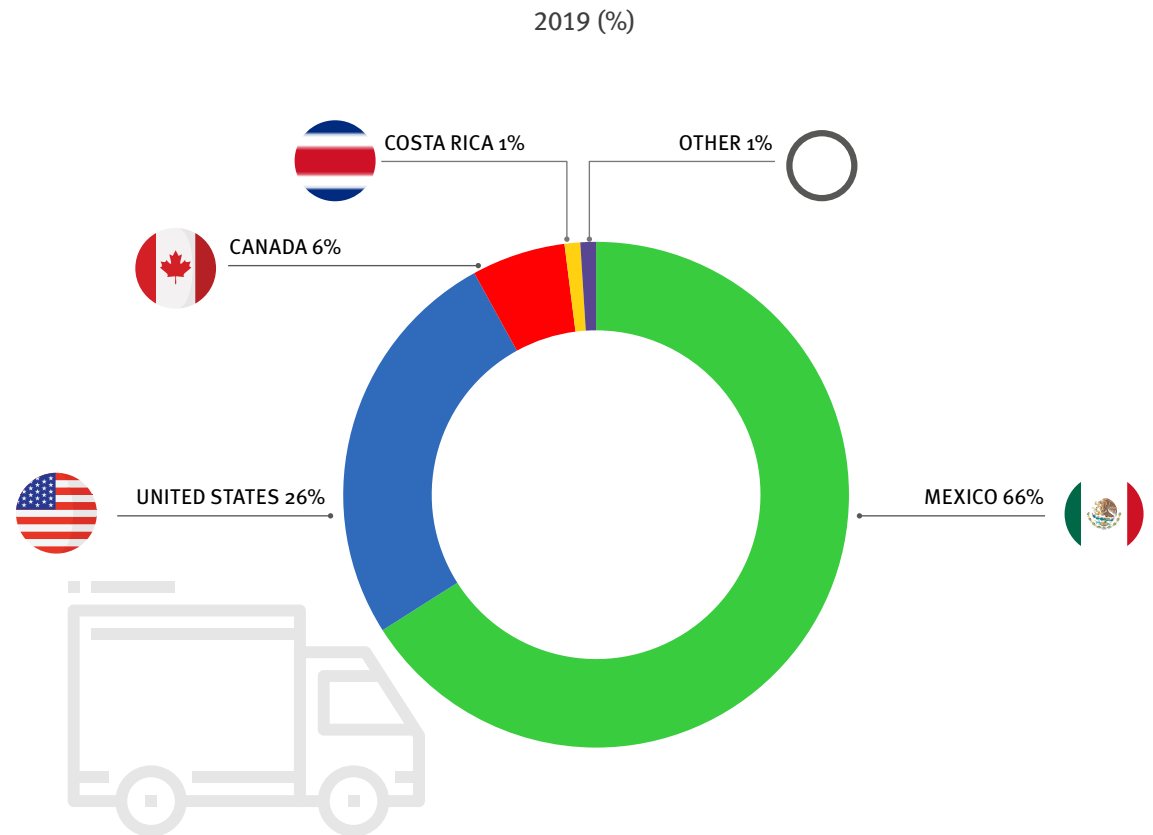
In addition, another of the busiest highways in the country, the Mexico–Queretaro highway, was part of a new type of robbery: “They put something on the road, I do not know what happened, we were travel-

Image: “Blockades in railways in Michoacan.” Photo Charbell Lucio/El Universal at <https://tinyurl.com/2s-48c5x8>

ing at high speed. The truck lifted “ (Infobae, 2021b). “My boyfriend and his dad took longer to change the tire, and right when my boyfriend’s sister got out, when some guys, armed, arrived and then they hit them. Then they messed with us; they beat us. They took everything from us” (Infobae, 2021b). The circumstances are diametrically opposite, but the negative externalities are so close to each other, people’s lives are put at risk, and the freedom of movement of people and goods is limited.

According to information from the National Census of Federal Public Safety 2018–2019, of the total accidents on roads and bridges under federal jurisdiction (12,238), 18.7% resulted in fatal accidents (INEGI, 2019a). Although the law emphasizes the importance of road safety and quality conditions, the reality is far from it. The federal government increased investment in transportation through infrastructure. However, such investment concentrated in the Felipe Angeles International Airport (AIFA for its acronym in Spanish) and the Mayan Train (TM for its acronym in Spanish), in such a way that the rest of the infrastructure in the country is uncovered, this includes the network of roads, paths, and bridges.

GRAPH 16: THEFT FROM CARGO TRUCKS IN NORTH AND CENTRAL AMERICA, 2019 (%)



Source: In-house elaboration with data from BSI and TT Club Cargo Theft Report 2020 (2020).

According to BSI and TT Club Cargo Theft Report (2021), during 2020, Mexico was positioned within the six countries in the world with the most incidents of cargo theft, along with Brazil and India. In 2019, Mexico registered two out of three cargo truck robberies in North America (BSI and TT Club, 2020), and estimated losses amounted to \$ 4.4 billion in 2020 (BSI and TT Club, 2021). The magnitude of the losses is equivalent to all the revenues collected by the federal government for rights in the same year (72,563 million pesos) and the Tax on New Automobiles (ISAN for its acronym in Spanish) (8,365.7 million pesos) (SHCP, 2021a).

The BSI and TT Club report (2021) highlights that thieves in Mexico, unlike others in the North American region, carry out armed hijackings of moving cargo trucks, a tactic, and modality that represents the bulk of the incidents that occur in the country. Transit of people and merchandise is not insured in Mexico; in addition to the fact that people's lives are involved, implications on the transportation industry's cost structure led to increased prices for the same service, which impacts the pockets of people and companies. This also impacts motor transport insurance costs, which have increased by 20% from January to July 2021 (Nieves, 2021).

During 2020, Mexico was positioned among the six countries in the world with the most incidents of cargo theft, along with Brazil and India (BSI and TT Club Cargo Theft Report, 2021).

The transit of people and goods is not insured in Mexico, and in addition, it entails an increase in prices that ultimately impacts the pockets of people and companies.

THE GOVERNMENT'S ATTEMPT TO MAKE THE LAW RETROACTIVE: THE CASE OF THE ELECTRICITY COUNTER-REFORM

The federal executive has sent various legal modifications to the Congress of the Union to modify the rules in the electricity market in Mexico. These rules are intended to give benefits to the Federal Electricity Commission (CFE for its acronym in Spanish) over the rest of the participants in the electricity industry and concentrate more power in the Ministry of Energy in matters of hydrocarbons. In principle, the proposed modifications to the legal framework were following the secondary law on the matter (Electricity Industry Law). However, the last proposal affects the constitutional order and goes beyond the electricity market. It intends to change the substance of the institutional framework that regulates both the electricity and hydrocarbon markets. Such a proposal aims to eliminate the Energy Regulatory Commission (CRE for its acronym in Spanish), the National Energy Control Center (CENACE for its acronym in Spanish), and the National Hydrocarbons Commission (CNH for its acronym in Spanish), to put it in some way, the arbitrators of the electricity and hydrocarbons markets (from extraction to importation).

In addition to attacking the authority that counterbalances arbitrary decisions, precisely like the one that is intended to be taken, the proposal that Congress of the Union will discuss in the following months seeks to reverse the market structure and the operation of the electricity market with all its implications, summarized as follows:

Modification of distribution rules, assigning an assured quota to CFE of 54% without imposing limits, so much so that the participation of the company can cover up to 100% of generation, which in the end will affect the investments that have been made privately (Parliamentary Gazette, 2021). It should be noted that the latter mentioned invested in the generation of electricity under previously established rules, even with rules that have been respected since the early 1990s. Until 2018, these participants generated about 46% of the country's electricity, and in June 2021, they had almost 49% of capacity, while CFE contributed 50.2% (CENACE, 2021). Much of this power generation capacity is backed by contracts.

The cases of self-supply and independent energy producers (PIE for its acronym in Spanish) stand out.

It is important to note that the economy in the 90s was going through a transformation process, which required cheap energy to make a more competitive economy globally. During these years, both self-sufficiency and PIEs, figures recognized by the Public Electricity Service Law (LSPEE for its acronym in Spanish), made their way. With the so-called energy reform that began in 2013, the rights of investors who installed power plants prior to it were respected. The law was not made retroactive, and the opportunity was given to migrate to the current law (Electricity Industry Law).

The reform proposal seeks to ignore both the generators that had permits prior to the 2013 energy reform and the generators that came from it. The proposal also hints at creating a parallel market in which all private companies will compete, and the pricing mechanism is not established, which generates more significant uncertainty among market participants. These new market conditions and structures are different from those on which private investors relied on installing a power plant (before or after 2013).

Likewise, the current proposal questions the validity

of the commitments acquired in oil exploration and extraction with the disappearance of the CNH. Similarly, it generates uncertainty in other business areas, ranging from import permits and supplies to sell to the public at gas stations. Even given the interest in storing electrical energy through lithium, more doubts come about in the mining sector when new exploitation permits are cancelled. According to information from CRE (2021), as of September 30, 2021, 25,415 permits were issued, 92.8% had been issued in 2018, and the remaining 7.2% between 2019 and 2021. Between 2019 and September of 2021, only 1,841 permits were issued.

Of the total permits, 24,640 are active, which are divided between hydrocarbon and electricity permits. The vast majority (16,175 permits) correspond to oil and petrochemical permits for storage, marketing, distribution (other than pipeline), sale, and transportation. Another 662 permits correspond to natural gas and oil, and 6,475 are related to liquefied petroleum gas. In sum, 23,312 are hydrocarbon permits (CRE, 2021).

In electricity, there are 1,328 permits, which can be divided into electricity generation (1,261 permits) and supply (67 permits). It should be emphasized

that the current law allows participation in both the generation and supply of electrical energy. Those of most significant interest due to their implications in the price level are those related to generation due to the legal repercussions that the Mexican government may face and the population's well-being. If the permits granted to Pemex and CFE are discounted, the number of generation permits to other participants is 1,092 (CRE, 2021). To date, 58.7% of these permits correspond to legacy contracts (prior to the energy reform), 31.9% are private, 9.1% correspond to migrations¹⁵, and 0.4% are authorizations (CRE, 2021).

The estimate of the accumulated investments by national, as well as foreign individuals in the electricity sector amounts to 90 billion dollars¹⁶. According to the Ministry of Economics, of these investments, in the first half of 2021, 18.1 billion dollars correspond to Foreign Direct Investment (FDI) (SE, 2021). With

¹⁵ Migrations are those in which the permit holder has the possibility of migrating from the Public Electricity Service Law (LSPEE) to the current regulation. This migration is carried out through the CRE.

¹⁶ Includes investment from state and municipal governments. According to CRE statistics, the estimated investment in these two activities is 426 million dollars. Within the state governments are those of the state of Chihuahua, Michoacan, and Guerrero.

the counter-reform, Mexican or foreign investors will not have the right to legal protection because it is of the constitutional order; the day after its promulgation, all the rights they had up to that moment became obsolete, making the law retroactive.

The estimate of the accumulated investments by national, as well as foreign individuals in the electricity sector amounts to 90 billion dollars.

RIGHT TO HOUSING

LOSS OF ASSETS. EVICTIONS CAUSED BY MEGAPROJECTS AND THE ECONOMIC CRISIS



The Federation Expenditure Budget Project (PPEF for its acronym in Spanish) 2022 has shown the federal executive's importance to its most emblematic works. Unfortunately, capital formation is focused on a small handful of projects: Felipe Angeles International Airport (AIFA), Dos Bocas Refinery (RDB for its acronym in Spanish), and Mayan Train (TM), mainly. The problems around these works are different, but the one that has led to displacement, which in turn can cause poverty almost instantaneously, is the TM.

As easy as it is for the federal government to displace the people who live on the train track path, the latter losing their patrimonial wealth, are the cases of Francisca Arcos and Alicia Chen, both affected by the TM, which Ochoa documents (2021):

“Francisca Arcos comments: ‘It seems they gave us the square meter at a rate of 34 pesos, the meter of the land is what they paid us. It turns out that just as today they paid 15, the next day, Mr. Jose Luis arrived to say that the house must be vacated or that they were going to tear it down. Furthermore, that is my dissatisfaction because I live in a wooden shed right now, and in vain they forced us to leave, and they have not demolished it, and well, they did not pay much. Mr. Jose Luis happened to say to that neighbor that she had to vacate the house and that in 15 days, her payment would come out, and until now, I know that they have not paid the lady.

And indeed, according to Alicia Chen (Francisca's neighbor), she has not received a peso after losing all her assets.

One hour from Chichen–Itza is Kimbila (Yucatan), where there will be a stop for the TM, there the Huitzil family shows their disappointment and incidentally exposes the poor planning of another of the President’s projects, Sowing Life. Leonardo Huitzil, ejidatario (shareholder of common land), of the area says:

We are the Huitzil family, this is the inheritance that my father left us, but right now they want to take away the land where we work. When we got here to work, the men were already plowing through our land; we did not know what would happen. They did not ask us for permission for anything. They went straight in. “Why did the President start the program if he was going to snatch away what we are sowing?” Says Leonardo’s brother, referring to the Sowing Life program.

This is contradictory. On the one hand, resources are used to reforest and, incidentally, generate sources of employment; but on the other, they eliminate the effects of the first with the passage of the Mayan Train.

According to the Federation Expenditure Budget Project (PPEF) 2022, the procurement program for

relocating human settlements in the TM Project right of way has been contemplated. It would have an estimated investment of 2,176.3 million pesos in that year, while the budget exercised in 2021 was 1,450.9 million pesos (SHCP, 2021c). That is, if the PPEF 2022 is approved, 3,627.2 million pesos will have been spent by 2022. Likewise, the Annual Acquisitions, Leases, and Services Program (PAAAS for its acronym in Spanish) (updated to September 2021) of the National Fund for Tourism Development (Fonatur for its acronym in Spanish) (the agency in charge of the project) provide a specific item for “consulting, di-

Image: “By Mayan Train they will evict and relocate 3,296 homes in five states/ La verdad noticias at <https://tinyurl.com/39tvcrx9>.



agnosis and scenarios to address the problems and needs of relocation of homes located on the right of way of the TM” for 4.3 million pesos (Fonatur, 2021).

According to the PAAAS, 2,994 properties were identified with one or more dwellings in each one and approximately 3,286 households on the current right of way. The program estimates that the costs associated with the project (land acquisition, construction and acquisition of housing, and supervision) amount to 3,579.3 million pesos (includes value-added tax) (Fonatur, 2021). It is implied that the government will have exceeded the project’s cost in terms of relocation in 2022 without having completed the work and carrying a record full of rights violations of the region’s inhabitants. Despite being a right embodied in Article 4 of the Constitution, the TM has destroyed everything in its path, leaving a trail of patrimonial destruction. Dispossession and abuse have been the hallmark of the project.

Image: “Villagers blocked works on the Mayan Train in Champoton, Chiapas.”
Photo: Jose Valencia /Po-
rEsto.net at <https://tinyurl.com/3mnrfdmc>

The federal government displaced the people who live on the crossing of the train tracks, losing their patrimonial wealth.

Despite being a right enshrined in article 4 of the Constitution, the TM has wiped out everything in its path, also leaving a trail of destruction of heritage. Dispossession and abuse have been the hallmark of the project.



LABOR RIGHTS

MEGAPROJECTS: EXCESSIVE HOURS, PAY CUTS, AND LACK OF PAYMENT



The most emblematic infrastructure projects of the current federal administration have been plagued with complaints of different types, from environmental, economic, budgetary, humanitarian, and labor issues. The TM, the AIFA, and the RDB have faced resistance from the personnel working on their construction. Despite denial or minimization by the federal government, unconformities of workers have become public knowledge. Such is the case of the RDB, where a confrontation between workers and authorities arose. The disagreements of the workers of the emblematic projects can be grouped into four types: 1) non-payment, 2) salary pay cuts (better known as moches), 3) excessive work shifts, and 4) unsafe working conditions. Nevertheless, in all the projects in question, the effects on workers' wages have become constant.

Despite the federal executive's statements, the collection of bribes has been a constant. It is an evil that afflicts the workers and has not been eradicated, as Teo, a worker at RDB for the past year, testifies:

“Yes, there is a fee of 500 pesos to be able to work. They tell you, give me 500 pesos, and right now I’ll move your papers, and then the weekly fee is 150 pesos. I had to buy my boots, I had to buy my gloves, and I had to buy my glasses. The companies and the unions bring us here and there, they do whatever they want, and nobody can defend us. There is no union here to defend anyone. Yesterday they brought in mafia personnel, who were brought in by the river from the Puerto Ceiba canal. We went into work, and they were already inside with overalls. When they saw the personnel in the work area, they started to take out guns and fire. We went back to work once more, and nothing changed. The only thing we achieved [with the walkout] is that they put more pressure on us when it is time to work. It is deplorable” (Reynoso, 2021).

TABLE 16: COMPLAINTS FROM WORKERS IN EMBLEMATIC WORKS OF THE FEDERAL EXECUTIVE BRANCH

PROJECT	DATE	WORKERS UNCONFORMITIES	RESPONSIBLE
MAYAN TRAIN	AUGUST – 2020	Members of Isthmus of Tehuantepec Railway Workers (FIT for its acronym in Spanish) reported that the Escalante y Gordillo company intended to reduce 30% of their construction labor wages.	Grupo Carso subcontracts this company for the construction of Section II.
	SEPTEMBER– 2020	Filiberto Ku Chan of the Autonomous Ejidos Commission assured that Grupo Carso intended to pay “starvation wages” for the works of Section II.	Grupo Carso
	DECEMBER – 2020	Eighty members of the Eastern Volketeers Alliance stopped work on Section III. They reported that the Autonomous Confederation of Workers and Employees of Mexico (CATEM for its acronym in Spanish) owed them more than 4 million pesos.	CATEM
	APRIL – 2021	The workers of the Poc–boc section in Campeche suspended work because they did not receive their total salaries.	
	APRIL – 2021	Workers in the town of Pomuch, Campeche suspended the work of lifting sleepers due to lack of payment.	
RDB	FEBRUARY – 2021	A sit–down strike by approximately one thousand workers of the ICA–Flour company accused labor exploitation with workdays of more than 10 hours a day without receiving overtime pay and demanded a 20% increase in their salaries. They also reported that part of the union leadership was armed to intimidate the protesting workers.	ICA Flour
	OCTOBER – 2021	At least 5,000 employees of the RDB began a walkout. They stated that they were being made to work overtime without compensation, and some workers have even received threats of dismissal. They also claim that they were being charged illegal union dues.	ICA Flour
AIFA	SEPTEMBER – 2021	Workers reported illegal commissions charges on their salaries of up to 30% and were asked to sign the registration to receive 100% of their paycheck. In addition, there is pressure on construction time, which has caused accidents and deaths.	Secretariat of National Defense (Sedena for its acronym in Spanish)

Source: Escoffie (2021), *El Financiero* (2021b), Morales & Villa and Caña (2021), Reynoso (2021) and Ochoa (2021).

All disapproval expressed by workers of the government projects are contrary to workers' rights. These rights are embodied in the constitutional Article 123 and Federal Labor Law in Articles 2, 5, 97, and 110; however, priority is given to continuity to the detriment of workers' rights, given the multiple violations reported by workers.

Image: Protest at the Dos Bocas refinery. Photo: Cuartoscuro / Contralinea at <https://tinyurl.com/4tve2kv8>



STATE WORKERS AT RISK DUE TO THE HEALTH CRISIS: THE CASES OF PEMEX AND CFE



The health crisis changed the ways of working in Mexico and the world overnight, and many companies in Mexico implemented various mechanisms to try to continue operating during the catastrophe. According to information from the Survey on the Economic Impact Generated by COVID–19 in Companies (ECOVID–IE for its acronym in Spanish), as of April 2020, 88.6% of companies in Mexico had implemented sanitary measures. By March 2021, this proportion was already 98.1% (INEGI, 2021a). It is recognized that some activities are so necessary today that they could not stop overnight, and one of these cases is the generation of electricity and the production of petroleum products such as gasoline.¹⁵ It can also be argued that exporting companies are vital for the proper functioning of the economy, especially when it comes to external balances and exchange rates.

Many reasons lead us to think that both the Federal Electricity Commission (CFE) and Mexican Petroleum (Pemex), the leading companies in Mexico in the hydrocarbons and electricity sectors, cannot stop their

¹⁵ Although in the latter case with reserves, it is important to note that the majority of the gasoline consumed in Mexico comes from the United States.

operations. Nevertheless, for this to happen, it is vital to consider the safety of the workers of both companies. What is most surprising is that reality contrasts with what is announced by these companies regarding safety in the workplace. In September 2020, Pemex was already the company with the most deaths in the world. Furthermore, according to multiple testimonies from the oil company’s workers collected by Bloomberg and Stillman (2020), working conditions have never been adequate.

Some cases, such as that of Oscar Ortiz, a natural gas analytical tester on the Abkatun–Delta platform, are documented by Bloomberg and Stillman (2020):

Who comments that before boarding on March 30 [2020], he completed a questionnaire about symptoms and had his temperature checked. That was the scope of Pemex’s security protocols, he explains. There were several outbreaks on the platform during the following months, and at least four people died from the virus, says Ortiz. “The security measures were not implemented on time, and they were not adequate.

te, he says. It makes you feel powerless because these lives could have been saved.

In Salina Cruz, Oaxaca, where the largest refinery in Mexico is located,

Jaqueline Roxana Izaguirre Godínez, an employee of the same refinery, reports that Pemex did not impose social distancing or provide masks to all workers in April and May. “There was no soap in the bathrooms or antibacterial gel,” she points out.

According to Bloomberg and Stillman’s (2020) research, as of August 13, Pemex had authorized Clause 43 licenses to nearly 8,500 employees, about 7% of the company’s workforce. The collective bargaining agreement in its Clause 43 states that:

“The day they are absent due to force majeure or fortuitous regional causes that affect the population of the place, such as health contingencies that prevent transportation or access to work centers, [WILL NOT] be deducted” (Bloomberg and Stillman, 2020).

Licenses granted are a sign of the impotence and fear of the company’s workers to contract the disease,

all this without considering all the denied requests, or those workers who feared they would be denied union benefits if they circumvented the union by appealing directly to the company.

The testimonies and data make sense when we know that the lethality faced by CFE and Pemex workers is higher than in the rest of the Mexican population, according to the weekly report on COVID–19 infections in Pemex workers and beneficiaries, as of November 23, 2021, 3,756 beneficiaries have died (among workers, retirees and family members), and 26,779 cases of COVID–19 have been confirmed in the same population, this implies that the fatality rate for the population entitled to Pemex is of 14%, that is, that of every 100 beneficiaries who fall ill with COVID–19, 14 die. On the other hand, with information from the Institute for Health Metrics and Evaluation (IHME), it is known that 66% of the Mexican population has been infected by the virus in question (83.17 million people), and according to figures from the same institute, it estimates that 536,433 people have died from COVID–19 as of November 11, 2021. Therefore, the fatality rate in the country is 0.65%. Consequently, the fatality rate is 21.7 times higher in Pemex’s beneficiaries compared to the rest of the Mexican population.

In addition to this, at the beginning of the pandemic (March 2020), the health services of the oil company faced a serious crisis in the interior, due to the application of contaminated sodium heparin, which caused the death of beneficiaries and workers. The opacity of information has been a constant in this matter and on March 4, 2020, the National Human Rights Commission (CNDH) initiated an ex officio complaint to investigate alleged human rights violations in the case of two deceased patients and 42 affected patients (CNDH, 2020b). More than a year and a half after the serious event, criminal proceedings have only been taken against the provider (who was released because no evidence was found against him) and administrative changes have been made in the hospital where the event took place.

The state must safeguard the integrity of workers. However, it ignored the multiple warnings of international organizations since the beginning of the health contingency and even sent contradictory messages that put the lives of millions of Mexicans at risk. The federal government minimized the seriousness of the situation, and the deaths were not long in coming. Inadequate management by two of Mexico's most prominent companies is also reflected in the failure to protect workers' lives.

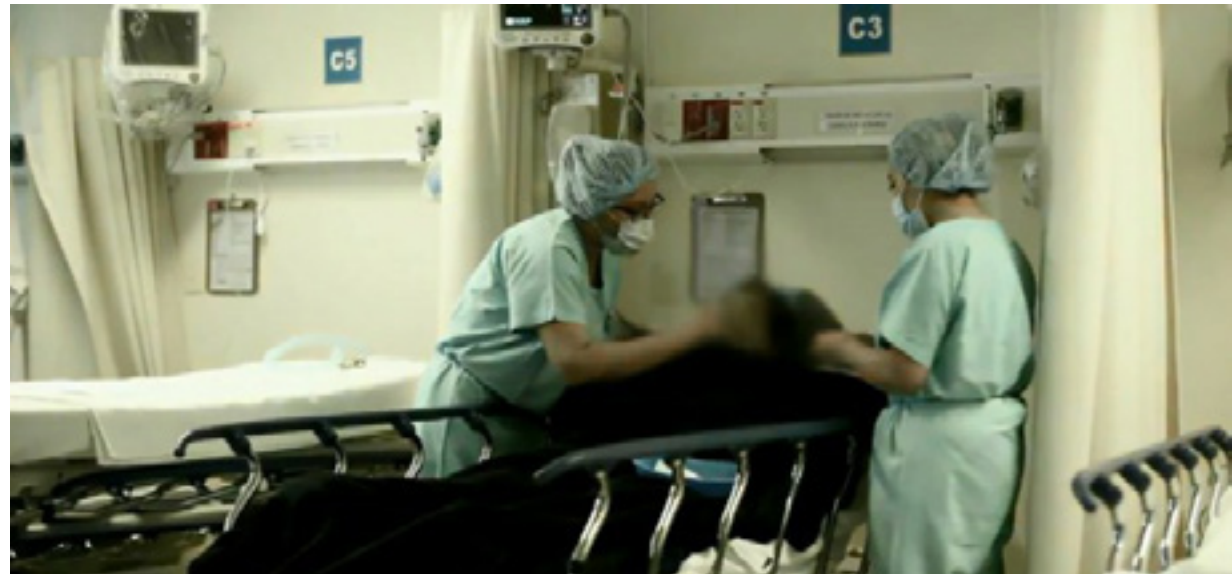


Image: "Pemex exceeds 400 deaths from COVID-19" Image taken from twitter @Pemex, June 15, 2020 / La Jornada at <https://tinyurl.com/2zkt45>

MEXICAN AGRICULTURAL EXPORTATION AND CHILD EXPLOITATION



The health crisis has led to both social and economic problems. This crisis has exposed the structural weaknesses of the care system, but it has also revealed the absence of the current federal government to try to alleviate these weaknesses. One of the population groups that worries the most is that of the underage population, given the implications that an event of such severity can cause in their adult life, which will have adverse effects on economic activity.

Children have had to drop out of school for an extended time, and many of them have not even been able to attend virtually due to multiple technological and economic constraints. Many of them have had to take on domestic work or paid jobs. The situation is critical; the future of Mexico is at stake.

It will be necessary to add to the time already lost, the social liabilities of all those children who will never return to a classroom and subtract everything produced by these minors from the economic activity. According to the National Occupation and Employment Survey (ENOE for its acronym in Spanish), in the second quarter of 2021 in Mexico, there were 587.6 thousand people between 12 and 14 years of age who

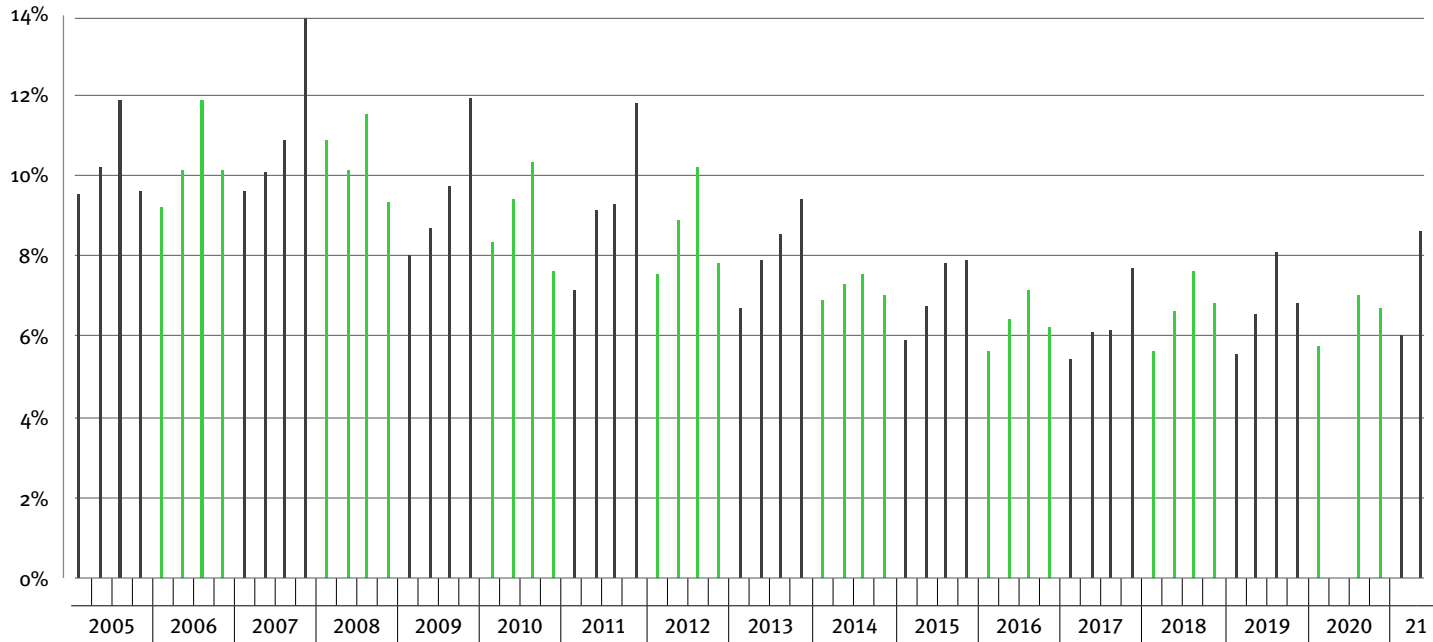
are working and about 5,000 unemployed. The above implies that the employment rate for this age group is 8.6% and that there are also other people of this age who are looking for work (INEGI, 2021b).

Image: “Child labor will increase 5.5% due to Covid” / El Economista at <https://tinyurl.com/ettk9dmn>



GRAPH 17: EMPLOYMENT RATE OF PEOPLE BETWEEN 12 AND 14 YEARS OLD IN MEXICO

EMPLOYMENT RATE



Source: In-house elaboration with data from INEGI (2021b).

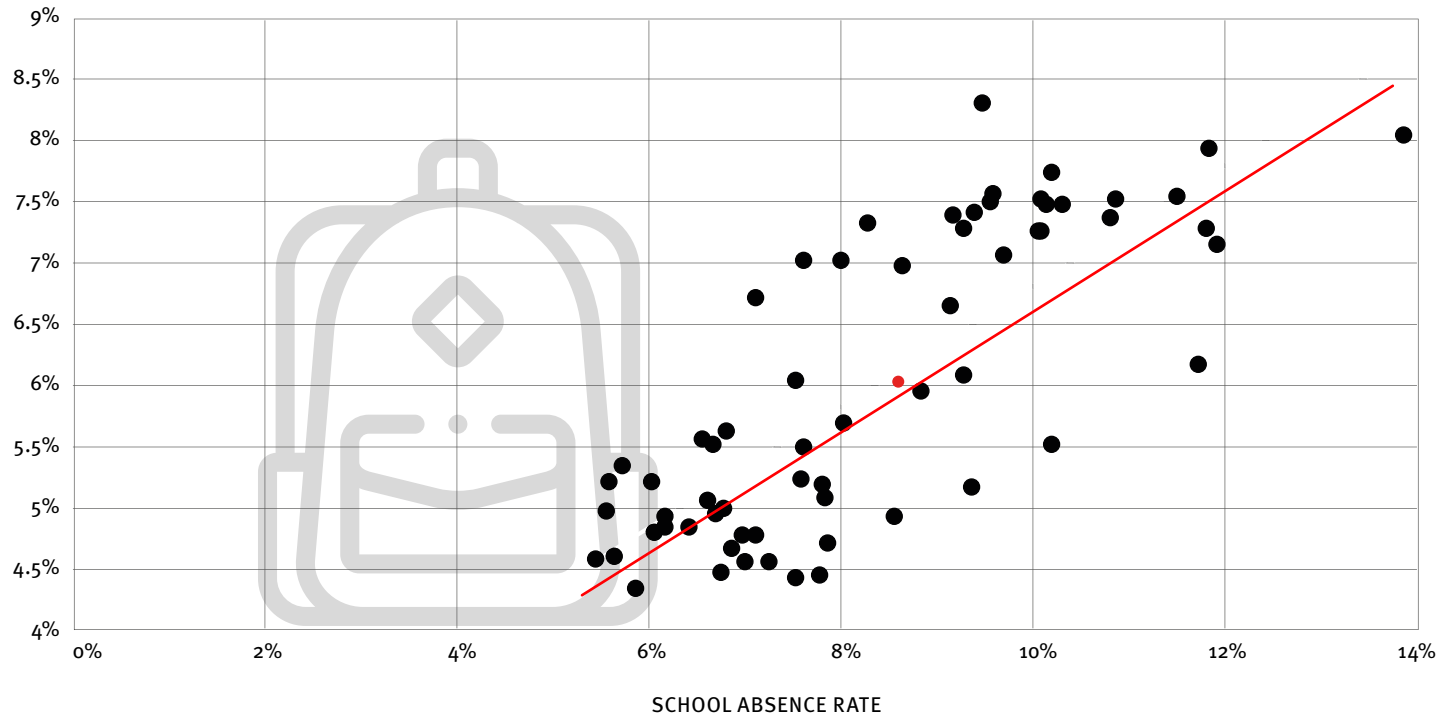
According to information from INEGI through the ENOE (2005–2021), in recent years, occupancy rate trends fell from a historical maximum of 13.9% during the last quarter of 2007 to a minimum of 5.5% in the first quarter of 2017. Even though the labor participation of minors remained down for several years, the effort made shortly before the pandemic was no longer enough to maintain this trend. Between 2018 and

the first quarter of 2020, there was zero progress. What happened in Mexico is also observed internationally. According to the International Labor Organization (ILO) (2021), the global fight against child labor had stalled since 2016, when labor participation reached 4.6% (151.6 million children aged 5 to 17 years). The current occupancy rate represents an eight-year setback, comparable to the rate in September 2013.

GRAPH 18: SCHOOL ABSENCE RATE IN THE POPULATION BETWEEN
12 AND 14 YEARS OF AGE AND EMPLOYMENT RATE

(2005–2021)

EMPLOYMENT RATE



Source: In-house elaboration with data from INEGI (2021b).

Experience tells us that the higher the rate of school absenteeism, the employment rate increases in the population group between 12 and 14 years old. Several factors can explain this phenomenon. However, what should be noted is that there is a predisposition

to work while minors do not attend school; so that a prolonged period away from it can lead to an increase in participation of the child population in the workforce.

INEGI (2021b) states that in the second quarter of 2021, there were 816.5 thousand people under 15 years of age who did not attend school, the closest antecedent of this figure is that of the second quarter of 2011 (832.6 thousand), we find ourselves as we were ten years ago. The historical minimum was observed in the last quarter of 2015 (499.1 thousand), and after that date, there has not been any further progress. On the other hand, between the last quarter of 2018 and the second quarter of 2021, people under 15 who do not attend school have increased by 54.6%.

This makes sense when the population is analyzed according to their school attendance status. While the occupancy rate among those who do not attend school is 36.9% in the second quarter of 2021, the occupancy rate among minors is 6.8% in the same quarter of the year. In other words, the probability of a minor entering the workforce is more significant if they are not in school. However, the number of minors who study and work has increased 29% between December 2018 and the second quarter of 2021 (INEGI, 2021b). In recent times, regardless of school attendance status, the labor participation of minors has increased.

When considering the universe of the underage population, according to the National Child Labor Survey (ENTI for its acronym in Spanish) 2019, it is estimated that in Mexico, 3.27 million people between 5 and 17 years of age are in child labor conditions. Of this population, 2.02 million are in an illegal occupation; 1.34 million are subordinate paid workers, 107.5 thousand are self-employed, and 547.2 thousand are unpaid workers. The previous implies that of the minors who work in conditions that are not allowed in current legislation, 27.1% do not receive income for their work, in addition to risking their physical and mental integrity (INEGI, 2019c).

The non-permitted occupation refers to those employed in prohibited jobs below the minimum age (5 to 14 years) or employed between 15 and 17 years of age in hazardous work according to the provisions of the Federal Labor Law in its articles 175 and 176. These jobs can range from street vending, agricultural activities, construction, mining, and working hours after 10 pm.

The majority (56.1%) of child labor in illegal occupation is concentrated in two occupational groups: assistant workers in agricultural, livestock, forestry, hunting, and fishing activities (31.6%) and assistant workers in mining, construction, and industry (24.5%). The rest of the activity groups englobe the remaining 43.9%: merchants, sales employees, and sales agents (14%), street vendors (7.9%), other workers in elementary and support activities (7.4%), and other activities (14.6%) (INEGI, 2019c).

La Jornada (2020) documents the story of Andres Gomez from the state of Chiapas, who is only 11 years old, a photograph of this reality:

Until March, when the school closed, Andres spent most of his mornings there and learned to speak, read and write Spanish – his mother tongue is Tzotzil. On the way out, he would join his father in the amber mine for a few hours. Since the morning, he has been working inside a dark tunnel dug by hand that lacks support beams or security measures. The constant chime of the chisel on the stone echoes in the hole just over a meter high (approximately three feet) where he searches for amber on his knees, hammer in hand, lantern knotted to his forehead, and the



sweat falling down his back. Crouched over the rock debris, he dislodges; each blow is followed by quiet panting. The hope is to find a piece of amber that will eventually become a piece of jewelry. If it is the size of a coin, they can give you between one and five dollars. If the ball of the precious resin is large, it can solve the family's necessities for a while. "What I want is to learn to read and write," he says. Andres could take advantage of online or televised learning, but like many others, he does not have access to a computer or television: in his two-room house with some wooden walls, the only technology is an old stereo with speakers.

Image: Children working in mines in Chiapas / National Geographic at <https://tinyurl.com/kyt5hvb6>

Different factors have been combined at a given time: high labor participation of the underage population in primary activities and commerce and increased school absenteeism. Coincidentally, the only sector of the economy that remained afloat, both in activity and employment, was the primary sector. Moreover, as can be seen in the ENOE, there are now more people between the ages of 12 and 14 who are both studying and working. That said, child labor is expected to have risen exponentially (INEGI, 2021b).

This problem has been previously studied by the Bureau of International Labor Affairs (2021). This organization has identified a list of goods produced through child or forced labor in imminent violation of international treaties. In the case of Mexico, several goods have been identified, such as coffee, beans, melon, onion, tobacco, poppy, tomato, and chili. The last two have been identified as forced labor. Even though current legislation in Article 123 of the Constitution and the Federal Labor Law prevents child labor, this phenomenon continues and even increases. The short and long-term social consequences will be devastating, and if this were not enough, Mexican exports of mainly agricultural products could be threatened and subjected to restrictions.

Children have had to leave school for a long period of time. Many of them have had to be added to housework or paid jobs.

The situation is critical, the future of Mexico is at stake.



4

**INACTION, THE PANDEMIC,
AND CIVIL RIGHTS IN CRISIS**



4

INACTION, THE PANDEMIC, AND SOCIAL RIGHTS IN CRISIS

HOW ARE OUR SOCIAL RIGHTS AFFECTED?



To understand the context of the development of social security in Mexico, keep in mind that in 2011 there was a significant human rights reform to the Political Constitution of the United Mexican States (CPEUM for its acronym in Spanish). The reform introduced a watershed in the understanding of what human rights are and opened the door to the understanding of social security as a human right.

As of this reform, Chapter I of the first title changes the concept of individual guarantees to “Human rights and its guarantees.” This reform ratifies the international norms and treaties (called: Constitutionality Block) in the matter of human rights, which, although they are not embodied in the Constitution, are part of it and, therefore, enjoy the same status as the constitutional text, that is, as the supreme law

in force in the nation.”¹⁶ (Mendizabal, 2017). This resulted in creating a new foundation for the Mexican State as guarantor and promoter of all human rights under the central principle of the dignity of persons, under a non-discriminatory approach that considers generating equality measures and overcoming the difference in treatment from social policies to historically discriminated population groups.

¹⁶ In such a way that, in matters of social security, the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966) are recognized as the main instruments of the ILO: The Objective Declaration to the aims and objectives of the International Labor Organization (ILO), ILO Recommendation (No. 67) on Livelihood Security, ILO Recommendation (No. 69) on Medical Care, Convention No. 102 of the ILO on Social Security (minimum standard), among others (Mendizabal, 2017).

The review of social rights within the CPEUM and the main international treaties is directly related to public policies against poverty, as they are the most directly linked to factors that generate poverty and the conditions that identify it (Citizen Action Against Poverty, 2017). The state of development of the LGDS (2004) incorporates the measurement of the whole exercise of social rights, within which are: health, access to social security, food, and education, being the most related to poverty in order to ensure direct access where it does not yet exist and ensure that such access is adequate (availability, quality, accessibility).

According to Coneval (2021b), although poverty showed significant progress in reducing social deprivation, there is evidence of a margin in accessibility, availability, and quality of at least five indicators of social rights (education, health, social security, food, and housing) which, if not improved, is a direct attack on social rights. Impairments to social rights generally occur due to insufficient action or omission on the part of the States. This speaks on the fact that rights have a function: the right to provide, which generates an obligation to develop or implement regulations (or an obligation to give) where insufficiency or omission of the rights translates into a state violation of the law to rights by non-intervention (Clerico, 2018).

In this context, the National Human Rights Commission (CNDH) is the entity responsible for the protection and defense of human rights in Mexico, which has, among many other attributions, receive complaints of alleged human rights violations. The CNDH investigates alleged violations of rights due to administrative omissions when illicit acts are committed with the tolerance of a public servant or authority or when they unfoundedly refuse to exercise the attributions that legally correspond to them. The CNDH formulates public recommendations, reports, and complaints before the respective authorities, promoting the observance of human rights in the country (CNDH, n.d.3). Unfortunately, even though the Constitution and authorities must promote, respect, protect and guarantee human rights, the violation of rights in Mexico is a recurrent practice that manifests itself in the three levels of government and the different governmental sectors (Giles and Mendez, 2019).

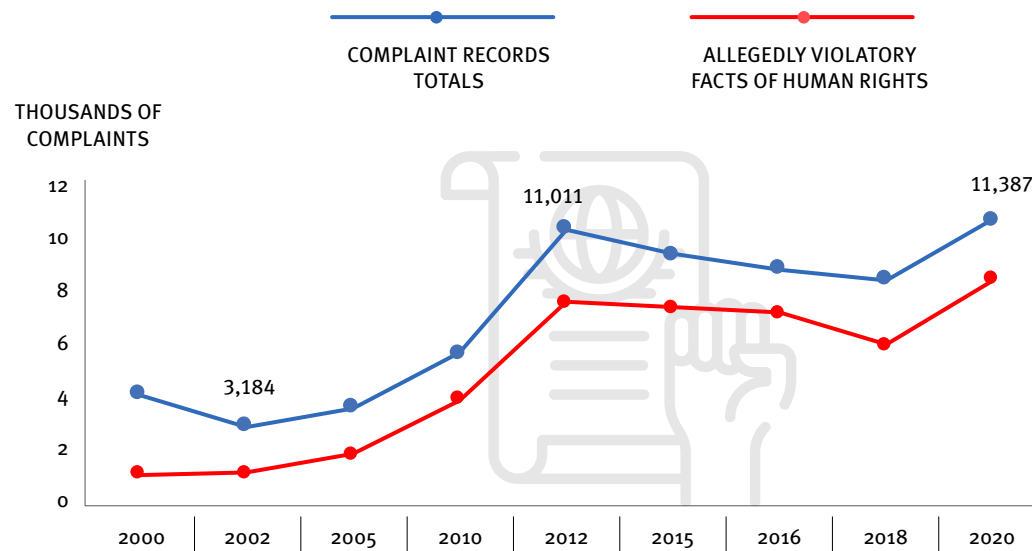
According to an investigation prepared by the General Directorate of Dissemination and Publications of the Belisario Dominguez Institute of the Chamber of Senators (IBD) (2019), just between 2000 and 2018 (18 years), the CNDH registered more than 130 thousand complaint files for the alleged violation of human rights, issuing 1,285 recommendations, where 88%

of the complaints and 85% of the recommendations point to civilian authorities. On the other hand, the Army and the Navy decreased the number of complaints and recommendations during this period.

A complaint reflects an alleged violation of human rights by acts or omissions carried out by authorities or federal administrative public servants. From 2000 to 2020, the year with the highest number of complaints and events allegedly violating human rights was 2020, with 11,387 and 8,976 files, respectively (CNDH, 2019; 2020) (Graph 19). This means that, for each complaint presented, there is one aggrieved person and at least one authority indicated for the alleged violation of human rights.

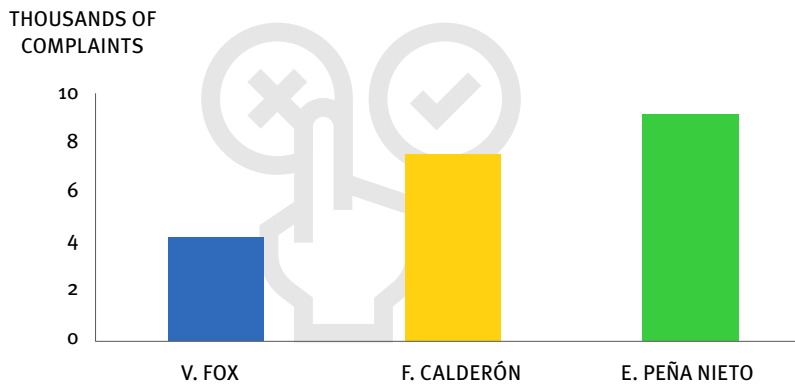
The comparative analysis by six-year term shows that in each administration, the number of complaints increases considerably. During the government of President Vicente Fox, the annual average of complaints was 4,168.5; with President Felipe Calderon, it was 7,608.3, and with President Enrique Peña Nieto, it was 9,197.33 (Giles and Mendez, 2019). (Graph 20).

GRAPH 19: COMPLAINT FILES AND COMPLAINT FILES CLASSIFIED AS ALLEGEDLY VIOLATING HUMAN RIGHTS



Source: In-house elaboration with data from the CNDH (2019; 2020)

GRAPH 20: ANNUAL AVERAGE OF COMPLAINTS BY THE SIX-YEAR PERIOD 2000–2018



Source: In-house elaboration with data from Giles and Mendez (2019).

Unfortunately, the CNDH (2020) mentioned that new files derived from COVID-19 were opened due to the pandemic. Among which “violating actions were identified that have to do with poor medical attention in governmental institutions and private instances; labor discrimination; counseling to access governmental assistance; job layoffs; aggressions towards health personnel; free transit in various entities of the country; lack of medical supplies for the pandemic and lack of medications” (p.53).

Actions that directly threaten human rights are menaced in the name of public health, managing to expand its effects both to the welfare and to the very life of the people in our country.

2020 was the year with the highest number of complaints of alleged human rights violations, with 11,387 and 8,976 files respectively (CNDH, 2019; 2020).

SOCIAL SECURITY



Currently, in a health context, deepening inequalities in Mexico due to the arrival of COVID–19 is imminent, which even led the CNDH to request the protection of the rights and dignity of people during the health crisis due to COVID–19 (CNDH, 2021).¹⁷

It should be kept in mind that exclusion from social protection mechanisms undermines the ability of individuals to face contingencies beyond their control that can significantly reduce their standard of living and that of their families (ECLAC, 2006). Therefore, social security is embodied in Article 123 of the Political Constitution of the United Mexican States (CPEUM) regarding labor, which defines minimum social coverage that must be granted to workers and their families. This is a violation of human rights, as it generates differentiated treatment in access to this right for those who work (and are affiliated) and who either do not work or work without being affiliated,

¹⁷ The CNDH (July 15, 2021) calls to join efforts in a common front to defend human rights and promote respect for the dignity of people as a guiding principle in decision making, in order to prevent violation scenarios, said the president of the National Human Rights Commission (CNDH). Press release (CNDH, 2021).

where under a rights–based approach, this is the main problem.

The minimum obligations of any labor policy under a rights–based approach involve overcoming poverty, union rights, remunerative income, and guaranteed benefits.

Where

insufficient income is the central factor of poverty and its most accurate indicator – not the only one – is to improve the remuneration of labor or labor income which constitutes one of the most effective policy actions in the face of poverty (Citizen Action Against Poverty, 2017).

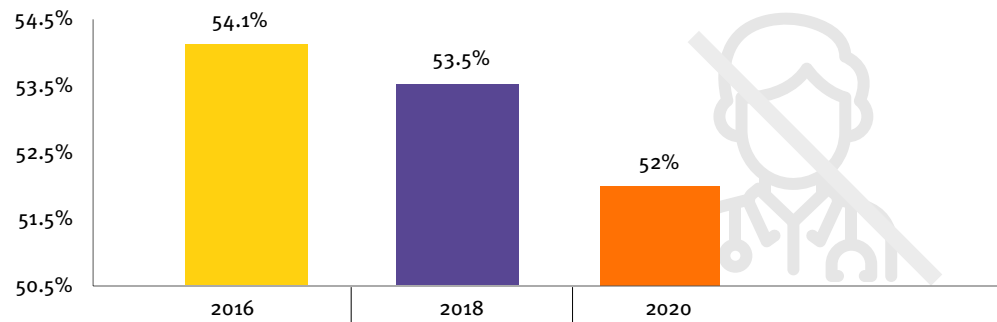
Social security systems play a fundamental role in generating equal opportunities and well–being at different points in a lifetime. In the case of children and adolescents, the percentage of people with access to social protection mechanisms stood at 35.9% in 2010. It increased slightly to 38.9% in 2018, in the case of older adults, in 2018 only three out of ten people (28. 1%) aged 65 or older received retirement or pension (contributory or non–contributory) for an

amount equal to or greater than the average value of the income poverty line (equivalent to the cost of the food and non-food basket), a lower number than for 2010 (43.1%) (Coneval, 2019).

The need to improve the quality of access to the right to social protection is also reflected in the decrease in the employed population with children six years old or younger that had access to childcare as a work benefit, from 17.5% in 2010 to 17% in 2018 (Coneval, n.a.), being these, among many other elements, conditioning factors for the right to social security in Mexico. Since before 2018, the Coneval pronounced necessary an increase in the number of people with access to the right to social security and the coverage of social risks, quality, and sufficiency of benefits. Efforts to increase the population with social security are reflected in the decrease of access to social security that has fallen since 2016 with 54.1% of the population with this lack to 53.5 in 2018 and 52% in 2020 (Coneval, 2021b).

At the federal entity level, 23 states presented decreases in this indicator in 2020, of which the states of Oaxaca, Nayarit, and Tabasco stand out with decreases of 5.3, 4.9, and 4.7 percentage points; while, of the states with increases, Quintana Roo, Nuevo

GRAPH 21: EVOLUTION OF THE PERCENTAGE OF THE POPULATION WITH LACK OF ACCESS TO SOCIAL SECURITY



Source: In-house elaboration with data from Coneval (2021b).

Leon and Coahuila presented the highest increases for 2018 with 4.3, 3.5 and 2.5 percentage points (Coneval, 2021b). The threat to well-being entails the quality and the very life of people. Unfortunately, the guarantee of the whole exercise of the social rights embodied in our constitution is at risk by not ensuring the access of the entire population to social development, as established in the General Law of Social Development (LGDS) (Chamber of Deputies of the Congress of the Union, 2004). In addition, an

essential element pointed out by the CNDH (2020) is that the ten major alleged human rights violations reported by those who filed a complaint have to do mostly with violations to social security and access to health (Table 17).

According to a report by the Council for the Evaluation of Social Development Policy (Coneval) (2021b), the fulfillment of social security continues to be the greatest challenge in terms of social deprivation. Given the link between social security and employment, it is necessary to create formal jobs or, in the absence of, move towards a non-contributory, comprehensive, and universal social security system. Considering that there are minimums that must be guaranteed in terms of access to health services, income, pensions in old age, income in case of illness or disability, and even care services for family members, minors, the elderly, or people with disabilities.

TABLE 17: TOTAL NUMBER OF ALLEGED VIOLATIONS MENTIONED IN THE CASE FILES

ALLEGED VIOLATIONS	NUM.
Lack of legality, honesty, loyalty, impartiality, and efficiency in the performance of functions, jobs, positions, or commissions.	2,289
Providing improper public service	2,589
Failure to provide medical care	2,208
Failure to provide medications	1,379
Actions and omissions that violate the rights of migrants and their families	1,005
Obstructing or denying social security benefits to which they are entitled	489
Medical negligence	481
Inadequate medical filing and paperwork procedures	470
Failure to substantiate the act of authority	432
Failure to implement the necessary infrastructure for the adequate provision of health services	391

Source: In-house elaboration with data from Activities Report CNDH (2020) (p.55).

HEALTH: SOCIAL AFFILIATION



The right to health refers to two dimensions, on the one hand, to the guarantee of access to relevant and effective health services that do not depend on direct payment by individuals and, on the other hand, to the sanitary and public health actions essential to prevent and treat diseases that affect a person's quality of life. The right to health in Mexico is embodied in the CPEUM, which in Article 4 stipulates that the entire Mexican population has the right to social protection in health. Likewise, the General Health Law understands health as a state of complete physical, mental and social well-being, not only the absence of disease (LGS, 2013). This proper recognition is aligned with international normative frameworks on the subject and the commitments acquired by the state when ratifying the different national and international treaties on human rights.

Violations of the right to health can occur by action, on the one hand, or by omission or insufficient action, on the other. This is so because the right to health possesses a right of defense or non-intervention function and a right of provision function (Clerico, 2018).

Under this scenario, human rights violations in health can have significant health consequences, affecting the well-being and lives of people. For example: “when hospital beds are insufficient, people in these groups are often discharged prematurely. Which can lead to high readmission rates, and sometimes even deaths, and also constitutes a violation of their rights to receive treatment” (WHO, 2017).

The norm established in the General Health Law (LGS) indicates the fundamental element that must be guaranteed by the state so that everyone can exercise their constitutional right to health protection and, therefore, access to health services. Additionally, this right is part of the social rights, as established in the LGDS, which obliges the state to guarantee and protect through government policies, social programs, or legal reforms, so that the right to health can be fully exercised.

The relationship of the right to health with poverty is twofold, on the one hand, healthy life is a condition for the adequate exercise of other rights, and on the other, diseases and the costs associated with the inability to work or with the payment of services in

case of illness or accident are factors of impoverishment (Citizen Action Against Poverty, 2017).

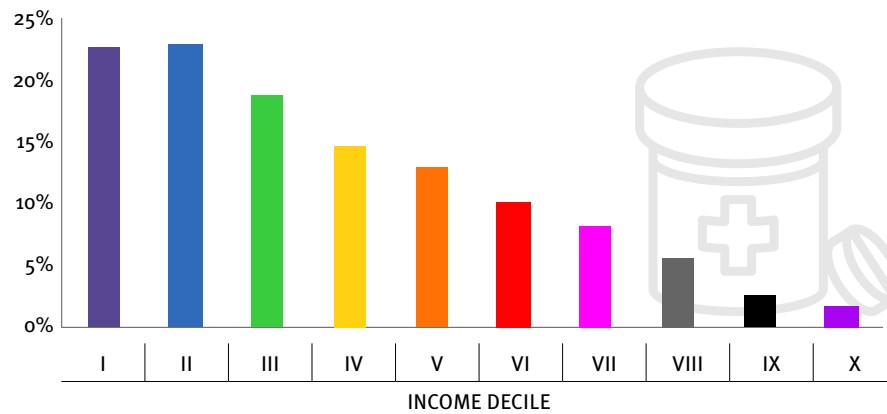
It is necessary to recognize that the implementation of the so-called “Seguro Popular” is the reason that explained the significant reduction in the lack of access to health services, going from 29% in 2010 to 15.6% in 2016, remaining for 2018 at 16.2%. Unfortunately, the disaster caused by the COVID-19 virus is reflected in the drastic increase in the lack of access to health services. A drastic increase of 12 percentage points for 2018 in the lack of access to health services, reaching 28.2% in 2020, implying that almost 3 out of every ten people ceased to have any affiliation to public social security institutions (IMSS, federal or state ISSSTE, Pemex, Army or Navy), to private services or reported not being entitled to receive the services provided by the Health Institute for Welfare (INSABI) (Coneval, 2021b).

The above means that there was an increase of 15.6 million people who reported not being affiliated, enrolled, or entitled to receive health services in a public or private institution in two years. Additionally, it is observed that, between 2018 and 2020, the most significant increase in the incidence of lack of access to health services occurred in the 30% of the popula-

tion with the lowest income (decile I, II, and III) with an increase of 22.6 (decile I), 22.9 (decile II) and 18.7 (decile III) (Coneval, 2021b). (Graph 22).

Additionally, the increase in the lack of access to health services also affected the population in extreme poverty: the percentage of this group lacking access to health services increased from 25.6% in 2018 to 57.3% in 2020.

GRAPH 22: CHANGE IN THE PERCENTAGE OF THE POPULATION WITH LACK OF ACCESS TO HEALTH SERVICES FROM 2018 TO 2020



Source: In-house elaboration with data from Coneval (2021b).

Currently, 1 out of every two people in extreme poverty does not have access to health services in 2020, while in 2018, it was only 1 out of every 3 (Coneval, 2021b). At the same time, the violating action of “hindering or denying social security benefits to which one is entitled” (CNDH, 2020, p.54) is one of the most recurrent complaints in the CNDH by 2020.

Coneval (2021b) noted that a margin for improvement is reflected in the percentage of beneficiaries who did not have to pay for medicines when seeking care in public institutions. There was a decrease of 3.2 percentage points from 2014 to 2018 (SISD, 2018), going from 91.4% to 88.2%, respectively. Oaxaca (80.8%) and Chiapas (73.6%) were the states with the lowest percentages of beneficiaries who did not pay for their treatment.

This means that more people had to pay for their medications even if they sought care in public institutions such as IMSS, ISSSTE, state-run ISSSTE, Pemex, Defense or Navy, IMSS-Prospera, Seguro Popular, or another public institution.

Currently, the 2020 collapse of the healthcare system is reflected in the dramatic 40.5% increase in the current monetary expenditure of Mexicans on healthcare and medicines from 2018 (\$901) to 2020 (\$1,266)¹⁸ (INEGI, 2020d).

From the human rights approach, both the population’s lack of knowledge of rights, as well as inaction, obstruction, bad practices, or denial of social rights, can prevent access to rights, leaving the quality of life and potential risks and eventualities adrift, thus violating the human rights established in our constitution.

In 2020, 1 out of 2 people in extreme poverty did not have access to health services, while in 2018 it was only 1 out of 3 (Coneval, 2021b).

¹⁸ Quarterly average expenditure by major expenditure categories, by year of survey (2018 and 2020) ENIGH

FOOD SECURITY



The social right to food, understood as the right of all individuals to enjoy physical and economic access to adequate food and the means to obtain it (OHCHR, 2004), has been insisted upon by various governments and multinational organizations to reduce hunger and malnutrition (FAO, 2009). Likewise, the governmental response to address the main nutritional problems of the population, such as malnutrition, anemia, overweight, and obesity, directly impacts policies that guarantee the improvement of the population's nutritional status, especially those living in poverty or vulnerability.

Poverty is a multidimensional phenomenon that affects people's lives, denies them equal opportunities, and excludes them from economic, social, and cultural activities. Poverty is reflected not only in low-income levels but also in the precarious living conditions of the population. That is, in the impossibility of accessing adequate food, educational services, health services, traditional sources of employment, decent housing, a pension, among other aspects (Economic Culture Fund, 2014). Thus, to measure the food security risk situation of a country, in

addition to indicators of food availability and malnutrition, indicators of economic growth, poverty, and health are also used (Perez, 2007). Non-compliance with this right is one of the most explicit and most direct expressions of poverty.

One of the current global concerns has been the rising tide of acute food insecurity that has reached its highest level in five years. According to the Global Network Against Food Crises (GNAFC) (2021), the number of acutely food insecure people in need of urgent assistance to save their lives and safeguard their livelihoods reached a five-year high in 2020 in countries affected by food crises.

The GNAFC (2021) report revealed that at least 155 million people were in crisis contexts with acute food insecurity or worse situations in 55 countries or territories in 2020. Implying 20 million people approximate increase over the previous year, and it seriously warns of a worrying trend as acute food insecurity has been increasing relentlessly since 2017 according to the latest report.

The practical exercise of the right to food must be translated into adequate nutrition, a fundamental factor for enjoying good health and, therefore, an optimal quality of life (Coneval, n.a.) If malnutrition due to deficiency in the consumption of nutrients occurs during gestation or the first two years of life, it becomes a severe risk factor for morbidity and mortality during childhood and adverse effects on mental and physical development in the long term. Overweight and obesity (understood as a problem of poor nutrition due to excess or inadequate food processing by the body) are the cause of chronic diseases that can lead to death, such as type 2 diabetes, cardiovascular diseases, and several types of cancer (Shamah-Levy *et al.*, 2007).

According to Coneval (2021b), an effort was made to reduce the lack of access to food since 2014 (Graph 23). However, in 2018 and 2020, there is an increase in the number of people with a lack of access to food. Not to mention that at the national level, between 2018 and 2020, the population with a deficiency due to access to nutritious and quality food remained at similar levels, going from 22.2% to 22.5%.¹⁹ This translates into an increase of just over a million peo-

¹⁹ The change is not statistically significant.

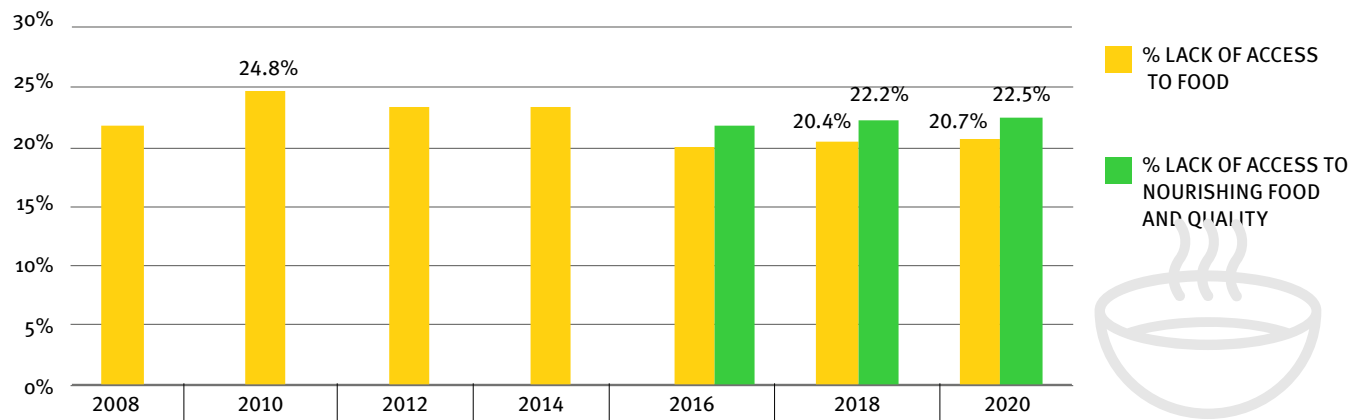
ple with this deficiency, going from 27.5 to 28.6 million people in this period (Coneval, 2021b). In 2020, 17 of the 32 entities presented an increase in this indicator,²⁰ where Quintana Roo (20.0% to 29.4%), Tlaxcala (24.3% to 32.9%) and Puebla (24.5% to 30.8%) presented the highest increases; while Tabasco (50.0% to 43.3%), Colima (23.0% to 17.7%) and Chihuahua (18.1% to 13.5%) were the states with the greatest decreases (Coneval, 2021b).

Regarding the dimensions of Food Insecurity (FI), which show quality (mild FI), quantity (moderate FI), and hunger (severe FI) in Mexican households, although the proportion of households with AI According to the ENSANUT (2020) it decreased on a national level from 2012 to 2018 from 70% to 55.5% respectively. There is an increase for 2020 of 3.6 percentage points reaching 59.1% in 2020 (Table 18), affecting the areas to a greater extent. Rural compared to urban.

²⁰ Seven changes are significant: Quintana Roo, Tlaxcala, Puebla, Baja California Sur, Aguascalientes, Yucatan and Queretaro.

GRAPH 23: EVOLUTION OF THE PERCENTAGE OF HOUSEHOLDS WITH LACK OF ACCESS TO FOOD IN MEXICO

2008–2020



Source: In-house elaboration with data from Coneval (2021b).

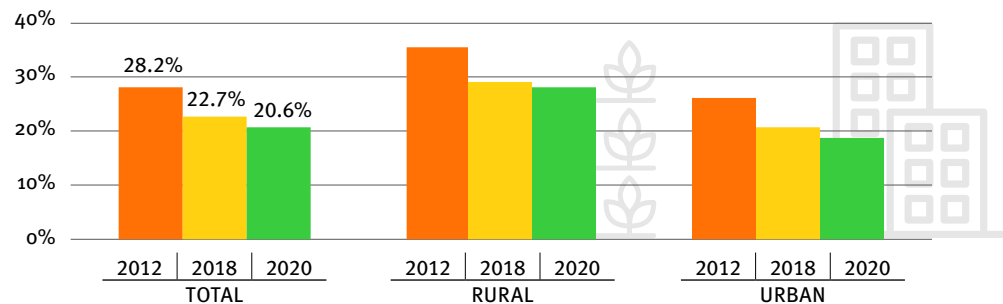
TABLE 18: PERCENTAGE OF HOUSEHOLDS WITH SOME TYPE OF FI

		2012	2018	2020
NATIONAL		70.0%	55.5%	59.1%
National	Mild	41.6%	32.8%	38.5%
	Moderate	17.7%	14.1%	12.8%
	Severe	10.5%	8.6%	7.8%
National	Rural zone	80.8%	69.7%	70.0%
	Urban zone	67.0%	51.1%	56.4%

Source: In-house elaboration with data from ENSANUT (2012, 2018, and 2020).

GRAPH 24: PROPORTION OF MODERATE AND SEVERE FOOD INSECURITY HOUSEHOLDS

ACCORDING TO THE TYPE OF ZONE AND BY SURVEY YEAR. MEXICO, 2020



Source: In-house elaboration with data from ENSANUT (2012, 2018, and 2020).

Regarding the magnitude of moderate and severe food insecurity, which are the two dimensions that measure the amount (moderate) and hunger (severe) according to the type of area where the households reside, a decrease was also observed significantly in the time between ENSANUT 2012, 2018 and 2020, where rural zones are most affected (Graph 24).

International regulations state that States are obliged to adopt the necessary measures to prevent and mitigate hunger, respect, protect and facilitate adequate food (FAO, 2017). In Mexico, constitutional Article 4 states that all people have the right to nutritious, sufficient, and quality food and that the

state will guarantee it (CPEUM, 2011). Additionally, there are obligations contained in the International Covenant on Economic, Social, and Cultural Rights (ICESCR),²¹ which embodies in Article 11 the right to food and establishes that the state must “improve methods of production, conservation, and distribution of food” by “improving or reforming agrarian regimes to achieve the most efficient exploitation and utilization of natural resources.”

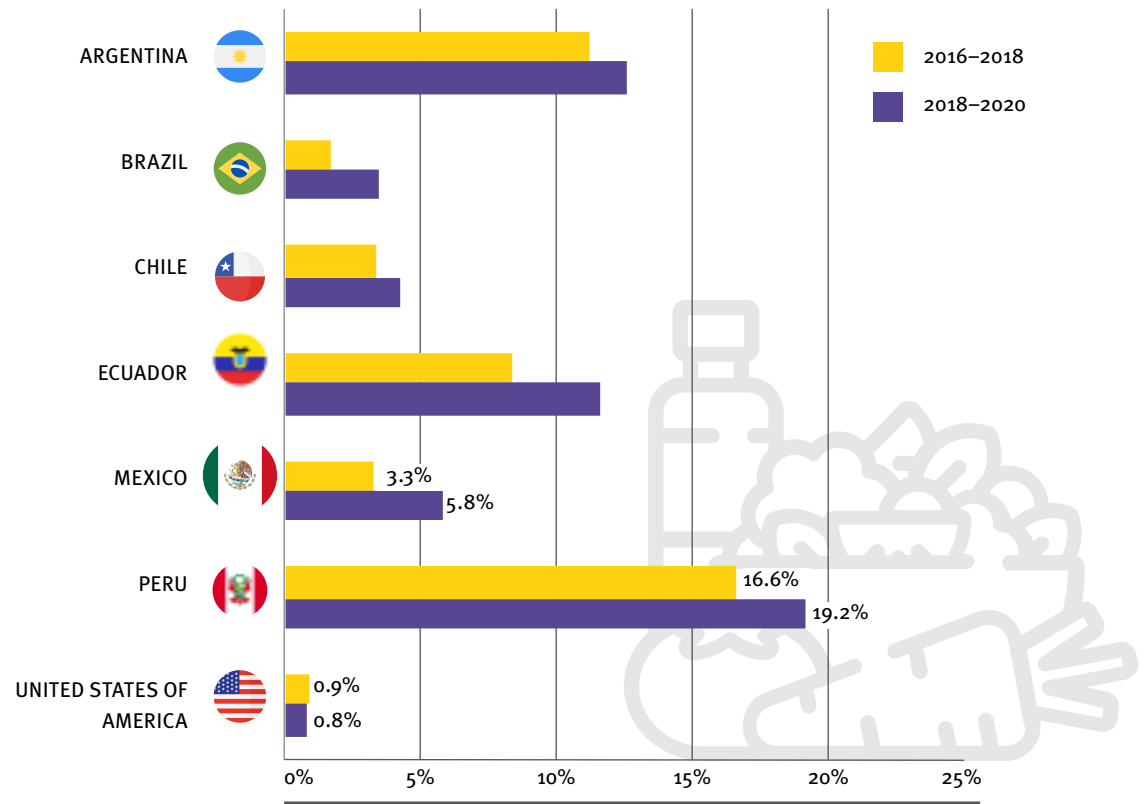
²¹ Ratified by Mexico in 1981.

National governments are primarily responsible for ensuring adequate food and the fundamental right to be free from hunger (FAO, 2017). Hunger is widely recognized as a violation of human dignity and an obstacle to social, political, and economic progress, and several countries have embodied the right to food in their constitutions.

“The right to food does not mean that the state must distribute food to all its citizens. However, this implies an obligation to help those who do not yet enjoy the right to food by creating opportunities to earn a livelihood. If these protective measures fail to ensure that there is food for all, then the state must provide it, especially to those who, because of age, disability, unemployment or other disadvantages, are unable to fend for themselves” (FAO, 2017).

According to the Food and Agriculture Organization of the United Nations (FAO), food insecurity (FI) afflicting countries is more profound for the Latin American region, where Peru, Argentina, Ecuador, and Mexico are some of the countries where not only is there a higher prevalence of FI, but also the average for the last three years (2018, 2019 and 2020) was higher (Graph 25).

GRAPH 25: PREVALENCE OF SEVERE FOOD INSECURITY IN TOTAL POPULATION
(PERCENTAGE) (3-YEAR AVERAGE)



Source: In-house elaboration with data from FAOSTAT (2016-2020).

In Mexico, the normative framework on the right to food points out two critical elements: not suffering from hunger and enjoying healthy and nutritious food (Coneval, 2018). However, according to Coneval (2021b), the health emergency due to COVID–19 has deepened the challenges social development policy faces in all areas, mainly income, health, education, and food of the Mexican population.

Adequate food is an indispensable factor for the physical, social, and human development of any person. Thus, ensuring food, the right to health is recognized, the effects of poverty are reduced, and the maintenance of human existence and its proper physical and mental functioning is preserved. It must be recognized that the problem of food security is a multifactorial problem related to the physical and economic access²² to food to achieve a healthy and nutritious diet, where government interventions can directly impact nutritional problems with policies to ensure adequate food and nutrition.

²² Economic access is related to the price of a particular food or the relative price of alternative or substitute foods, and physical access is influenced by factors such as supply, transportation availability, road conditions, and individual travel patterns. (Coneval, 2010).

It is essential not to lose sight of the decrease in the supply of basic foodstuffs. The loss of social programs that served the vulnerable population (cash transfers, food rations distributed in daycare centers or schools) exacerbates food insecurity and deepens population groups' effects. For example, those living in greater poverty, indigenous people, or families that depend on informal jobs may be more affected due to job loss or a decrease in income due to the impact on the world economy of the pandemic. Mexico does not have a governmental intervention to prevent or cushion the impact.

The loss of social programs that served the vulnerable population (cash transfers, food rations distributed in daycare centers or schools) exacerbates food insecurity and deepens population groups' effects.

GENDER EQUALITY AND THE VIOLATION OF WOMEN'S RIGHTS



Equality between women and men is a matter of human rights and a condition of social justice; it is also an essential, indispensable and fundamental issue for equality among people, development, and peace (Government of Mexico, n.d.). According to what is stated in national legislation, differences in treatment and opportunities go against human rights and historically have affected women because of their sex. Examples include domestic violence cases, discrimination based on marital status, age, pregnancy to obtain a job, a lower number of women in decision-making positions, sexual harassment in public transportation to femicides, or prostitution in women and girls (ACSUR, 2006).

At the international level, the principal instruments that monitor equality between men and women are: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, better known as the Convention of Belem do Para. In Mexico, our constitution ensures this right hand in hand with the jurisdiction of the General Equality Law

between Women and Men (LGIMH for its acronym in Spanish), which aims to regulate, guarantee and guide the institutional mechanisms for achieving equality in the public and private spheres. To this end, this law establishes five areas that guide the actions of the Federal Executive to influence the fulfillment and guarantee of women's rights. These are the following: economic, political, social, civil, and cultural.

Violations of women's rights in Mexico have historical and cultural roots, and although progress has been made, there is still a long way to go. Currently, there are violated rights in terms of gender equality, just in 2017, there were 285 cases related to gender discrimination (CNDH, 2017a)²³ where women were affected, and the most violated rights were related to the protection of health, legal security, equality, dignified treatment, life, integrity, and personal safety (Table 19).

²³Of which 124 were classified as an alleged violation of human rights, that is, as complaint files, 111 as referral and 50 as direct guidance, according to the principle of good faith (CNDH, 2017a).

For the period from January 1 to December 31, 2020, a total of 954 files²⁴ related to gender violence were counted, where discrimination and workplace harassment are the most reported in this area (Table 20) (CNDH, 2020).



Image: Right to Legal Security “PJEM will promote mediation in indigenous peoples of the state” / Diario Portal at <https://tinyurl.com/mr3m8jym>

²⁴In its four forms which are: Complaints, Guidance, Referral and Appeals

TABLE 19: RIGHTS ALLEGEDLY VIOLATED IN 2017



VIOLATED RIGHTS	WOMEN	MEN
Cannot be determined	1	0
Right to Legal Security	98	41
Right to Equality	29	4
Right to Freedom	1	0
Right to Integrity and Personal Safety	0	0
Right to Dignified Treatment	23	6
Right to Health Protection	100	57
Right to Privacy	1	1
Right to Legality	0	0
Right to Petition	2	1
Right to Life	10	1
Right to development	1	0
TOTAL	266	111

Source: In-house elaboration with data from CNDH (2017a).

**Note:* In this table, the number of rights violated will not correspond to the number of people attended because a person may have had one or more rights violated or the complaints may have been processed as a group.

TABLE 20: RECORDS RELATED TO GENDER VIOLENCE

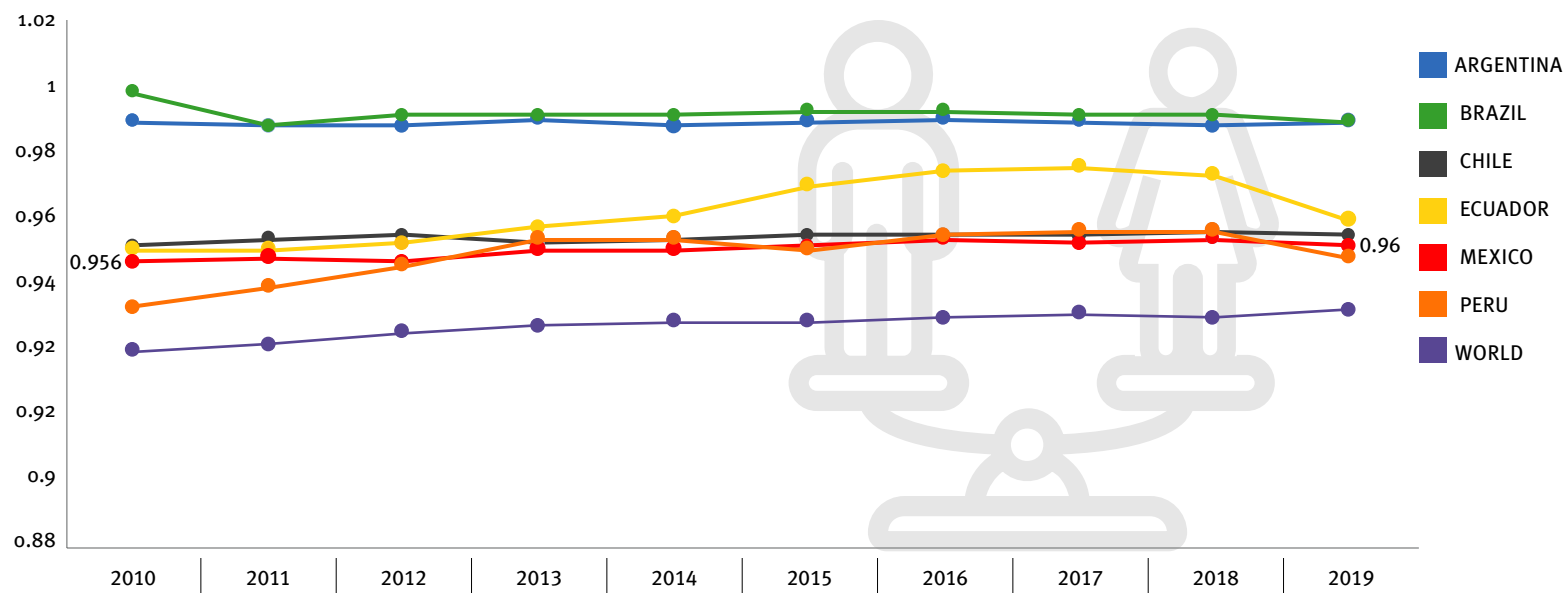
IN 2020

CATEGORY 	NO. FILES 
Workplace harassment	319
Sexual harassment	79
Discrimination	420
Physical violence	23
Obstetric violence	6
Sexual abuse	28
Domestic violence	44
Workplace discrimination	18
Workplace violence	17
TOTAL	954

Source: In-house elaboration with data from CNDH (2020).

The Gender Development Index (GDI) provides insight into the loss in human development due to inequality between women and men by considering the difference in achievement between the sexes in three areas: reproductive health, empowerment, and the labor market. When the GDI has a value close to zero, the development outlook is equal; when it is close to one, women’s disadvantages compared to men are significant. Due to inequality between women and men, the loss in human development allows us to infer that most of the selected Latin American countries present vast disadvantages for women compared to men in the world (Graph 26). Mexico presents an average GDI of .9592 from 2010 to 2019 (GIWPS, 2021), which means that there is a panorama of development with little equality, where women’s disadvantages are more significant than men’s.

GRAPH 26: EVOLUTION OF HUMAN DEVELOPMENT LOSS
DUE TO INEQUALITY BETWEEN WOMEN AND MEN
SELECTED LATIN AMERICAN COUNTRIES



Source: In-house elaboration with data from GIWPS (2021).

It should be kept in mind that far from the statistics, indicators and complaints of human rights violations collect the history of women who have experienced the systematic violation of equality between women and men where they persist: transgressions of the rights of access to health, equality in the labor market

or violations of women's right to a life free of violence (Table 21). Where the State has the obligation to prevent, protect and investigate such acts that violate equity. They breach the duty of the State.

TABLE 21: SOME CASES FILED WITH THE CNDH ON EQUALITY VIOLATIONS BETWEEN MEN AND WOMEN

**EXAMPLES OF INEQUALITIES
BETWEEN MEN AND WOMEN**



Before the health crisis, 5.91 million women who were employed in Mexico received incomes of up to a minimum wage (27 out of every 100). This implies that they were on the edge of income poverty. In contrast, only 15 out of 100 men were in the same condition as of December 2019.

In addition to the above, seven out of every 100 women who were employed did not receive income from their work (1.52 million women). This implies that prior to the health crisis 7.44 million women had an income of up to a minimum wage or did not receive income (33.8% of the employed population). Just over a third of the women who were employed had precarious or flat income from work.

From January 2005 to March 2021, it was observed that on average, the income per hour worked is lower by 1.7% for women although the years of schooling are higher for women (10.97 years average to February 2021) compared to men (10.04 years)

With regard to social benefits, those available to women are still low. A clear example is that of access to child care services. According to the National Survey of Employment and Social Security (ENESS) 2017, in Mexico 3.51 million people between 0 and 6 years old receive care while their mother works, however, 83.7% of such care is received from a person other than their mother and only 16.3% is cared for in a nursery.

In addition, the current federal government eliminated the Child Stay Program (PEI), which was aimed at women, single parents and guardians who worked, looked for work or studied, who did not have social security and whose income from their homes was for below the income poverty line. The elimination translates into less labor mobility, because it reduces the time available to women so that they can study, train, increase working hours or seek better job opportunities.

Source: Own elaboration with information presented by Signos Vitales (2021b).

SEXUAL AND REPRODUCTIVE RIGHTS



Although sexual and reproductive rights are embodied in our constitution, under the General Population Law legislation, international organizations are monitoring them, such as the United Nations (UN). It was established that reproductive rights include certain human rights based on the recognition of the fundamental right of all couples and individuals to decide freely and responsibly the number of children, spacing of births and to have the information and means to do so, and the right to reach the highest of sexual and reproductive health. It also includes the right to make decisions regarding reproduction without suffering discrimination, coercion, or violence (UN, 1995).

These rights include:

1. Exercise sexuality independently of reproduction.
2. To be free from discrimination, pressure, or violence in our sexual lives and sexual decisions.
3. Have access to sexual (and emotional) education from an early age aimed at personal development.
4. Have access to quality, adequate and dignified medical services for people's health.

Violations of this right include obstetric violence, a specific form of violation of women's human and reproductive rights, including the rights to equality, non-discrimination, information, integrity, health, and reproductive autonomy. It is generated in the context of pregnancy, childbirth, and postpartum care in health services (public and private) and is the product of a multifactorial framework where institutional violence and gender violence converge (GIRE, 2015).

Internationally, about 800 women die every day from preventable causes related to pregnancy and childbirth. 99% of maternal mortality corresponds to developing countries (OACNUDH, n.d.). In Mexico, the calculated maternal mortality ratio is 56.3 deaths per 100,000 estimated births, which represents an increase of 28.3% in the ratio with the same date last year (epidemiological week No. 46 of 2021). Where, in addition, the main cause of death was confirmed COVID-19 in 44.7%, in 10.6% Edema, proteinuria and hypertensive disorders in pregnancy, childbirth and the puerperium, followed by obstetric hemorrhage in 9.6% (Ministry of health, week epidemiological 46).

During institutional childbirth care, the violation of women's human and reproductive rights ranges from scolding, mockery, irony, insults, threats, humiliation, manipulation of information and denial of treatment, failure to refer to other services for timely assistance, postponement of urgent medical care, indifference to their requests or complaints, not consulting or informing them about the decisions made during labor, using them as a didactic resource without any respect for their human dignity, pain management during labor as punishment and coercion to obtain their 'consent,' to forms in which it is possible to establish that deliberate harm has been caused to the health of the affected woman, or that an even more serious violation of her rights has been committed (Villanueva-Egan, 2010).

Alarming cases of violations of this right persist, such as the case reported by the CNDH (n.d.2), of a Raramuri woman, which shows the delay in her arrival at a health facility for adequate treatment, culminating in her death:

Elena was a 26-year-old Raramuri woman who lived in a municipality where 85.7% of its inhabitants are in poverty, 40.2% are in extreme poverty, and her municipality lacks access to heal-

th (Coneval, 2021b). She lived in a common-law marriage, had two children, studied until the third year of primary school, and spoke Raramuri. Elena arrived at the General Hospital closest to her town at two in the morning, pregnant with severe abdominal pain (epigastrium), headache, and vomiting. They performed a cesarean section (at 31 weeks gestation), but the baby had already died (stillbirth) by then. In addition to kidney failure, she presented liver failure, for which they decided to transfer her to the state capital (Chihuahua), with the diagnoses of kidney failure and HELLP syndrome. This general hospital was unable to communicate promptly with a care center, and because it did not have an ambulance (they consider this to be a great obstacle since the hospital has been with the same ambulance for 20 years and is not suitable for transferring seriously ill patients). It was 14 days in which support was sought in health centers since Elena's complication presented on January 31, 2010, and she, unfortunately, died on February 13 of the same year.

Regarding gender violence, in Mexico, one out of every two indigenous women has experienced some form of violence in their relationships (INMujeres, 2006). In addition, there are accusations against “vertical institutions,” as in the case of the Mexican army, of raping indigenous women in Mexico.

Such is the case of three armed soldiers who presented themselves with Ines Fernandez, who was with her four daughters and sons. The soldiers interrogated her, and when she did not answer their questions, one of them raped her while the other two watched.

The Inter-American Court of Human Rights (IACHR) determined in 2009 that the Mexican State was responsible for the violation of the rights to personal integrity, dignity, and privacy of Fernandez Ortega and ordered a series of reparation measures” (IACHR Court, 2011).

Even the CNDH itself issued General Recommendation number 31/2017 to eliminate obstetric violence in health institutions, and practices that violate the human rights of women, in order for health authorities to combat human rights violations against women in obstetric care in order to make obstetric violence visible and eliminate any violation of women’s

human rights during pregnancy, childbirth and the puerperium in health institutions.²⁵

Violations of women’s rights in indigenous communities do not escape criminalization by States and individuals against human rights (Amnesty International, 2012). On the other hand, unjust reality also moves many people around the world, and more and more societies are recognizing their rights and defending themselves against those who seek to put their needs and wills before the lives of others.

Image: Gender violence/Milenio at <https://tinyurl.com/ysb6dzek>



²⁵CNDH. General Recommendation number 31/2017 to eliminate obstetric violence in health institutions, and practices that violated the human rights of women. Available at: <http://informe.cndh.org.mx/menu.aspx?id=30105>

VIOLATIONS TO WOMEN'S SAFETY






In May 2020, Signos Vitales collected evidence on the attacks on women's safety. This report (Signos Vitales, 2021b) reiterated that 66.1% of women aged 15 years or older had suffered some violence throughout their lives, which means that almost 31 million women have been assaulted in some way. Of the total aggressions against women, 49% refer to emotional violence, 41.3% to sexual violence, 34% to physical violence, and 29% to economic, patrimonial violence, or discrimination at work (INEGI, 2016).

Likewise, women are exposed to a more complex domestic partner or community violence (Table 22). Violence against women also occurred in a more significant proportion in Queretaro, Jalisco, Mexico State, Aguascalientes, and Mexico City (INEGI, 2016). (Table 23).

At least 3 out of 10 (26.6%) reported violence at work throughout their lives. 2 out of 10 suffered discrimination, and 1 out of 10, some sexual or emotional violence (Table 24). As if that were not enough, between 2011 and 2016, 1 in 10 (11.8%) women who worked were asked to take a pregnancy test. In addition,

TABLE 22: VIOLENCE BY AREA OF OCCURRENCE AND TIME FRAME

VIOLENCE BY AREA OF OCCURRENCE 	% 	TIME FRAME 
DOMESTIC PARTNER	43.30%	Throughout current or last relationship
SCHOOL	25.30%	Throughout their lifetime
WORK	26.60%	Throughout their lifetime
FAMILY	10.30%	In the last 12 months
COMMUNITY	38.70%	Throughout their lifetime

Source: In-house elaboration with data from INEGI (2016).

in 3 out of 10 assaults on women in the workplace (31.8%), the aggressor was a co-worker, and 2 out of 10 assaults were by the employer or boss (23.8%).

Despite the evidence that threatens women’s safety, there is an institutional weakening for the care of women, this being a hallmark of the current federal government. In addition to the potential attack on constitutionally autonomous bodies, the reduction of their budgets or their disappearance, and the constant attempts to control the leadership of the Judicial Power, the current administration has disappeared social programs focused mainly on supporting women. The two programs that stand out due to their relevance are 1) childcare centers and 2) the budget reduction for women’s shelters (Signos Vitales, 2021b).

Even though laws exist to protect this right, actions still violate it, putting women at risk. Internationally, Mexico ranks 88th in the peace and security index (GIWPS, 2021), and although all countries have room for improvement, Mexico, however, ranks 43rd in the justice dimension and falls to 160th in the security dimension, which means that in 2021 only a third of women feel safe walking alone in their neighborhood at night, where in addition the rates of organized vio-

TABLE 23: STATES WITH THE HIGHEST TOTAL PREVALENCE OF VIOLENCE AGAINST WOMEN

STATE	%
MEXICO CITY	55.1
AGUASCALIENTES	53.6
MEXICO STATE	53.3
JALISCO	52.0
QUERETARO	49.9

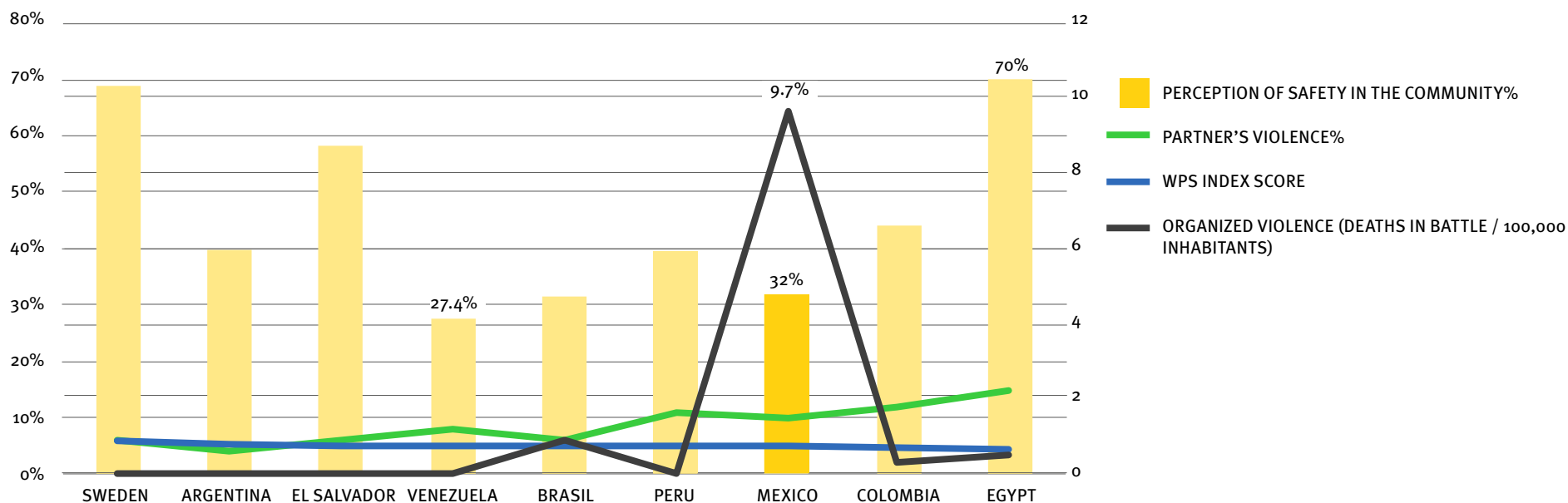
Source: In-house elaboration with data from INEGI (2016).

TABLE 24: TYPE OF VIOLENCE AT WORK IN WOMEN AGED 15 YEARS AND OLDER

TYPE OF VIOLENCE	PERCENTAGE
EMOTIONAL	10.6%
PHYSICAL	1.6%
SEXUAL	11.2%
DISCRIMINATION	22.1%
TOTAL	26.6%

Source: In-house elaboration with data from INEGI (2016).

GRAPH 27: SECURITY INDICATORS ACCORDING TO THE WOMEN'S PEACE AND SECURITY INDEX TO 2020



Source: In-house elaboration with data from WPS index (2021).

lence are among the ten highest in the world without access to solid institutions to protect them.

Likewise, the same GIWPS report indicates that in Sweden, 7 out of 10 women feel safe in their community (68.9%), while in countries such as Mexico and Brazil, only one-third of them feel safe in their community (Graph 27).

Mexico also has the highest rate of organized violence, with 9.7 deaths per 100,000 inhabitants.

DIFFICULTIES IN ACCESSING THE RIGHT TO EDUCATION



In Mexico, education is a human right recognized in Article 3 of the CPEUM, which establishes the right of every individual to receive education; the state will provide and guarantee primary education (pre-school, elementary, and junior high), and high school and university education, establishing that primary up to high school education will be mandatory. Likewise, Article 11 of the General Education Law, which seeks equality, excellence, and continuous improvement in education, places the maximum learning achievement of children, teens, and young adults at the center of public action (Chamber of Deputies of the Congress of the Union, 2019b, p.6).

The right to education considers the dimension of quality with equity. It is about developing competencies for the full development of people and not only access to schools (Accion Ciudadana Frente a la pobreza, 2017) (Citizen Action Against Poverty, 2017). Learning and the conditions for permanence and advancement are essential as a policy to combat poverty. Unfortunately, attacks on educational law in Mexico suffer from a notorious structural inequality that affects education.

Only between 2010 and 2018, the percentage of the population aged 15 to 21 that attended high school level increased by almost seven percentage points, going from 56.1% to 62.8%, which indicates a growing demand for education that should have been met by the State institutions (Coneval, nd). However, in addition to guaranteeing access to higher levels of education, it is necessary to strengthen the quality of education received at previous levels. For example, according to the PLANEA test, in 2017, third-year junior high school students with satisfactory or outstanding levels in the level of mastery of fields such as Language and Communication or Mathematics were notably low (26.1% and 13.7%, respectively) (Coneval, nd).

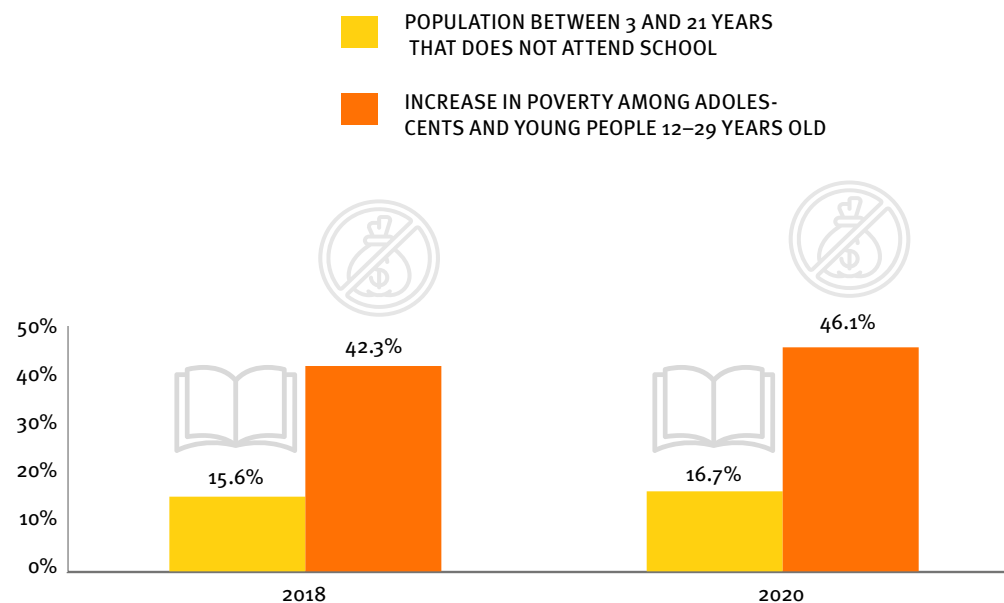
Likewise, students in their last year of high school education with satisfactory or outstanding proficiency levels in both Language and Communication and Mathematics were only 4 out of 10 (37.9%) in language and 1 out of 10 (10.5%) in mathematics. The lowest percentages were in Chiapas (3.8), Tabasco (4.4%), Mexico State (6.6%) and Michoacan (6.8%) (Coneval, n.a.). These results show the need to redouble

efforts in pedagogical matters and continue generating information that allows us to account for the quality of learning in the country.

The challenge of reducing social deficiencies includes the young population since the population aged 3 to 21 years old that does not attend school and does not have compulsory education increased from 15.6% in 2018 to 16.7% in 2020, a context that, together with the loss of income derived from the confinement measures, aggravated the poverty situation of young people by reporting an increase in poverty among adolescents and young people (12 to 29 years old) from 42.3% in 2018 to 46.1% in 2020 (Coneval, 2021a). This group is one of the most affected during the pandemic due to the closure of schools and businesses in the face of adjustments to curb the virus and, in turn, face the economic crisis (Graph 28).

Currently, concerning the right to education, among the issues analyzed are the accessibility issues where the provision of having internet access as a guaranteeing mechanism for the human right to education; as well as what is related to establishing as a universal right, the right to scholarships at all levels of higher education (CNDH, 2020, p. 129).

GRAPH 28: PERCENTAGE OF POPULATION WITHOUT COMPULSORY EDUCATION AND INCREASE IN YOUTH POVERTY



Source: In-house elaboration with data from Coneval (2021a).

Under this scheme, as we have already indicated in the report of last August, the strategy “Learn at home, it is an educational policy, not inclusive or equitable (Signos Vitales, 2021) leaves out students who do not have digital resources to continue their studies.

It is also possible that the whole exercise of the right to education may be hindered by a lack of resources and can only be achieved over some time so that the state’s obligations are progressive, achieving completely free primary and higher education. Unfortunately, although the proposal of the current federal executive included increasing the supply of education in the poorest sectors of the population in Mexico, the actual impact on the quality of learning and school relevance is unknown (Backhoff, 2021).

The minimum fundamental conditions to fulfill the basic levels of the right to education have been impeded. Given the “Republican Austerity” policy, it has been prevented from adopting the necessary measures to fully realize the right to education to the maximum extent allowed by the available resources, even leading the state to adopt measures that have set back the guarantees of the right to education.



Image: “Educational quality” / Unicef / Andy Richter at <https://tinyurl.com/ycktjnav>

The full exercise of the right to education may be hampered by lack of resources.


THE GOVERNMENT'S ROLE



As with other economic, social, and cultural rights, the full realization of the right to education may be hindered by a lack of resources and can only be achieved over some time, particularly for countries with fewer resources (UN, n.d.1). Therefore, some state obligations are progressive, for example, the introduction of free primary and higher education, an element that the authorities in Mexico are pursuing. However, regardless of how limited resources are, all States have the immediate obligation to guarantee and adopt the necessary measures in education (Table 25).

According to INEGI (2020f), more than 33 million 415 thousand students were enrolled for the 2020–2021 school year in the different levels: pre–school, elementary, junior high, high school, and higher education. However, the right of all children and young people to attend school and complete their compulsory education is not being guaranteed. The current distance education scheme puts this right at risk by excluding girls, boys, and young people (NNJ by its acronym in Spanish) who do not have digital means to continue their studies, where in addition the

TABLE 25: OBLIGATIONS OF STATES IN FAVOR OF EDUCATION

OBLIGATIONS	
1. Guarantee minimum core obligations to fulfill the basic levels of the right to education, which include prohibiting discrimination in access to and in education; ensuring free and compulsory primary education for all (in Mexico basic and upper secondary education are included as compulsory); respecting the freedom of parents to choose their children's schools outside those established by public authorities; protecting the freedom of individuals and entities to establish and direct educational institutions.	
2. Adopt the necessary measures to fully realize the right to education to the maximum extent of available resources. Lack of resources cannot justify inaction or indefinite postponement of adopting measures to implement the right to education. States must demonstrate that they are making every effort to improve the right to education, even when resources are scarce.	
3. Do not adopt regressive measures. This means that the state must not adopt measures that set back or adopt measures that derogate the guarantees of the right to education. For example, introducing tuition fees in high school education when it was already free would constitute a setback.	

Source: In-house elaboration with information from Right to Education (2021).

effects of the pandemic have threatened the money or resources of families to continue the education of children and young people.

According to ECOVID.ED (2020), 30.05 million people of school-age (pre-school, elementary, junior high, and high school) were enrolled in the 2019–2020 school year, i.e., 64.7% of the population was at least enrolled in some level of education. However, for the 2020–2021 school year, the school-age population enrolled (under 24 years of age) was just over 32.1 million (50.6% of the total of 3 to 24-year-olds), i.e., 14.1% of that population dropped out of school from one school year to the next. In addition, the ECOVID–ED found that nearly 2 million 126 thousand people between 3 and 24 years of age were not enrolled in the 2020–2021 school year for reasons directly associated with the COVID–19 pandemic and 1.9 million for lack of money or resources (INEGI, 2020f). Where, in addition to the population enrolled in the 2019–2020 school year and enrolled in 2020–2021 (30.4 million), 302 thousand switched from private to public school (1.0%); and 285 thousand (0.9%) switched from public to private school (INEGI, 2020f).

Likewise, the educational authorities responded to the contingency with the “Learn at home” strategy,

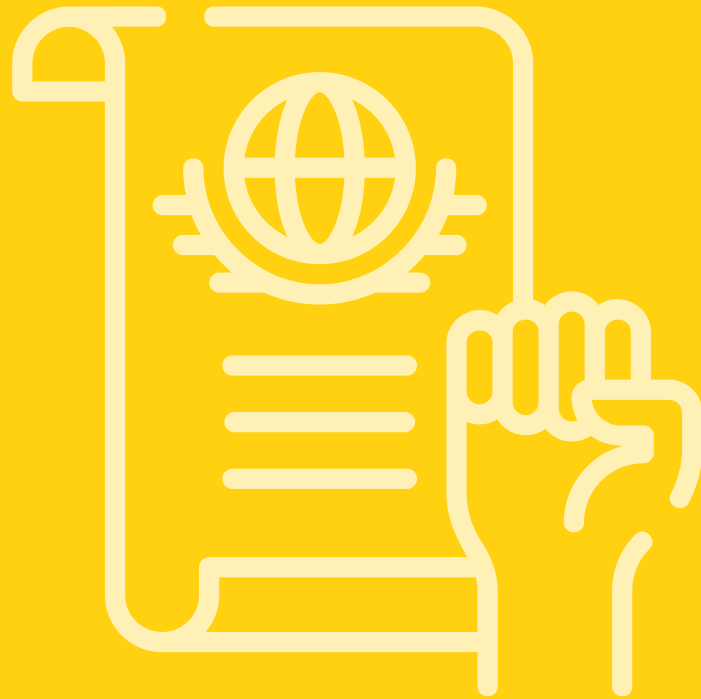
and although the program was launched in order to guarantee the continuity of the school year and avoid school dropouts, its hasty planning and lack of foundations means that its goal cannot be achieved in all households. INEGI (2020e) showed the following data that indicate more significant exclusion for the most disadvantaged:

1. Almost 2 out of 10 households (15.7%) located in the lowest socioeconomic class have a computer, compared to 6 out of 10 households (60.6%), which belong to the upper–middle class,
2. Almost 3 out of 10 households (25.1%) of the lowest stratum, do not have access to internet and c) 20.4% do not have television at home, elements that constitute a violation of their right to education.



5

**PEOPLE IN A VULNERABLE
CONDITION: WITHOUT RIGHTS**



5

PEOPLE IN A VULNERABLE CONDITION: WITHOUT RIGHTS

«

IMMIGRATION CONTAINMENT, A MILITARY SLITTING POLICY

The first constitutional article establishes that discrimination due to ethnicity or nationality, gender, age, disabilities, social strata, health conditions, religion, opinion, sexual preferences, civil state, or any other attacks on human dignity and wants to deprecate people's rights or freedoms is forbidden. Besides, the same article establishes that people coming to the country will be protected by Mexican laws. In spite of it, migrants, that are fundamentally running from violence and dire economic conditions, natural disasters, and bad regional governance, are seen as enemies of the state, despite the initial narrative that the current Mexican president protected but quickly abandoned.

On October 21st, 2018, as Mexican president-elect, Lopez Obrador delivered a discourse in which he as-

sured his government would not pursue immigrants in the middle of an immigration crisis in the country's southern border contrary, they would be welcome in Mexico. In fact, as working president-elect, AMLO said explicitly that in Mexico, jobs would be given, and they would be protected in their way towards the United States of America. Nothing is further from the truth. Besides, he insisted on the cooperation route for the development of the primary mechanism to reduce the irregular immigration since, in his words: "he who leaves his town does not do it just for fun, is out of necessity, and if there is the production and there is work in the towns the immigration phenomenon will decrease, we want immigration to be an option, not mandatory, he who wants to go out of his country should do it gladly not out of necessity." These in-

tentions were dramatically stopped by the then head of the American executive, who managed to impose his immigration policy in Mexico. The cooperative discourse was tinted to the opposite extreme, harsh and pure containment with a military slit.

In less than a year, we went from the presidential saying “where one eats, two can” to the also presidential saying, “from now on, I clarify we will still stop immigrants.” The reason was pressure from the then president of the United States of America, Donald Trump, who made irregular immigration the most significant administration subject. In case the Mexican government would not stop the immigration flow coming from the extensive Mexican territory to reach the United States of America, Lopez Obrador’s government would have to face unilateral custom tariffs. This threat had profound institutional consequences.

The first consequence was the signing of an immigration agreement, June 7th, 2019, in which a crisis solution to this matter was proposed. Furthermore, even if such agreement counted that the United States of America hastened the asylum requests under the Migrant Protection Protocols (MPP) and invested heavily in the immigrant’s original states to incentivize the displacement towards the United States of America,

that never happened.¹⁵ On the contrary, the immigration contentious aspect was applied with absolute rigorousness. By September 2019, three months after the agreement signing with the United States of America, the current federal government had already accepted 39 thousand immigrants found in the United States of America waiting for their results of asylum cases. (4 times more compared the reception between June and January 2019) (Signos Vitales, 2020). Besides, in that same period, 25 thousand National Guard (GN, for its acronym in Spanish) troops were deployed and detained approximately 81 thousand immigrants, an increment on the same period in 2018 of 35 thousand; and the deployment of around 10 thousand National Guard elements to patrol the Mexico–Guatemala southern border, and another 15 thousand guards for the same labor on the northern border (Singos Vitales, 2020).

¹⁵ The Migrant Protection Protocols consist of people who presented asylum requests in the United States of America having to wait in Mexico for their case results.









This action was possible thanks to the National Guard Law creation, where it is stipulated that this corporation has the faculty to carry immigration functions, like migration control and verification. It drastically changed the migration control vision and gave rise to an openly militaristic strategy. Consequently, the bureaucracy of the Immigration National Institute was gradually militarized. At least 17 military men have been appointed in civilian positions within the institute, specifically as heads of offices representing different entities (OGN, 2021).

Some of the most visible participation of the GN in the migratory field have been during the migrant caravans. As reported by the International Organization for Migration (IOM) (2021a), migrants who try to cross the entire length of Mexico irregularly to reach the United States, have decided, with increasing frequency, to organize in caravans with the objective of traveling with greater protection for migrants (as they are less exposed to crimes and abuses that are usually found on the route), with greater assistance from governmental and non-governmental entities, and with lower associated costs (particularly with irregular migration) As there is less need to hire a coyote or smuggler to cross borders. It is worth mentioning that the action of unconstitutionality 2019/62, filed

by the CNDH, on the powers of the National Guard for the detention of migrants is pending resolution by the SCJN.







In this sense, the same organization has reported that between 2018 and April 2019, at least nine immigration caravans crossing the southern to the northern Mexican border have been documented (OIM, 2021a). The ones organized in 2021 must be added (only in August and September of the current year four have been registered) (Sanchez, 2021). In a diametrically opposite way as the initial promise made by the Mexican president at the beginning of his administration, immigration containment is not only the primary feature of this field's policy but the narrative is publicly upheld President Lopez Obrador no longer skimps, saying with complete clarity that Mexico takes care and will continue to take care of immigration containment. This position has been made effective in The Federal Expenditure Budget 2021 While the approved budget or refugee attention for 2021, where The National Commission for Refugee Assistance (COMAR, for its acronym in Spanish), is barely 44 million 427 thousand 552 pesos, the National Migration Institute (INM for its acronym in Spanish) in charge of detainments (on coordination with the GN) and immigration returns, will receive 603 million 50

TABLE 26: MILITARY MEN IN CIVILIAN POSITIONS WITHIN THE IMMIGRATION NATIONAL INSTITUTE 1/2

1	<p>Pedro Leon Alvarez Alcacio</p> 	<p>Brigadier-General of the IC DEM (Military School of Engineers, for its acronym in Spanish)</p>	<p>Head of the Aguascalientes Representation Office.</p>	5	<p>Ramon Juarez Suarez</p>  <p><i>Imagen:</i> https://tin-yurl.com/mr2a9bxx</p>	<p>CG Vice Admiral</p>	<p>Head of the Colima Representation Office.</p>
2	<p>Roberto Gonzalez Lopez</p>  <p><i>Imagen:</i> https://tin-yurl.com/3m8pket7</p>	<p>Vice Admiral</p>	<p>Head of the Campeche Representation Office.</p>	6	<p>Efrain Sanchez Velasco</p>  <p><i>Imagen:</i> https://tin-yurl.com/mv4tvj8c</p>	<p>DEM Brigadier-General</p>	<p>Head of the Mexico State Representation Office.</p>
3	<p>Pedro Alberto Alcala Lopez</p>  <p><i>Imagen:</i> https://tin-yurl.com/2p8zuvty</p>	<p>General</p>	<p>Head of the Chihuahua Representation Office.</p>	7	<p>Enrique Aviña Gutierrez</p>  <p><i>Imagen:</i> https://tin-yurl.com/mzhna4pf</p>	<p>DEM Brigadier-General</p>	<p>Head of the Guanjuato Representation Office.</p>
4	<p>Jose de Jesus Barajas</p>  <p><i>Imagen:</i> https://tin-yurl.com/7m5949wx</p>	<p>PDEMA Major General</p>	<p>Head of the Coahuila Representation Office.</p>	8	<p>Victor Manuel Martinez Mayan</p>  <p><i>Imagen:</i> https://tin-yurl.com/28jcbtp7</p>	<p>Rear Admiral</p>	<p>Head of the Guerrero Representation Office.</p>

Source: In-house elaboration with data from the National Guard Observatory (2021).

TABLE 26: MILITARY MEN IN CIVILIAN POSITIONS WITHIN THE IMMIGRATION NATIONAL INSTITUTE 2/2

9	<p>Francisco Javier Hernandez Sanchez</p>  <p><i>Imagen:</i> LinkedIn</p>	Cavalry First Captain	Head of the Hidalgo Representation Office.	13	<p>Jose Luis Chavez Aldana</p>  <p><i>Imagen:</i> https://tinyurl.com/ybbscvp</p>	DEM Brigadier-General	Head of the Puebla Representation Office.
10	<p>Pedro Valencia Salcedo</p>  <p><i>Imagen:</i> https://tinyurl.com/mr3b43an</p>	DEM Major General	Head of the Jalisco Representation Office.	14	<p>Genaro Garcia Wong</p>  <p><i>Imagen:</i> https://tinyurl.com/yckrtev2</p>	DEM Brigadier-General	Head of the Sinaloa Representation Office.
11	<p>Salomon Maldonado</p>  <p><i>Imagen:</i> https://tinyurl.com/4mtfrxpa</p>	DEM Brigadier-General	Head of the Michoacan Representation Office.	15	<p>Salvador Gonzalez Guerrero</p>  <p><i>Imagen:</i> https://tinyurl.com/2hvvv7s7</p>	CG DEM Rear Admiral	Head of the Sonora Representation Office.
12	<p>Miguel Angel Nophal Balderas</p> 	Brigadier-General	Head of the Nayarit Representation Office.	16	<p>Raul Alberto Paredes Hernandez</p>  <p><i>Imagen:</i> https://tinyurl.com/2p98mr88</p>	CG DEM Rear Admiral	Head of the Veracruz Representation Office.

Source: In-house elaboration with data from the National Guard Observatory (2021).

thousand 997 pesos in the same year, equivalent to 94% of the total expenditure in the Immigration Service and immigration policy rubric (SCHCP, 2021b).

We must not lose sight of the militarized containment strategy on par with global schisms such as natural phenomena, political crises like Haiti, and above all on health matters, the pandemic, which generated a spike of irregular immigration towards the United States of America. Actually, this year, the non-Mexican immigration stream towards the United States of America is the highest in recorded history. The American government reported that between January and September 2021, 1 million 515 thousand 598 immigrants were detained, principally Mexicans (59,985), Guatemalan (24,288), and Honduran (27,078) (US-CBP, 2021).

For their part, the Unit of Immigration Policy (2021) reported that between January and September of the current year, 190 thousand 476 irregular immigrants were presented and returned; September is the month with the most registries, by cumulating 41 thousand 225. Most of the presented and returned immigrants in 2021 have been of Honduran nationality (43.33%), Guatemalan (28.23%), and Salvadorian (7.97%). Additionally, thousands of illegal detainments not reported by the Mexican government

must be counted. The Guatemalan Ministry of Foreign Affairs reported by September 2021 that in just 22 days, Mexico deported 6 thousand 360 Central Americans without the required paperwork, breaching due process (Guatemalan Ministry of Foreign Affairs, 2021).

This performance by the National Migration Institute has earned multiple international critiques, among them highlighted the one done by Human Rights Watch (2021a) that, through a press release, pointed out that “abandoning vulnerable families on a remote zone of the Guatemalan jungle, without money, food, or shelter, and ignoring their asylum requests is again evidence of the lack of concern for human rights.”

Albeit the origin of irregular immigration comes through from Mexico, it is still mainly Central American. Significant increments have been recorded on the immigration events coming from other countries like Haiti. Whereas the Mexican immigration authority counted 16,052 Haitian citizens detained between January and September 2021, just in August of the current year 3, 360 were reported, and in September 8,879 (UMP, 2021). After the Central American region representing 84.2% (160,543 detainments) of the total, the regions with the most registries of this

TABLE 27: TERRESTRIAL BORDER ENCOUNTERS WITH THE SOUTHWEST (BY COMPONENT)

MONTH	JANUARY			FEBRUARY			MARCH			APRIL		
REPORTED BY:	TITLE 8	TITLE 42	TITLE	TITLE 8	TITLE 42	TOTAL	TITLE 8	TITLE42	TOTAL	TITLE 8	TITLE 42	TOTAL
BORDER PATROL	12, 787	62, 530	75, 317	25, 325	72, 318	97, 643	61, 972	107, 248	169, 220	62, 857	110, 846	173, 703
FIELD OPERATIONS OFFICE	1, 322	1, 775	3, 097	1, 509	1, 947	3, 456	2, 058	2, 003	4, 061	3, 345	1, 751	5, 096
TOTAL	14,109	64,305	78,414	26,834	74,265	101,099	64,03	109,251	173,281	66,202	112,597	178,799
MONTH	MAY			JUNE			JULY			AUGUST		
REPORTED BY:	TITLE 8	TITLE 42	TOTAL	TITLE 8	TITLE 42	TOTAL	TITLE 8	TITLE 42	TOTAL	TITLE 8	TITLE 42	TOTAL
BORDER PATROL	61,16	111, 460	172, 620	75, 613	103, 022	178, 635	106, 431	94,168	200, 599	104, 411	91, 147	195, 558
FIELD OPERATIONS OFFICE	6,04	1, 903	7, 943	8, 492	1, 893	10, 385	10, 899	2, 036	12, 935	11,062	2, 267	13, 329
TOTAL	67,2	113,363	180,563	84,105	104,915	189,02	117,33	96,204	213,534	115,473	93,414	208,887
MONTH	SEPTEMBER											
REPORTED BY:	TITLE 8	TITLE 42	TOTAL									
BORDER PATROL	61,16	111, 460	172, 620									
FIELD OPERATIONS OFFICE	6,04	1, 903	7, 943									
TOTAL	67,2	113,363	180,563									


Source: In-house elaboration with data from U.S Customs and Border Protection Office (2021).

type are the Caribbean (10.49%) and South America (3.53%) (UPM, 2021).

It should not be undermined that this volume of immigration stream represents a multimillion business in detriment to the most unprotected immigrants. Besides, they have been the most detained by Mexican authorities. Many of them are arbitrary and thoroughly violent since they do not have the necessary

resources to pay for smugglers to cross the vast Mexican territory. Meaning, the caravans are used by immigrants to reduce the associated costs of irregular immigration (OIM, 2021). Nevertheless, the caravans are just a supplement to the people trafficking mobilized by smugglers.

TABLE 28: FOREIGN EVENTS PRESENTED TO THE IMMIGRATION AUTHORITY ACCORDING TO CONTINENT, 2021

CONTINENT/COUNTRY OF ORIGIN 	JAN	FEB	MAR	APR	MAY	JUN	JUL	AGO	SEP	TOTAL
GENERAL TOTAL	9,548	12,512	15,926	18,695	18,657	18,781	22,977	32,155	41,225	19,0476
AMERICA	9,504	12,410	15,812	18,564	18,430	18,468	22,603	31,748	40,591	188,130
NORTH AMERICA	47	53	81	93	137	115	115	12	100	864
CENTRAL AMERICA	9,279	12,157	15,390	17,885	16,833	15,648	19,114	26,038	28,199	160,543
CARIBBEAN ISLANDS	85	115	212	297	738	1,991	2,455	4,255	9,847	19,995
SOUTH AMERICA	93	85	129	289	722	714	919	1,332	2,445	6,728
EUROPE	5	12	9	24	59	60	61	55	66	351
ASIA	36	51	75	69	67	71	141	219	246	975
OCEANIA	-	-	1	-	-	1	2	2	1	7
AFRICA	3	39	29	38	100	181	170	131	321	1,012
STATELESS	-	-	-	-	1	-	-	-	-	1

Source: In-house elaboration with data from the Immigration Policy Unit (2021).

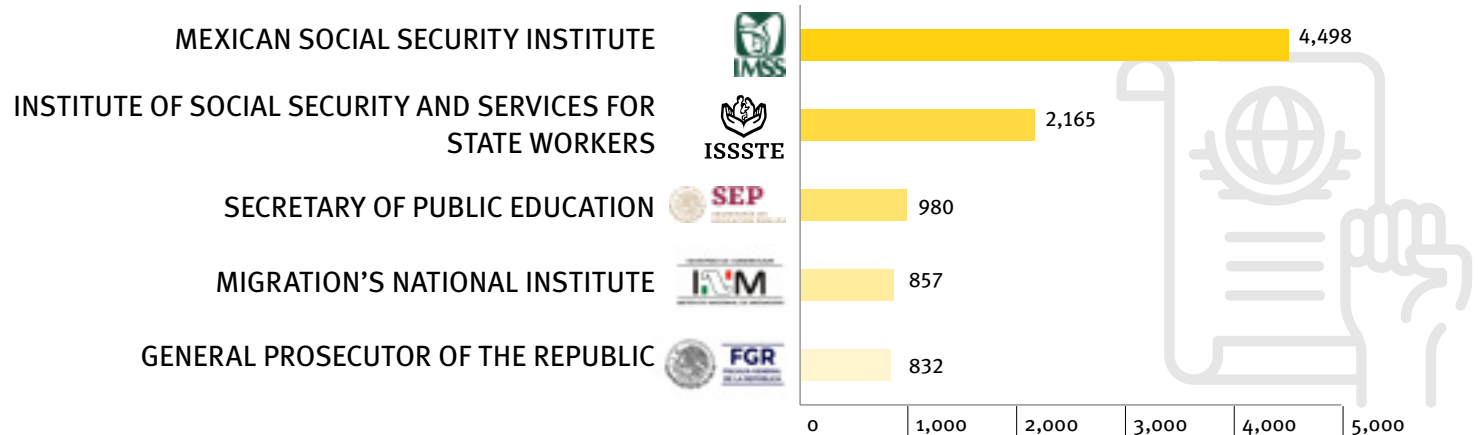
Different journalistic reports a charge of around 10 thousand dollars to cross an individual from the south to the north of Mexico (Noticias, Telemundo, 2021) (Telemundo, News). That being so, that business could represent more than two billion dollars per year.

Those who do not cross the American border tend to be the object of abuse and arbitrariness from the government as from organized crime. As reported in 2019, immigrants found in the detention centers have been held incommunicado, overcrowded, and in undignified conditions (Subizar, 2019), which breaches the immigration law. Adding this to the brutality of Mexican authorities against immigrants during the detention procedures has been patented in different media (Expansion, El universal, DW). Even if during his third government report, Lopez Obrador said the viral videos showing members of the INM beating the head of an immigrant do not stand for recurrent tactics. The Federal Human Rights National Census 2020 from the Institute of Statistics and Geography (INEGI, for its acronym in Spanish) reported that the National Immigration Institute is precisely the fourth institution with the most accusations of human rights infringements even above the Attorney General's Office (INEGI, 2020a).

The Animal Politico (Political Animal) website documented that immigrant groups accuse the Mexican authorities of directly delivering them to organized crime, and of homicide against immigrants (Animal Politico, 2021c). One of the prevalent cases that still is under investigation was the Camargo slaughter in Tamaulipas, though it is hardly the only one. In fact, the International Organization for Migration (2021b) reported that between January and September 23rd, 2021, counted 320 immigrant fatalities, which makes 2021 the fourth-deadliest to immigrants since 2014, and in case the trend continues, it will become the most violent and deadly for immigrants in Mexico.

Likewise, the application of *brevet 42*, an immigration field regulation created by the Donald Trump administration, enabled, until a judge blocked this disposition at the beginning of September 2021, the American government to immediately expel without the regular paperwork every person crossing the border illegally to that country. It was justified by health reasons in the middle of a pandemic. Consequently, organized crime took leverage of the immigrant's helplessness abandoned in Mexico and the jungle dividing the Mexican and Guatemalan border to traffic with them (*Animal Politico*, 2021c).

GRAPH 29: MAIN INSTITUTIONS MENTIONED AS PROBABLY RESPONSIBLE RECORDED IN COMPLAINT FILES ON THE CNDH (NATIONAL HUMAN RIGHTS COMMISSION FOR ITS ACRONYM IN SPANISH), ACCORDING TO NUMBER OF FILES, 2019



Source: In-house elaboration with data from INEGI, (2020).

Finally, it is worth mentioning that the most severe aspect of the contentious policy implemented by the current government is its irreversibility. Armed corporations' deployment (primarily the National Guard) to detain large amounts of immigrants, coupled with the significant increment on the budget for that task, seem to have created a difficult to revert inertia. So much so that three days before his third government report, Lopez Obrador assured that his government would keep detaining immigrants. Albeit Lopez Obrador has sent a diplomatic letter to President Joe

Biden, in which collaboration is requested to invest in cooperation to the Central American region development (Animal Politico, 2021b), it will not be until the American government accepts the previous request that Mexican history's greatest contentious immigration policy could cease to be.

TOWNS AND INDIGENOUS COMMUNITIES



According to the Department of Economic and Social Affairs (DAES, for its acronym in Spanish) of the UN (n.a.), even with all the positive developments achieved in the setting of international human rights regulation, indigenous communities still face severe routine breaches to those rights. In Mexico, the 2nd article specifically includes the rights related to indigenous communities, free will autonomy for them, likewise the General Law of the Indigenous People Linguistic Rights, sets institutional mechanisms for their protection.

Unfortunately, instances like violence and brutality, the perpetuation of assimilating policies, social exclusion, dispossession of lands, eviction or forced relocation, denial of land rights, great scale development effects, military force abuse, and armed conflicts, and an aggregate of breaches of different nature, are a reality for the indigenous communities worldwide (DAES, n.a.).

According to the CNDH (the National Human Rights Commission, for its acronym in Spanish) (2016), in Mexico, towns and indigenous communities are found in a structural discriminative situation and a socio-political and economic disadvantage, compared to

the rest of the population. That is the situation faced by more than 11 million 800 thousand people in indigenous households, according to the Population and Housing Census 2020 (INEGI, 2020b) (National Institute of Statistics and Geography for its acronym in Spanish). Furthermore, 41% of the indigenous-speaking population was found in poverty, and 35.7% under extreme poverty (INEGI, 2020b), which infringes on their condition and social well-being. As per the Inter-American Development Bank (BID, for its acronym in Spanish) (2006), there is a significant schism between the indigenous population and the non-indigenous about access to the right of education in the country. Expressly, indigenous women represent the highest levels of illiteracy and low level of schooling.



“There are 31 indigenous languages at risk of disappearing”/Unimedios at <https://tinyurl.com/yf7cmhns>

NO ACCESS TO BASIC SERVICES



According to the (CNDH n.a.4), health protection, and lack of basic household services, piped water, and drain service, as well as households with dirt soil, reflect that the investment of the public resources on the indigenous speaking settlements has notable differences compared to the rest of the country. The 2020th Census shows that 23.1% of the indigenous-speaking people do not have health services affiliation; 47.35% are female, and 52.5% are male. Out of the total affiliated people, 83.7% are affiliated with a public health institution, and only 0.4% are in the private sector (INEGI, 2020b).

75.8% (77.6% of females and 73.7% of males) of the three or more-year-old population and who speak a native language is affiliated to the Seguro Popular (Popular Insurance) or for the new generation (Siglo XXI) (Century XXI) or the Health for the Well-being Institute; 14.7% (13.1% of females and 16.5% of males) is cared for in the IMSS (Mexican Institute of Social Security for its acronym in Spanish); 3.9% (3.8% of females and 3.9% of males) are cared for by IMSS-PROSPERA or IMSS-BIENESTAR; 3.7% (3.6% of females and 3.7 of males) are cared for by ISSSTE

(Administration and Finance of the Institute for Social Security and Services for State Workers for its acronym in Spanish), among other institutions (INEGI, 2020b).

On top of that, indigenous childhood does not escape the attacks on their rights in protection, integrity, and personal safety. The CNDH (2017b) recorded facts of physical and psychological violence as punishment against children, ascribable to personnel from the State Institute for Public Education of Oaxaca (IEEPO), just as omissions on duty to adopt protective measures in favor of the victims, and absence of attention protocols, and school violence prevention. It confirmed that nine out of the 41 houses visited do not comply with the adequate habitability to accommodate people since they have deterioration, humidity, filtration, and structural damages that risk the safety and integrity of the minors that stay overnight; from the medical breaches practiced to the occupants of 10 houses and two refectories different pretensions in health and clinical childhood malnutrition data were observed (CNDH, 2017b).

Indigenous towns and communities suffer from discrimination in the social, political, and cultural fields, in addition to facing issues related to property, wherein the case of Mexico, even if the access to land can considerably improve the family's wellbeing in rural zones, it would not be enough to take the majority of the indigenous population out of poverty (BID, 2008).

Unfortunately, indigenous towns still suffer systemic violations of their rights and discrimination deep-rooted on the collective unconscious as well as the institutions, to such a degree that breaches of the right to access justice as the case of three indigenous people that the government detained in the Rio Velero community, Ayutla de Los Libres municipality, in the state of Guerrero. They were kidnapped by the government, as the community authorities confabulated with the Heads of the House of the Towns, which had them held in a 2x3 meters house, were chained and tortured, without the right to food and water, and forced to complete their physiological needs in the same place. They justified their actions by the regime of use and customs of the community (CNDH, n.a.5).¹⁶



These and other cases that attempt against the human rights of indigenous communities are a sample that full inclusion of the indigenous people in social policies is still a pending task, demanding the recognition of their rights in pursuit of dignity and cultural identity indigenous communities.

Image: "They denounce poor quality health services for indigenous women in Mexico /Desinformemos.org at <https://tinyurl.com/2p8rr6h8>

¹⁶ CNDH, Research file number 12180730100082110520.

AFFECTED CHILDREN AND ADOLESCENTS



The rights of our Mexican youth and childhood are consecrated in the constitution in the 4th article for the right of childhood and children's rights to the satisfaction of their food, health, education, and healthy recreation for their integral development needs. Likewise, the General Law of the Girls, Boys, and Adolescent Rights, which define more precisely the rights of different social groups, establishes institutional mechanisms for their protection.

Piteously currently, there are authorities responsible for breaching the rights of children and youth (NN), for its acronym in Spanish), as the Constitutional Governments of the states of Aguascalientes, Guanajuato y Michoacan, General Prosecutors in federative entities, and municipal presidents such as San Francisco del Rincon and San Luis de la Paz, Guanajuato (CNDH, 2020, p3.40). For example, due to the lack of supervision of the conditions in which the shelters are administered by the civil association "Ciudad de Los Niños, Salamanca, A.C" (City of Children, Salamanca, A.C.), led to acts of torture committed against 21 minors and ten adults living in disability, in addi-

tion to the sexual violence against four adolescents and four adults. The cruel, inhumane, and degrading treatment against 17 minors and two adults. The failure to provide 20 adolescents and 14 adults specialized integral attention required due to their medical, psychological, or intellectual disability condition. The inadequate school instruction taught in the aforementioned social assistance centers, situations in which the Family Integral Development Systems of Guanajuato, Michoacan, Queretaro, and the municipalities of San Francisco Rincon, and San Luis de la Paz are responsible. (CNDH, 2020, p.40).

Due to promiscuity undignified, unhealthiness, and risk conditions in which at least 324 people lived (135 children and adolescents, as well as 191 adults that had an intellectual disability) in the different centers of assistance administered by the previously mentioned civil association, the General Prosecutors of Aguascalientes and Guanajuato states finally integrated the preliminary investigation and research files, related to the crimes committed in the different shelters of "Ciudad de Los Niños, Salamanca, A.C.,"

facts that are an example of breaching the right to the personal integrity; right to the justice procurement, and the right to identity (CNDH, 2020, p.40).

Alas, it is not a secret that the psychological, physical, sexual abuse or other adverse experiences in childhood result in consequences and severe disorders for life. According to World Vision Mexico (n.a), it is necessary to guarantee the practice of healthy

child development at a social and institutional level to mitigate the family or economic shortcomings and the different types of violence they could be going through. Under this outline, promoting the rights of the NNJ of our country includes providing a voice to their rights to contribute to the formation of healthy relationships while the children grow, developing into healthier adults.



Image: They liberated Ciudad de los Niños in Salamanca, Gto to Father Pedro Gutierrez Farias / Photo: Oswaldo Duran / El Sol de Salamanca at <https://tinyurl.com/2p9xmus8>


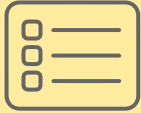
THE RIGHT TO EDUCATION OF CHILDREN AND ADOLESCENTS WITH DISABILITIES



The population with some type of disability is more exposed to their rights being breached. According to the Population and Housing Census 2020, this situation is faced by 6 million 179 thousand 890 people with a disability, which represents 4.9% of the country's population. 53% are female, and 47% are male (INEGI, 2020b). Some conditions deepen the vulnerability of the rights of people with a disability, for example, if they are economically dependent, like children and youngsters, or senior citizens, if they live in a marginalized zone or extreme poverty, if they come from an indigenous community or if they are NNJs with a disability, the educational lag is more significant (CNDH, 2020a). According to the CNDH (2020a), the most unprotected human rights ensemble is from the state and can be found in three significant segments.

Under this framework, given that the right to education is an intrinsic human right and a medium that allows economic and socially excluded people to leave poverty and participate in their community; being the accessibility, learning, and educational development,

TABLE 29: MOST UNPROTECTED HUMAN RIGHTS

MOST UNPROTECTED HUMAN RIGHTS 	EXAMPLES 
PROVISIONING RIGHTS	Education, health, food, household, leisure, etc.
DEVELOPMENT RIGHTS SEGMENT	Equality and non-discrimination, poverty and social scarcity; education; indigenous population; population with disabilities; safe and healthy environments, institutional and family environments, etc.
PROTECTION RIGHTS SEGMENT	Identity; violence-free life, special protection; emergencies; immigrants and refugees; child labor, etc.

Source: In-house elaboration with data from CNDH (2020a).

and the permanence conditions essential to achieve it, the lack of adequate options for education for NNJs with disabilities constitutes a breach to the right of education.

After the evaluation of the Initial Mexican Report before the United Nations (ONU, for its acronym in Spanish), the People with Disabilities Committee emitted different recommendations about compliance with the established in the UN Convention on the Rights of Persons with Disabilities (CDPD, for its acronym in Spanish) by the Mexican state and on matters of education emphasized:

1. The persistence of the special education model;
2. The lack of schooling of children and adolescents with disabilities, and
3. The absence of access to educational centers and all the teaching materials, including Braille textbooks and sign language interpreters (CNDH, 2020a).

Besides, the National Council for Prevention of Discrimination (Conapred, for its acronym in Spanish, 2018), remarked that the support received by people with some disabilities in matters of education reached 80% school assistance (17 percentual points underneath people without disabilities); nevertheless, school assistant of NNA in the high school level and higher education level decreases to 28%.

The population with some type of disability is more exposed to their rights being violated.



Image: Special education in Mexico / All Texcoco at <https://tinyurl.com/2p9x2hyt>

SENIOR CITIZEN INFRINGEMENTS



Starting in 2011, the amendment to the first and third paragraphs of the 1st article indicates that every person enjoys the human rights recognized in the CPEUM (Political Constitution of the United Mexican States, for its acronym in Spanish), where authorities commit to promote, protect, respect, and guarantee the human rights complying with the universal principles. These duties include all sectors and population groups. Among which senior citizens are found since the authorities are obliged to consider their specific condition in all actions, programs, and public services that are implemented (CNDH, 2019).

Likewise, the Law of the Senior Citizen Rights (LDPAM, for its acronym in Spanish) aims to guarantee the execution of all the senior citizen's rights and establish the rectory in the formulation and evaluation of the public policies aimed at that sector. It also advocates for the respect and dignity of this population group through a change of social consciousness in which negative stereotypes related to the aging process are abandoned. Consequently, the state must prevent, investigate, sanction, and fix the breaches to human rights under the terms established by the law.

According to WHO (2021), people often suffer social stigma and discrimination and the breach of their individual, communal, and institutional rights just because of their age. In Mexico, the 2017 National Discrimination Survey (ENADIS, for its acronym in Spanish) demonstrated that the main declared issues by this group are lack of employment and lack of employment opportunities; 37% of senior citizens economically depend on their sons or daughters (INEGI, 2017), which implies economic dependence and progressive impoverishment that those who do not have a pension or retirement, or when they have them its insufficient to satisfy their basic needs (CODHEY, n.a.).

Even though an effort to reduce poverty and economic dependency of senior citizens through Resources from the Wellbeing Older Adults Pension (PBAM, for its acronym in Spanish), which is one of the flagship social programs of Andres Manuel Lopez Obrador administration, the threat to the rights of senior citizens continues. The Center for Economic and Budgetary Research (CIEP, for its acronym in Spanish) (n.a.) estimated that the pension for the well-being covers

100% of the line of rural well-being and 80% of the minimum urban well-being line (both represented in the cost of the food basket per person in areas with more than 2 thousand 500 inhabitants). Nevertheless, considering the rural and urban well-being line, the senior citizen's pension only covers 62% of the rural well-being line and 41% of the urban well-being line.

Hence, the reach of the previously mentioned pension will not be enough to protect the senior citizen's well-being since the PBAM does not cover all senior citizen's that stopped working; inasmuch as the estimated expenditure of the senior citizens in health increased 70.2%, and the food expenditures 33.2% compared to 2018 (CIEP, n.a.).

On top of that, in 2019, the CNDH, coming from an analysis of the human rights constitutional section, expressed its concern to the document "Bioethical Guide to Assign Limited Medical Resources in an Emergency Situation," written by the General Health Council. Since it seems opposed to the provisions about the right to health for Mexico, as much as in the universal system as the regional system of human rights protection, the document justifies the Mexican state not granting adequate access to health assets for all COVID-19 patients.



Image: Older adults waiting for their vaccine / Primera Plana Portal at <https://tinyurl.com/4c9yvht>

Likewise, it is noted that the document contains criteria that exert direct discrimination towards senior citizens, putting them at a blatant disadvantage in access to medical resources, which breaches their right to health. In response, the CSG eliminated the polarization towards young adults. (CNDH, 2019).

According to WHO (2021), a focus based on promoting the rights to healthy aging can help overcome the legal, social, and structural obstacles for the good health of senior citizens (WHO, 2021); nevertheless, the CNDH recommendations in Mexico still lean towards the violations to the right of to health of the senior citizens. An example of the aforementioned is recommendation No. 8/2020, dated May 19th, 2020, directed towards the Institute for Social Security and Services for State Workers, on the case of violations of human rights on health protection and life of an elderly person, as well as access to information in matters of health in the National Medical Center “20 de noviembre” of the Institute for Social Security and Services for State Workers, in Mexico City (CNDH, 2020c).

Another example is recommendation No. 31/2020, dated August 24th, 2020, directed to the Mexican

Institute of Social Security on the case of violations of human rights on health protection and life due to inadequate medical attention, as well as access to information in matters of health in the grievance of an elderly person, in the Sub–Area Family Medicine General Hospital “Dr. Antonio Fraga Mouret” of the National Medical Center “La Raza,” in Mexico City, both from the Mexican Institute of Social Security (CNDH, 2020d).

Unfortunately, the COVID–19 pandemic revealed the need for social and institutional action, at least in integral public health and senior citizens benefits, to really protect aging rights with dignity and the country’s human rights.

A rights–based approach to promoting healthy aging can help overcome legal, social and structural obstacles to good health for older people (WHO, 2021).



6

ENVIRONMENTAL CONSERVATION AND RESPECT OF HUMAN RIGHTS



6

ENVIRONMENTAL CONSERVATION AND RESPECT OF HUMAN RIGHTS

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There is no way to understand the context of human rights without the environment and healthy natural surroundings that ripens and guarantee access to many of the fundamental rights listed in the constitution. In order to attain this balance, the global political agenda has considered sustainable development as a priority to reach national and international goals and objectives; these are reflected in the Sustainable Development Goals (ODS, for its acronym in Spanish) that “impact directly on topics like clean water and sanitation (Objective number 6); non-pollutant affordable energy (Objective number 7); actions for the climate (Objective number 13), and life of ground ecosystems (Objective number 15)” (UN, n.a.2).

Under this perspective, the environment serves as a base and a pillar for economic development and growth, providing geographical space, natural resources, and consumables for consumption and production of goods and services through which society can develop. Its safeguarding is linked to rational use, conservation, preservation, and protection, in such a way that guarantees a safe environment in favor of social well-being has cemented as a human right.

ENVIRONMENTAL HUMAN RIGHTS



The good development and compliance of environmental rights “prove to be essential to the integral development of people” (CNDH, n.a.1), representing the foundation to greater well-being and sustainable society; thus, they have established the “international treaties, laws and even the political constitution” framework (CNDH, n.a .1) in our country.

The environmental rights in the international arena are attached to agreements, accords, and treaties signed by Mexico.¹⁷ For their part, the Mexican legal framework establishes the priority aspects and conditions to attend with the end to guaranteeing the compliance and development of the environmental human right, such as the “Right to Water and Sanitation,” and “A Healthy Environment,” politically linked to the current contexts of the “Non-retroactivity of

¹⁷ Examples of these are the Montreal Protocol; the Kyoto Protocol; the United Nations Framework Convention on Climate Change, and the Paris Accords on Climate Change, which together establish actions, policies, objectives, goals, targets, and commitments that seek the protection, preservation, and care for an environment suitable for human life, aligned with the SDGs and the national constitutional framework.

the Law,” “Indigenous Towns and Communities,” and the “Legality Principle,” underpinned in the Political Constitution of the United Mexican States (CPEUM).¹⁸

The environmental rights in the international arena are attached to agreements, accords, and treaties signed by Mexico.

The Constitution establishes environmental law, such as the Right to water and sanitation, and to a healthy environment.

¹⁸ These rights are principally framed in the articles 1st, 2nd, 4th, 14th, 25th, 27th, 103rd, 107th and 115th of the CPEUM.

SOCIETY AND THE RIGHT TO WATER AND SANITATION



Water, a natural resource essential to life, constitutes the base of all social and economic activity, therefore, consolidating it as a human right, mandating that, “Every person has the right to access, disposition, and sanitation of water for domestic and personal consumption in, sufficient, healthy, acceptable, and accessible way” (CNDH, n.a.1); and as ODS No. 6 (Clean water and sanitation) it seeks “Ensure the availability of water and its sustainable management and sanitation for all” (UN, n.a.2).

The right to water and sanitation is constitutionally regulated by articles 4th, 27th, and 115th, aligned to ODS No.6. In this context, it must be ensured that every person has “access, disposition, and sanitation of water for domestic and personal consumption in, sufficient, healthy, acceptable, and accessible way.” The state must guarantee this right in coordination with the different government levels, regulating in “social benefit the utilization of the natural elements,” to create “an equitable distribution of the public wealth, caring for its conservation, achieving the country’s balanced development and the rural

and urban population enhancement of living conditions.” (CPEUM, 2021) (Table 30).

A case that reflects a problem area for the authorities and the population is in Mexico City, where access and availability of the vital resource are limited; households report the issue daily, existing places where, “when water is cut, it falls from 5:00h till noon, after that there is no water” (Elided Rocha) (CBS News, 2018).

According to statements gathered by CBS News (2018), “the flow and pressure of water had decreased before it filled the water tank, now it does not” (Alfonso Trigueros). This is not a new situation since the “management of tandems has happened for years in the city” (Hector Manuel Reyes); it reflects the condition in which “70 percent of Mexico City has available water less than 12 hours per day” (El Financiero, 2021a). The water situation can be reflected in large part of the Mexican territory, where the availability and accessibility of water represent an issue that worsens every time and that the most vulnerable society seems to suffer.

TABLE 30: REGULATORY FRAMEWORK FOR THE RIGHT OF WATER AND SANITATION

<p>RIGHT</p> 	<p>UNIVERSAL HUMAN RIGHT</p> 	<p>SUSTAINABLE DEVELOPMENT OBJECTIVE</p> 	<p>CONSTITUTIONAL FRAMEWORK</p> 
<p>Right of Water and Sanitation</p>	<p>“Every person has the right to access, disposition, and sanitation of water for domestic and personal consumption in, sufficient, healthy, acceptable, and accessible way.”</p>	<p>ODS No. 6, Clean Water and Sanitation, “Ensure the availability of water and its sustainable management and sanitation for all”</p>	<p>Art. 4, Paragraph VI, “Every person has the right to access, disposition, and sanitation of water for domestic and personal consumption in, sufficient, healthy, acceptable, and accessible way. The state will ensure this right, and the law will define the basis, supports, access modalities, and sustainable and equitable use of the hydrological resources, establishing the Federation participation, the federative entities, and municipalities..., for the execution of said goals.”</p> <p>Art. 27, Paragraph III, “The nation will have at all times the right to regulate, for social benefit, the use of the natural elements susceptible to appropriation, to provide an equitable distribution of the public wealth, caring for its conservation, achieving the country’s balanced development and the rural and urban population enhancement of living conditions...”</p> <p>Art. 115, subcategory III, Paragraph 1a) “The municipalities will have under their charge the functions and public services of drinking water, drainage, sewerage treatment and disposal of their residual waters.”.</p>
			
<p>Image: https://tinyurl.com/3p6cbzx6</p>	<p>Image: https://tinyurl.com/43arw6vd</p>	<p>Image: https://tinyurl.com/48b2m42t</p>	<p>Image: https://tinyurl.com/2p863wbc</p>

Source: In-house elaboration with based on the (2021), CNDH (n.a.1) and the UN (n.a.2).

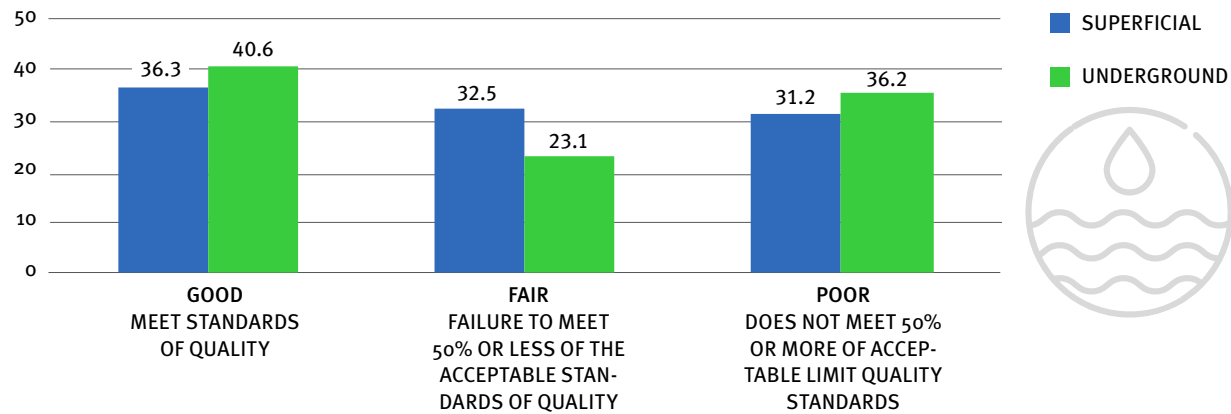
The daily experiences prove a high level of hydrological stress in our country. Based on the World Resources Institute (WRI), in 2019, Mexico ranked 24 out of 164 countries evaluated in the International Hydrological Stress National Ranking, positioning it as “number two in Latin America”(Gonzalez, 2019). “The Conagua (The National Water Commission, for its acronym in Spanish) recognizes the severe water issue in the country since eight out of the 13 hydrological regions suffer from hydrological stress; two-thirds of the population lives in regions where there is less water and from the 653 aquifers, 157 have over-exploitation. Besides, in 14 states, there are significant delays in the daily access to water services and sanitation, and approximately 10 million people do not have access to water” (Infobae, 2021a), worrying landscape coming from this commission “it foresees a hydrological stress increment in 31 of the 32 states of the country, including the capital, in the following ten years” (El Financiero, 2021a).

The excess demand on water availability in the country is exceptionally critical. Considering the population’s access to this resource, a large portion of it does not have continuous access to the vital liquid, which worsens when the variable of water quality is

added to the equation. Based on the Mexican Water Quality Report from Conagua 2020, from the monitored superficial network, only 36.3% complies with eight suitable quality parameters; 32.5% is acceptable (stable) complying with the E_COLI, CF, SST y OD% parameters; and 31.2% is considered insufficient by not complying with the DBO5, DQO, TOX y ENTEROC parameters (Conagua, 2021).

From the underground network, 40.6% has suitable quality since it complies with 14 of the established parameters; 23.1% has acceptable quality (stable) by not complying with some parameters like Alkalinity, conductivity, strength, completely solved solids, complete manganese, and complete iron; and more than a third (36.2%) present insufficient quality, not complying with parameters (Fluors, fecal coliforms, nitrate nitrogen, complete arsenic, complete cadmium, complete chromium, complete mercury, and full led) (Conagua, 2021) (Graph 30).

GRAPH 30: WATER QUALITY IN MEXICO
2020



Source: In-house elaboration with data from Conagua (2021).

In this context, “albeit officially 92.0% of the population has access to the public service of safe water, that percentage dramatically decreases when its quality is considered (Water Advisory Council, n.a.). In terms of quality, almost a third of shallow water is polluted or severely polluted. The lousy quality in superficial quality due to non-compliance with DBO₅ (Oxygen Biological Demand), typified by integrating shallow waters with a strong impact of raw residual waters, mainly municipal, limited their use for society and represented a social problem becoming more critical.

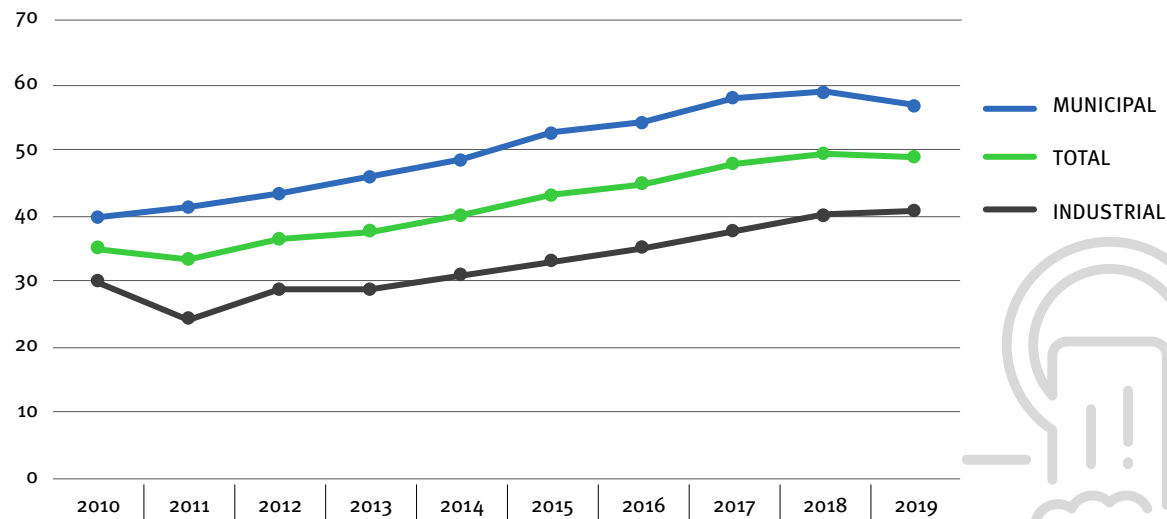
In the country, more than 13 thousand million cubic meters of residual waters are dumped yearly on freshwater bodies (Mendoza, 2014), a situation that leads to “70% of rivers to be polluted” reflected in the “Lerma or Atoyac rivers” where “the presence of chemical substances have been recorded causing genetic mutations, that can be inherited to the following generations” (Gomez, 2019).

Constitutionally (Art. 115), the municipalities have the power to offer the public service of residual water sanitization and water. With that, the Federation has neglected regulatory responsibilities over the municipal operating organisms (Water Advisory Council, n.a.). In 2019, 49.11% of the generated residual waters were treated (Graph 31). Despite the rise of residual waters treated from 2010 to 2019, treatment levels are still low. From these, “a lower percentage

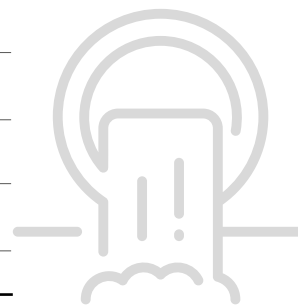
(difficult to pin down due to lack of monitoring and vigilance) complies with the discharge quality regulation” (Water Advisory Council, n.a.).

The landscape around water quality, access, and availability remains worrying, since “the use of untreated water or deficiently treated is associated to human and environmental health risks related to microbial and emergent pollutants in recovered water

GRAPH 31: TREATED RESIDUAL WATER PERCENTAGE IN MEXICO
2010–2020



Source: In-house elaboration with data from Conagua and SemarNAT (Secretariat of Environment and Natural Resources for its acronym in Spanish) (2020).

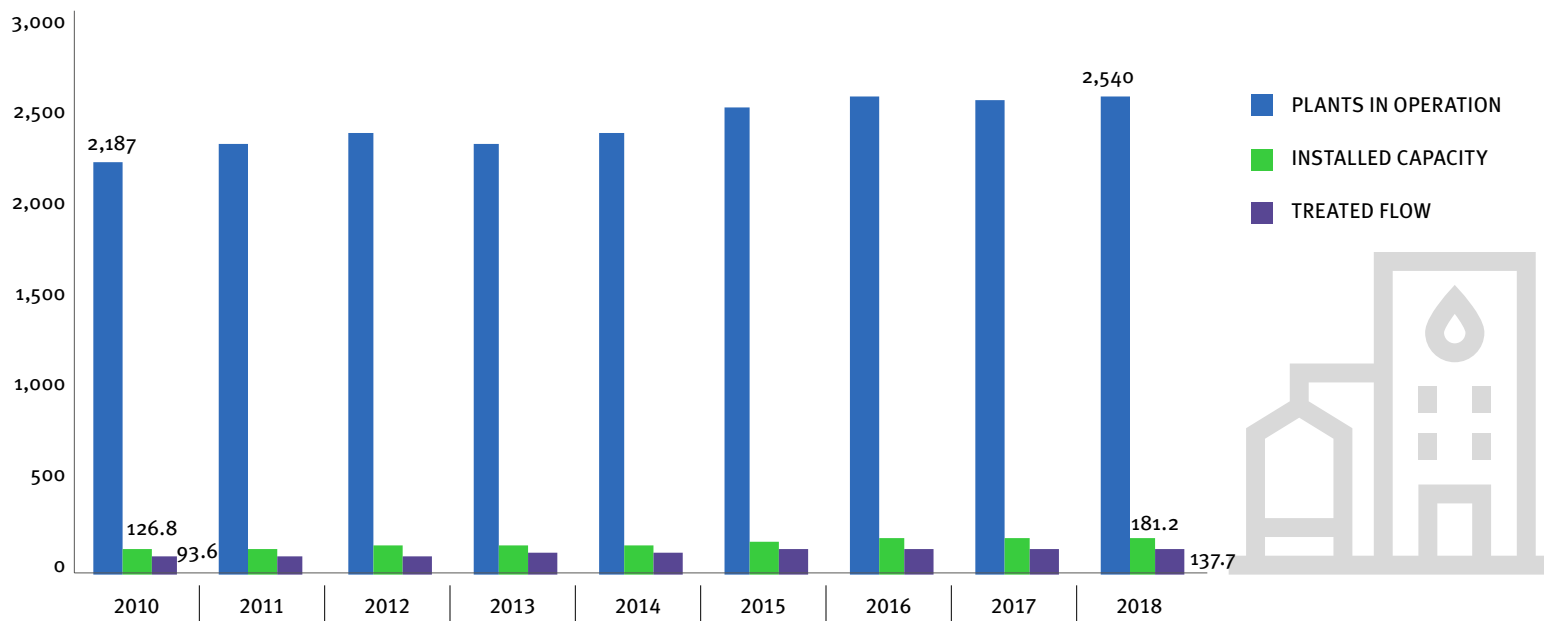


(UNESCO, 2020)”; a consequence of the “weak hydraulic infrastructure and scarce treatment networks that increase the water issues in Mexico” (Infobae, 2021a).

In Mexico, the average number of residual treatment water plants nationally is 1.03 per municipality referencing 2019. Although the existence of installed

plants, the treated residual water are under their operational capacity (considering the 2010–2019 period), a condition reflected by the low level of residual water treatment in the country and the gradual increment in water pollution that aggravate the current and future problematic around this resource (Conagua Y SemarNAT, 2020) (Graph 32).

GRAPH 32: WORKING MUNICIPAL RESIDUAL WATER TREATMENT PLANTS
2010–2020



Source: In-house elaboration with data from Conagua and SemarNAT (2020).

The lack of sufficient access and availability of water, added to its low quality, heightened by pollutions and low levels of residual water treatment, result in non-compliance, infringement, and breaches to the human right of water and sanitation regulated by the Law of National Waters (LAN, for its acronym in Spanish). Hence, the current and future landscape around water, national and worldwide, is highly pessimistic.

Hydraulic and sanitization infrastructure is insufficient and inefficient, which increases the issues around this resource. “According to the Mexican Institute of Water Technology (IMTA), at the current investment level in the order of 49 thousand million pesos, more than 20 years would be needed to reach hydrological safety and sustainability in Mexico” (Infobae, 2021a). In addition, “social, economic, and environmental effects of the issues mentioned above could aggravate with climate change” (Semarnat, 2018).

The level of investment in safe water, sewerage, and sanitation infrastructure in Mexico, by 2018 was 8,463.1 million pesos, 17.27% of the required investment to reach hydrological sustainability and safety (Graph 33). By 2022, based on the PEF (The Federal Expenditure Budget for its acronym in Spanish)

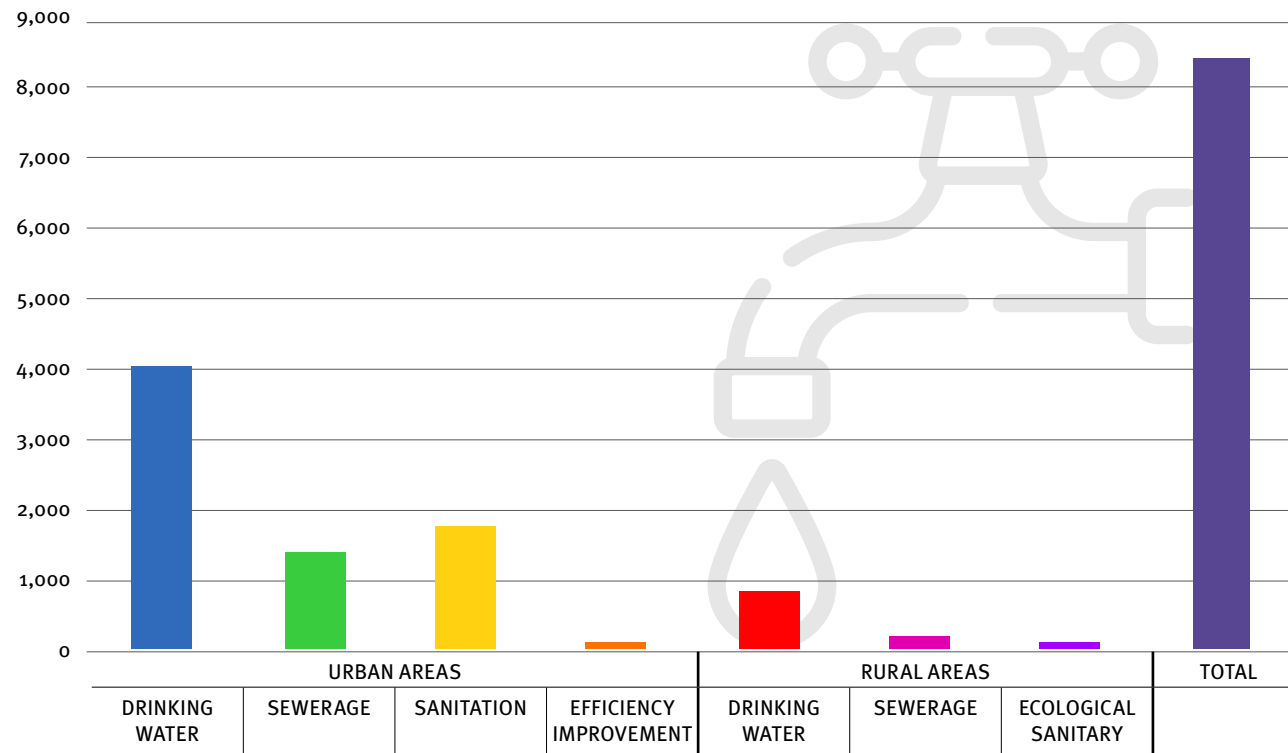
2022,¹⁹ the amount of intended expenditure for the hydraulic sector will be 18,028 million pesos (SHCP, 2021c). Albeit this figure is greater than the 2018 investment, this also considers streamlining and rehabilitation of irrigation networks and technical season land investments in the National Meteorologic Service, among others, and consequently such amount (dedicated to safe water, sewerage, and sanitization infrastructure) will be much less.

The human right related to access and sanitization of water is breached, violated, and trailing in the current political environment. Given that “the supply of safe water requires accessible and available sources of high quality.”

Despite “the increment of water scarcity and variability on its availability it can also provide a higher exposition to polluted water, to insufficiency of water availability for hygiene and treatment, and consequently the rise on morbidity rate,” which affects “disproportionately poor households since they lack adequate sanitization or reliable, safe water supplies. (UNESCO, 2020).

¹⁹ Letter from the president available at <https://tinyurl.com/v43h7cu8>

GRAPH 33: SAFE WATER, SEWERAGE, AND SANITIZATION INVESTMENT ASSIGNMENT IN MEXICO
(MILLION PESOS), 2018



Source: Elaboracion propia con datos de INEGI (2018).

In Mexico, water conditions (underground and superficial) in terms of quality are getting worse, reflecting on the equivalent polluted and quality water levels. Adding to that, the lack of comprehensive policies that efficiently coordinate the use of the national ter-

ritory, residual water management and treatment, represent the main factors that cause the high level of groundwater reserves pollution in the country, a consequence of the low hydraulic infrastructure investments done. Hence the current and future conundrum around hydraulic sustainability and safety is worrying, given that these conditions also contribute to general environmental pollution.

The current and future problems around water security and sustainability in Mexico are worrisome.



Image: Rio Atoyac is a source of infection for inhabitants of Puebla and Tlaxcala / Elquintanaroo.mx at <https://tinyurl.com/mwr6act9>

ENVIRONMENTAL COST: THE GOVERNMENT'S MEGA-PROJECTS AND THE RIGHTS OF INDIGENOUS TOWNS AND COMMUNITIES



Ensuring environmental sustainability should be a priority on the political agenda. The government is the primary entity capable of implementing initiatives, policies, and actions promoting its preservation by contributing to all society's national well-being and development, guaranteeing human rights compliance from different perspectives. "Indigenous towns and communities have been marginalized in their economic, political, social, and cultural development, ignoring their own cultural manifestations" (CNDH, n.a.2). In the policy development to consolidate economic growth, the current government developed a range of mega-projects that attack human rights and continue the marginalization of this social sector.

Around the Mayan Train project, Jose "Pepe" Euan²⁰ shares, "they took part of our land, and so far, we do not know if they are going to pay or not. We do not agree with the way things are being handled" (USI, 2021). "There is no inquiry, they do not ask us, nor

²⁰ Human rights organization "Indignacion" activist, headquartered in Yucatan.

they take us into account when they decide to build this project that answers interests foreign to indigenous communities " poses Pedro Uc²¹ (From Miguel, 2020); Omar Martinez Hernandez²² exposes about the Trans-Isthmus corridor, "towns will be directly affected by the corridor that was not consulted."

"We know that will affect us, but not exactly which and how. We have identified the land losses, invasions, biodiversity loss from jungles, forests, but no real information of the impacts" (Hablan Los Pueblos n.a.). Around both projects, the Benito Juarez Community Assembly expresses, "The poor want to develop too, but we must implement rationally sustainable projects" (Hablan Los Pueblos n.a.). In Mexico, "68 indigenous towns dwell, each speaking a proprietary native tongue, from which 11 linguistic families organize and derive 364 dialect variants" (IWGIA, 2020), recognizing the constitutional "Right of indigenous communities."

²¹ Mayan native from the Buctzotz village in Yucatan.

²² Community Defense Network of Oaxacan Towns (REDECOM, for its acronym in Spanish), Matias Romero, Oaxaca.

The second constitutional article recognizes and grants the right to indigenous towns and communities to participate in conservation and preservation of land and environmental integrity, where the state, in the different government levels, can tumble deficiencies, but will promote indigenous areas' development to better the living conditions through coordinated actions, with the participation of the communities in the elaboration of Federal, State, and Municipal Development Plans, integrating the proposals and recommendations requested²³ (CPEUM, 2021).

The Mayan Train and the Trans-Isthmus corridor mega-projects have created a series of social conflicts around its development against the indigenous communities affected. Thus, "some social organizations legally dispute these projects" because they consider that 'The Trans-Isthmus corridor' and 'the Mayan train,' adding the 'Dos Bocas refinery,' the Morelos Comprehensive Project,' and the 'Santa Lucia airport' infringe the obligation to consult the indigenous towns of Mexico," constitutionally established and regulated in the 6th article of the OIT (Young, 2020).





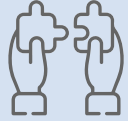


²³ Established in the constitutional second article, subsection A, (paragraph V) and subsection B (paragraph I and IX) from CPEUM.

By 2021, different organizations have spoken, institutions and associations like the Mexican Center of Environmental Rights, the Indigenous Popular Regional Council of Xpujil, Mexican Indigenous Council, Assembly of the Mayan Territory Defence Muuch' Xiinbal, the Mayan Chuun t'aan Collective, among others, opposing the development of the flagship projects of the federal administration. Consequently, 25 injunctions have been presented against the Mayan train, from which 3 obtained definitive suspensions affecting the continuation of sections 2, 3, and 4 in 2021 (Table 31); adding to this, some civil organizations "starting August presented a complaint before the Interamerican Human Rights Commission" (Young, 2020).

Within the framework of megaprojects, it is intended to promote the development of indigenous peoples and communities. However, when comparing the resources allocated to the aforementioned projects with those allocated to the integral development of indigenous peoples and communities in the PEF 2022, these works (72, 492 million pesos (mp)) exceed by 4,960 million pesos the average budget allocated to these communities (67,532 million pesos)²⁴

²⁴ This amount represents the total average budget for indigenous peoples and communities in the area where the

TABLE 31: MAYAN TRAIN LEGAL CONDITIONS, 2021

PROJECT	AFFECTED COMMUNITIES	HABEAS CORPUS	ASSOCIATIONS	RESOLUTIONS	STATES	RESOLUTIONS
						
MAYAN TRAIN	1240	25	Assembly of the Mayan Territory Defence Muuch' Xiinbal and the Mayan Chuun t'aan Collective	<p>The final suspension affects sections 3 and 4 while the trial is resolved.</p> <p>Final suspension affecting section 2 while the trial is resolved</p>	<p>Yucatan</p> <p>Campeche</p>	<p>The final suspension affects sections 3 and 4 while the trial is resolved.</p> <p>Final suspension affecting section 2 while the trial is resolved</p>

Source: Elaboracion propia con informacion de Forbes (2021) y De Miguel (2020).

for the area in which these projects are developed (Graph 34). In addition, when considering the total expenditure allocated to the development of these communities around the country, this is equivalent to

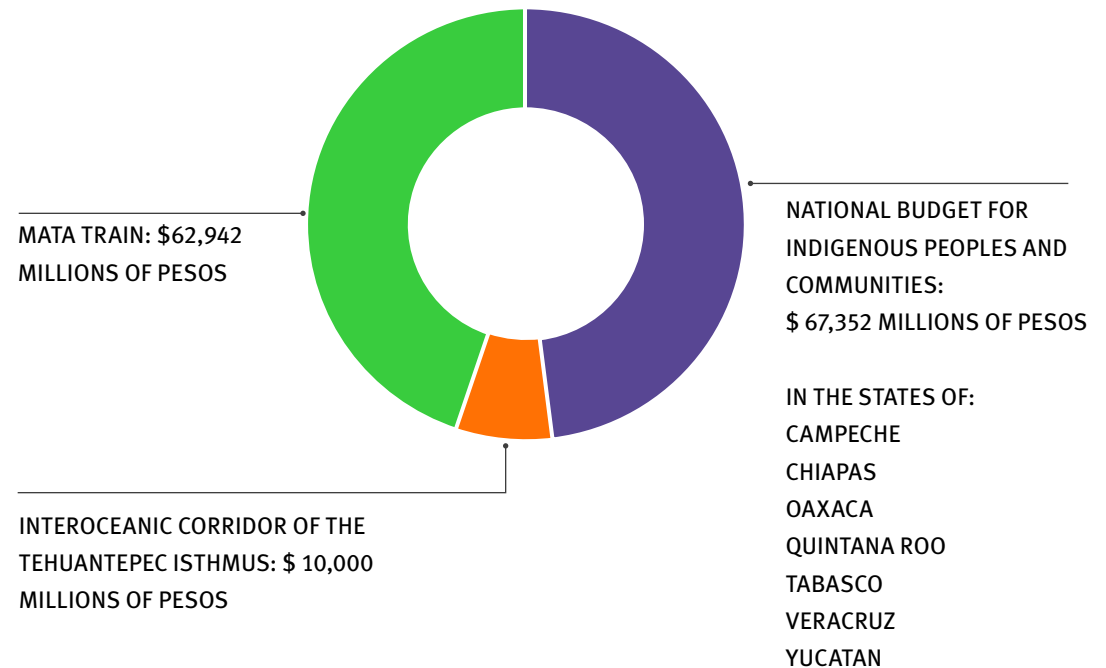
0.02% of the total net expenditure, despite the fact that it had an increase of 13,118 million pesos from 2021 to 2022. It only represented an annual variation of 1.12%, a situation that shows the conditions of vulnerability that these peoples present throughout the national territory and reflects the current political position and concern regarding projects and the violation of the human rights of this social sector in the Mexico (SHCP, 2021c).

projects are developed (Campeche, Chiapas, Oaxaca, Quintana Roo, Tabasco, Veracruz and Yucatan), estimated from the per capita budget for this community in the country and the accumulated (total population) by entity: (Total Budget for Indigenous Peoples and Communities (PEF2022) / Total Indigenous Population in the Country (Population and Housing Census, INEGI 2020b)) * Number of Indigenous Inhabitants by State (INEGI, 2020b) = Average budget by Entity.

The Indigenous People National Institute Law (LINPI, for its acronym in Spanish) regulates the Rights of Indigenous Towns and Communities.²⁵ In that way, as alerted by different media, civil organizations and associations have obtained legal resolutions from the judicial injunctions final suspensions, due to breaching the law and human rights of indigenous towns and communities. Those are related to unequivocally massive social, and political project developments that infringe and do not procure the good development and exercise of human rights on those communities of our country.

GRAPH 34: SCHEDULE EXPENDITURE IN 2022

MILLIONS OF PESOS



Source: In-house elaboration with data from SHCP (2021c).

²⁵ The LINPI establishes in the 2nd article that, “The Institute is the Federal Executive Power authority in matters related to the indigenous people..., its goal..., ensure the exercise and implementation of the indigenous people rights..., as well as their comprehensive and sustainable development..., complying with what was arranged in the Political Constitution of the United Mexican States and legal instrument that the country takes part from,” which are backed by articles 4th (Paragraph III–VI, XV–XVIII and XXIII) and 5th.

THE NON-RETROACTIVITY OF THE LAW AND THE RIGHT TO A HEALTHY ENVIRONMENT



The right to a healthy environment is established as one of the environmental rights to which ODS No. 7, 13 and 15 are aligned, being politically linked in our country with the Right to Non-retroactivity of the Law. Constitutionally (Art. 14) the legal reform processes and constitutional reform initiatives in the energy sector, which would lead to a violation of Article 4, which establishes that “everyone has the right to a healthy environment for their development and well-being and it corresponds to the State the leadership of national development in a comprehensive and sustainable way ”(CPEUM, 2021). Therefore, it is necessary to “Adopt measures to combat climate change and sustainably manage forests”, guaranteeing “access to affordable, safe, sustainable and modern energy” as well as the provision of a higher level of well-being for the society to mitigate the effects of climate change (Table 32).

Environmental pollution in Mexico is alarming. “22,000 people die per year due to illnesses associated with high concentrations of particles in the air, and mortality by respiratory disease is the third cause of death in children from 0 to 4 years of age. How is it





possible that the state and federal governments are not implementing measures to stop this terrible environmental crisis?” said Luis Gomez, from BICIREMEX (National Network of Urban Cycling, for its acronym in Spanish) (El poder del consumidor, 2016) (The power of the consumer, 2016). In a different context, the protection and conservation of forests are weakening more and more due to budgetary decreases. In 2016, the National Commission of Protected Natural Areas (CONANP, for its acronym in Spanish) had 1,300 million pesos, and by 2020 867 million pesos were granted (Gomez, 2020). The Protected Natural Areas (ANP) “are places where it has taken much work to build social tissue to conserve natural resources,” Luis Fueyo remarks.²⁶ If we continue with budgetary cuts, “Basic operations of CONANP will be at risk,” pointed Aviña²⁷ (Gomez, 2020).

Environmental pollution (water, soil, and air) affects all Mexican society. Due to air pollution, in the first half of 2019, “in nine states of the Mexican Republic environmental contingencies were issued due to

²⁶ Luis Fueyo was head of CONANP from 2010 to 2015.

²⁷ National Commissioner of Protected National Areas.

TABLE 32: THE NON-RETROACTIVITY OF THE LAW AND THE RIGHT TO A HEALTHY ENVIRONMENT

<p>RIGHT</p> 	<p>UNIVERSAL HUMAN RIGHT</p> 	<p>SUSTAINABLE DEVELOPMENT GOAL</p> 	<p>CONSTITUTIONAL FRAMEWORK</p> 
<p>RIGHT TO A HEALTHY ENVIRONMENT</p>	<p>“Every person has the right to enjoy a healthy environment ecologically balanced for its development and well-being”; concerns the state of law to guarantee that right. Whoever causes environmental deterioration or damage will have the responsibilities established by law.”</p>	<p>ODS No.13, Action for the climate: “Establish urgent measures to fight climate change and its effects”; ODS No. 15, Life of land ecosystems, “Sustainably manage forests, fight against desertification, stop and revert land degradation, stop biodiversity loss”</p>	<p>Article 4, Paragraph V, “Every person has the right to a healthy environment for its development and well-being. The state will ensure the observance of this right. The environmental deterioration or damage will generate responsibility to whom causes it in the terms established by law.”</p>
<p>NON-RETROACTIVITY OF THE LAW</p>	<p>“When controversies arise that result in the acknowledgment of rights and duties from people, the current law will apply, and the previous law will apply when it benefits its interests or rights.”</p>	<p>ODS No.7, Clean and affordable energy: “Ensure access to safe, sustainable, affordable, and modern energy”</p>	<p>Art. 25, Paragraph I, “It concerns the state the stewardship of the national development to ensure that this is comprehensive and sustainable, that strengthens the sovereignty of the nation..., and through competitiveness, promotes the economic growth and employment, and a fairer wealth and income distribution, allowing the full exercise of dignity and freedom of individuals, groups and social classes, whose security this Constitution protects...”</p>

Source: In-house elaboration based on CPEUM (2020), CNDH (n.a.1) y ONU (n.a.2).

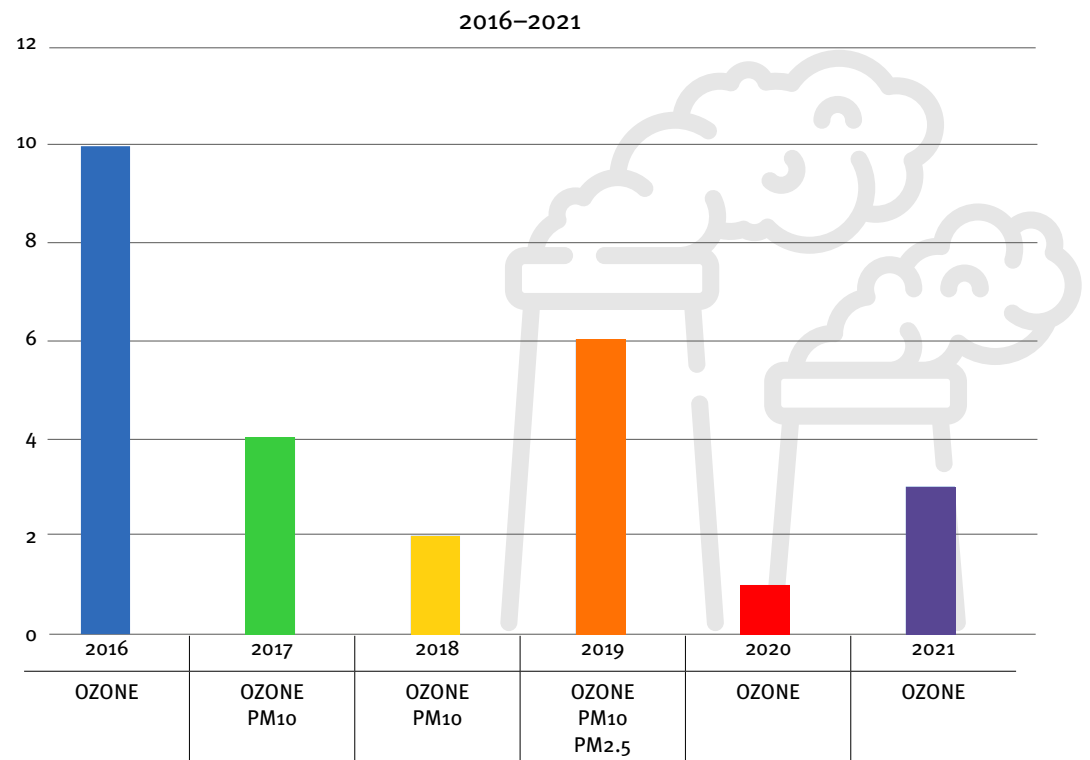
high pollution indexes that elevate the risk of health impacts on all population, and accelerates global warming” (Martinez, 2019). The metropolitan area of the Valley of Mexico is one of the clear examples of the affliction suffered by millions of Mexicans around atmospheric pollution, primarily by Ozone and PM2.5 and PM10 particles.

Just considering the ZMVM (Mexico City Metropolitan Area for its acronym in Spanish), air pollution is high. On the 2016–2018 period, albeit the number of environmental contingencies decreased, going from 10 (in 2016) to just two (in 2018), an exponential increment existed recording six contingencies during 2019 with more than one pollutant agent, even though this condition decreased in 2020 due to mobility restrictions and quarantine derived from the COVID–19 pandemic. 2021 seems to show again the current landscape of pollution which is starting to overcome 2018 levels (CDMX government, 2021) (Graph 35), which is not far from the national reality.

The problem with air pollution principally comes from the consumption and production of fossil fuels. According to data provided by SENER (Ministry of Energy for its acronym in Spanish) (2010–2019), in Mexico, hydrocarbons energy represents more than 80%

of national production (2010–2019 period), while renewable sources production barely reached 10.5% of the total production by 2019. The latter presents a decreasing trend (2018–2019) as opposed to the growing trend shown in the 2012–2018 period (Graph 36).

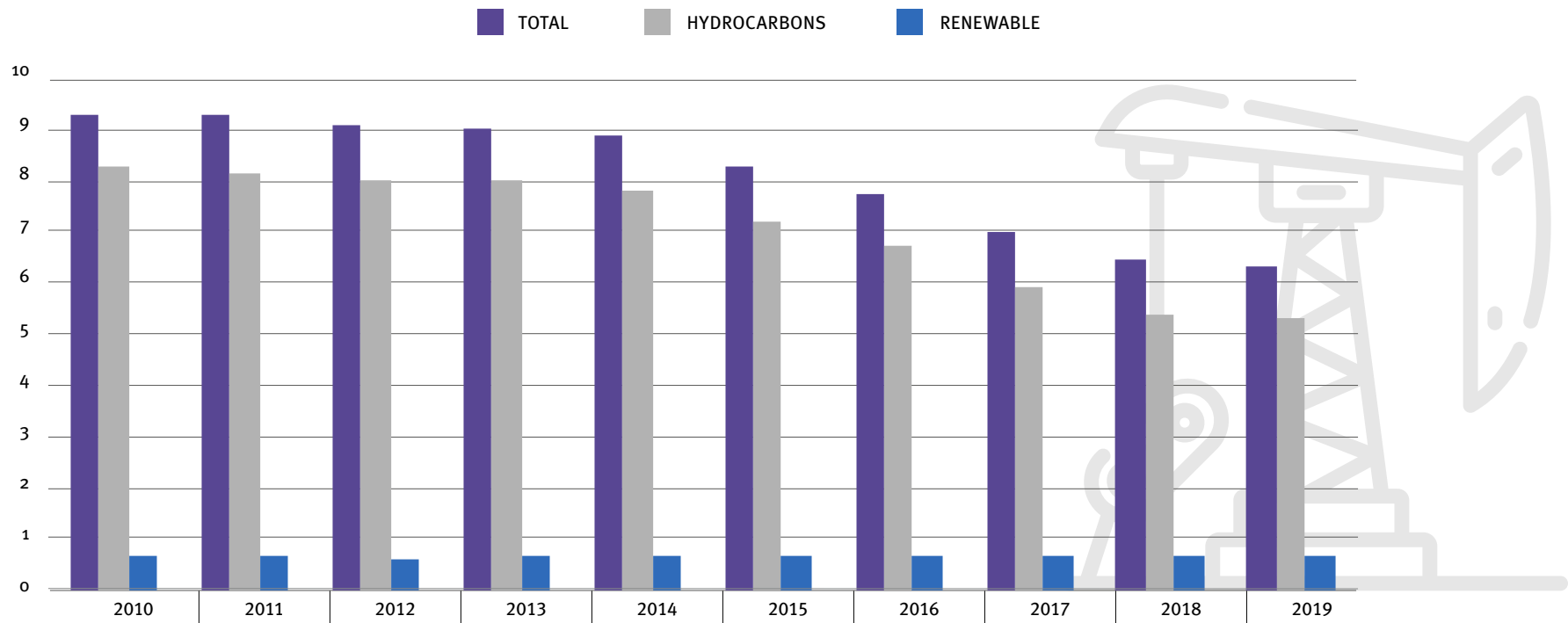
GRAPH 35: ATMOSPHERIC ENVIRONMENTAL CONTINGENCIES (PCAA) IN THE MEXICO CITY METROPOLITAN AREA (ZMVM)



Source: In-house elaboration with data from CDMX (Mexico City for its acronym in Spanish) government (2021).

GRAPH 36: ENERGY PRODUCTION BY SOURCE IN MEXICO

(PETAJOULES) 2016–2021



Source: In-house elaboration with data from the Energy Information System from SENER (2010–2019).

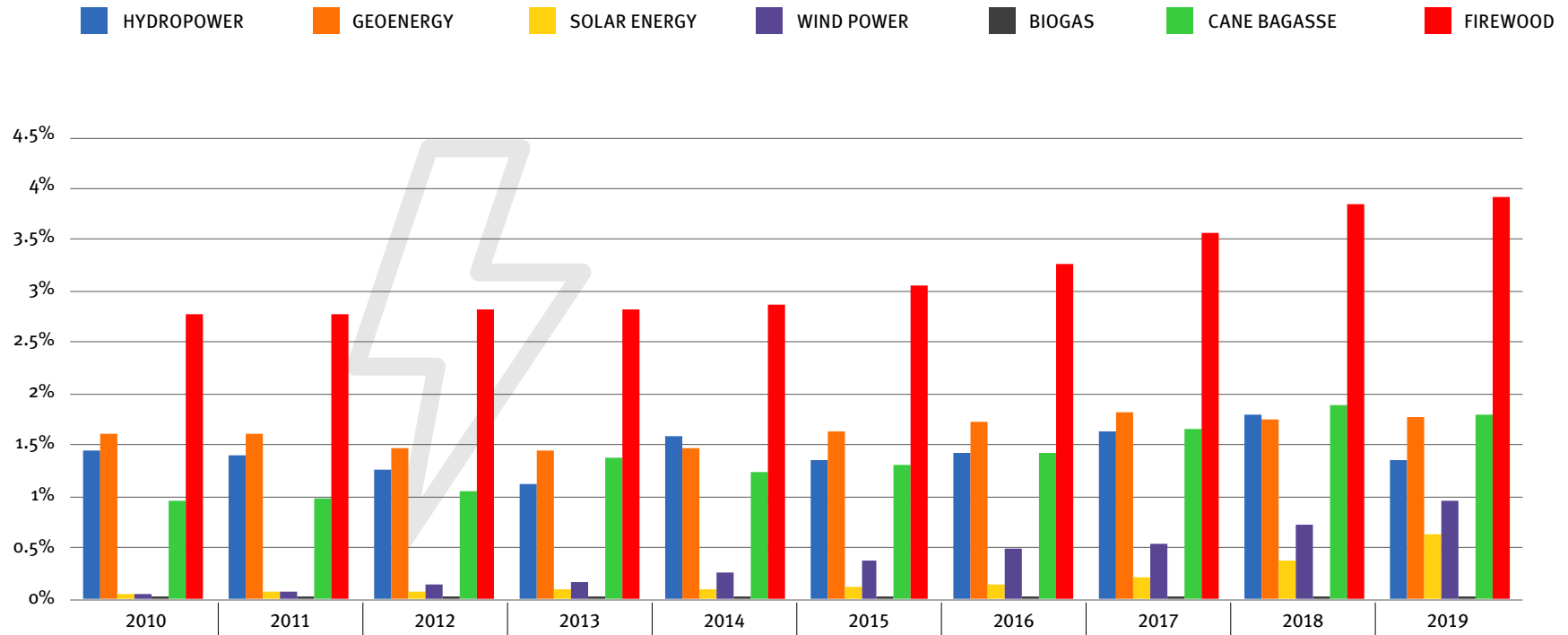
From the total energy production of renewable origin by 2018, firewood production is highlighted with 3.9% of the whole renewable, followed by cane bagasse and geo-energy with 1.8%, and wind energy with 1%, where solar energy barely represents 0.6%, and biogas 0.03% (Graph 37). These renewable and non-renewable energy production levels show an

unsustainable condition in the national energy sector that generates energetic inefficiency and insecurity in the country.

The search to promote economic growth led the federal executive to develop a series of megaprojects, including the Mayan Train and the Dos Bocas refinery. These projects blatantly affect the environment

GRAPH 37: TOTAL ENERGY PRODUCTION PERCENTAGE BY RENEWABLE SOURCE ORIGIN

2010–2019



Source: In-house elaboration with data from Energy Information System of SENER (2010–2019).

These renewable and non-renewable energy production levels show an unsustainable condition in the national energy sector.

by incentivizing the loss of forestry coverage and promoting fossil fuel-based energy. The latter was backed by a constitutional amendment initiative for the energy sector in October 2021, leading to passives accrual around efficiency and sustainability in the national energy sector and international accords and treaties breaching.

The Paris Accords have the long-term goal to “delay the world mean temperature increment below two °C above preindustrial levels, and pursue efforts to limit the temperature increment to 1.5°C above preindustrial levels. They recognize that it would significantly reduce climate change risks and impacts” (CMNUCC, 2015, 2nd Article quoted by UNESCO, 2020, p.47).

Mexico’s international political status and image around the compliance of accords and treaties is questionable. “Mexico’s ambition for 2030 to mitigate the effects of climate change are opposite to the Paris Accords requirements, sending negative signs to the international community that Mexico does not take seriously its commitment to reduce greenhouse effect gasses emissions as stated by to the accord’s goals,” hence, “Mexico’s political actions are qualified as Highly Insufficient (Climate Action Tracker, 2021).

The actions and policies of the current federal government, even with the environmental and economic uncertainty landscape, continue to seek “keeping an energetic route based on fossil fuels that take us further from the commitments assumed as a country to face climate change, which by law forces us to achieve 35% of clean energy generation by 2024 and 50% by 2050” (Martinez, 2019).

It is clear that the government’s priority is not attending to a delicate and worrying environment. The most evident and most notorious example is evaluating the political priorities of the PEF 2022, where just for “state production” companies (Pemex and CFE) (Mexican Petroleum and Federal Electricity Commission, for their acronym in Spanish), 17.75% (1.26 billion pesos) of the total net expenditure will be allocated (SHCP, 2021C). Equivalent amount with the total cost by depletion and degradation of the environment (1.10 billion pesos) in 2019 (INEGI, 2019b), where expenditure in environmental protection (104,433 million pesos in 2019) represent 7.9% and is 12.6 times less than the amount allocated to these companies from the Federal Expenditure Budget 2022.

Promoting modifications to the hydrocarbon law (2021) and the constitutional amendment initiative

(Energy Sector, 2021) contribute to the infringement of laws like the Economic Competence Federal Law and the Injunction law since they establish the participation ways that reduce competitiveness, posing an unclean energy production scheme that contributes to the environmental deterioration, therefore, the loss of social well-being.

Suppose we continue with the project development with low to null environmental visibility, given that most of them do not have a comprehensive environmental impact evaluation that presents the actual environmental costs. In that case, it will contribute to what is established in the environmental laws²⁸ by not ensuring the right to a healthy environment and having high emission levels of unregulated greenhouse effect gasses. In the later years it will have a growing trend, deteriorating the environment and conducting to infringements to the Healthy Environment Human Right, and the Non-retroactivity of the law. Both breach the law despite their constitutional foundation (Art. 4th and 5th) (Art. 4th, 14th and 25th).

²⁸Among them, “the Climate Change General Law (LGCC) (Art. 1, Paragraphs I, II, IV, y VIII)”, “Sustainable Forestry Development General Law (LGDFS) (Art. 2, Paragraphs I, IX, XI y XIII),” and “Environmental Protection and Ecological Balance General Law (LGEEPA) (Art. 1, Paragraphs, I, IV, V, VI, VII y IX).”

The actions and policies of the current federal government, continue to seek “keeping an energetic route based on fossil fuels that take us further from the commitments assumed as a country to face climate change, which by law forces us to achieve 35% of clean energy generation by 2024 and 50% by 2050” (Martinez, 2019).

AN ENVIRONMENTAL RIGHTS ASSURANCE WITHOUT SUFFICIENT BUDGET



As previously stated, environmental human rights promote sustainable development on the national and international framework. Therefore, the right of legality principle must be promoted, which establishes that “the authority must comply with the attributions determined by the constitution, international treaties or the law, banning the exercise of its functions albeit ar-

bitrary or abusive against people” (CNDH, n.a. 1). It is included in Article 1st of the Constitution, paragraph I–III, and is aligned to a functional and comprehensive policy around social well-being, the environment, and the environmental human rights and international accords (Table 33).

TABLA 33: THE RULE OF LAW, HUMAN RIGHTS, ENVIRONMENTAL POLICY AND INTERNATIONAL TREATIES IN MEXICO

RIGHT	INTERNATIONAL HUMAN RIGHT	CONSTITUTIONAL FRAMEWORK	ENVIRONMENTAL POLICY GOALS 2020–2024	ODS 2030	HUMAN RIGHTS AND INTERNATIONAL TREATIES
RULE OF LAW	The authority must comply with the attributions determined by the constitution, international treaties, or the law, banning the exercise of its functions, albeit arbitrary or abusive against people.	1st Constitutional, Paragraphs I, II, and III establishing that “in the Mexican United States every person enjoys human rights recognized by this constitution and in the international treaties that the Mexican state takes part of...”	» Ecosystem conservation	14 y 15	» Rights of indigenous towns and communities
			» Climate change fighting	13	» Paris accords, right to the non-retroactivity of the law
			» Safe water access, sanitation, and water basins protection	6	» Right to water and sanitization
			» Air, soil, and water pollution management and prevention	7	» Right to a healthy environment
			» Better institutional action, environmental social and cultural participation	6, 7, 12–15	» Rights of indigenous towns and communities

Source: In-house elaboration with data from SemarNAT (2020), CNDH (n.a.1), and UN (n.a..2).

In that context, environmental policy for sustainable development in our country, established in “Promanar (Natural Resources and Environment Sector Program, for its acronym in Spanish) 2020–2024, comprises five priority goals focused on climate change:

1. Ecosystem conservation;
2. Climate change fighting;
3. Safe water access, sanitation, and water basins protection;
4. Air, soil, and water pollution management and prevention;
5. Better institutional action, environmental social and cultural participation” (SemarNAT, 2020).

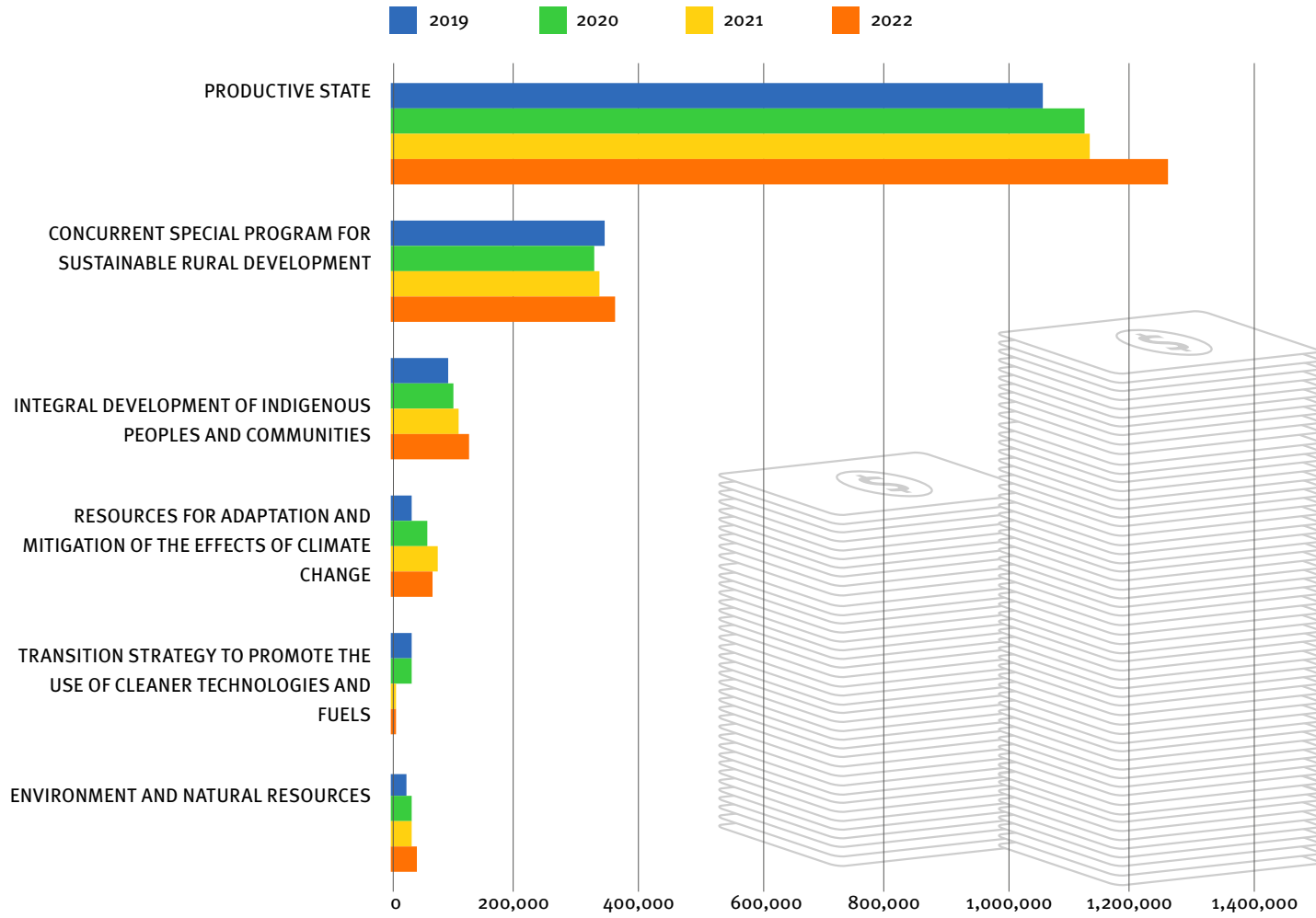
These Promanar 2020–2024 planned goals are literally unreachable. Analyzing the plotted total expenditure in the Federal Budget in the later years, the disproportionate budget destined to the state production companies (Pemex and CFE) has kept an increment, reaching 1 billion 258 thousand 420 million pesos by 2022, representing 18% of the total net expenditure during the 2019–2022 period (SHCP, 2021c). At the same time, the concurrent special program for sustainable rural development has shown

vagaries, reflected in budgetary cuts of 10,258.4 million pesos from 2019 to 2020 and a 0.8% decrease as a proportion of the GNT (2019–2022), according to the PEF as per SHCP (2019–2020). Likewise, the expenditure for the indigenous towns and communities’ development represents for 2022 1.8%, a percentual variation of 0.3% as a proportion of the GNT for the 2019–2022 period (SHCP, 2021c) (Graph 38).

The disproportionate budget destined to the state production companies (Pemex and CFE) has kept an increment, reaching 1 billion 258 thousand 420 million pesos by 2022, representing 18% of the total net expenditure during the 2019–2022 period. (SHCP, 2021c)

GRAPH 38: PLOTTED TOTAL EXPENDITURE IN THE PEF

MILLIONS OF PESOS, 2019–2022



Source: In-house elaboration with data from the Federal Expenditure Budget of the SHCP (2019–2021).

Resources for mitigation and adjustment of the climate change effects, even if they presented an upswing trend for 2021, by 2022 presents a 3,732.1 million pesos cut, representing the same proportion of the GNT in 2022 and 2019 (0.9%). The transition strategies to promote the use of technologies and cleaner fuels of 2020 to 2022 report a budgetary cut of 19,421.8 million pesos (representing 65.6% of the allotted budget for 2020), as a GNT proportion, went from 0.5% to 0.1% during the same period. The clerical expenditure for the environment and natural resources increased to 40,795.9 million pesos, representing low levels as a GNT proportion, just 0.5% for 2019–2021 years, and 0.6% for 2022 (0.1% variation from the period) (SHCP, 2021b; SHCP, 2021c) (Check Graph 37).

Albeit a human rights and indigenous towns and people integration focus for the environment is procured in the COP26 of 2021, Julio Trujillo Segura, Undersecretary of environmental promotion and regulation, stated that “Promarnat will work through strategies that help reduce emissions complying with the goals of the protocols from Montreal and Paris, and the Kigali amendment” (Semarnat, 2020). The government priorities around environmental policy goals represent an insufficient level of governing in the matter;

by not integrating with the federal policy, the condition, breach, and infringement of the environmental human rights is present currently in Mexico.

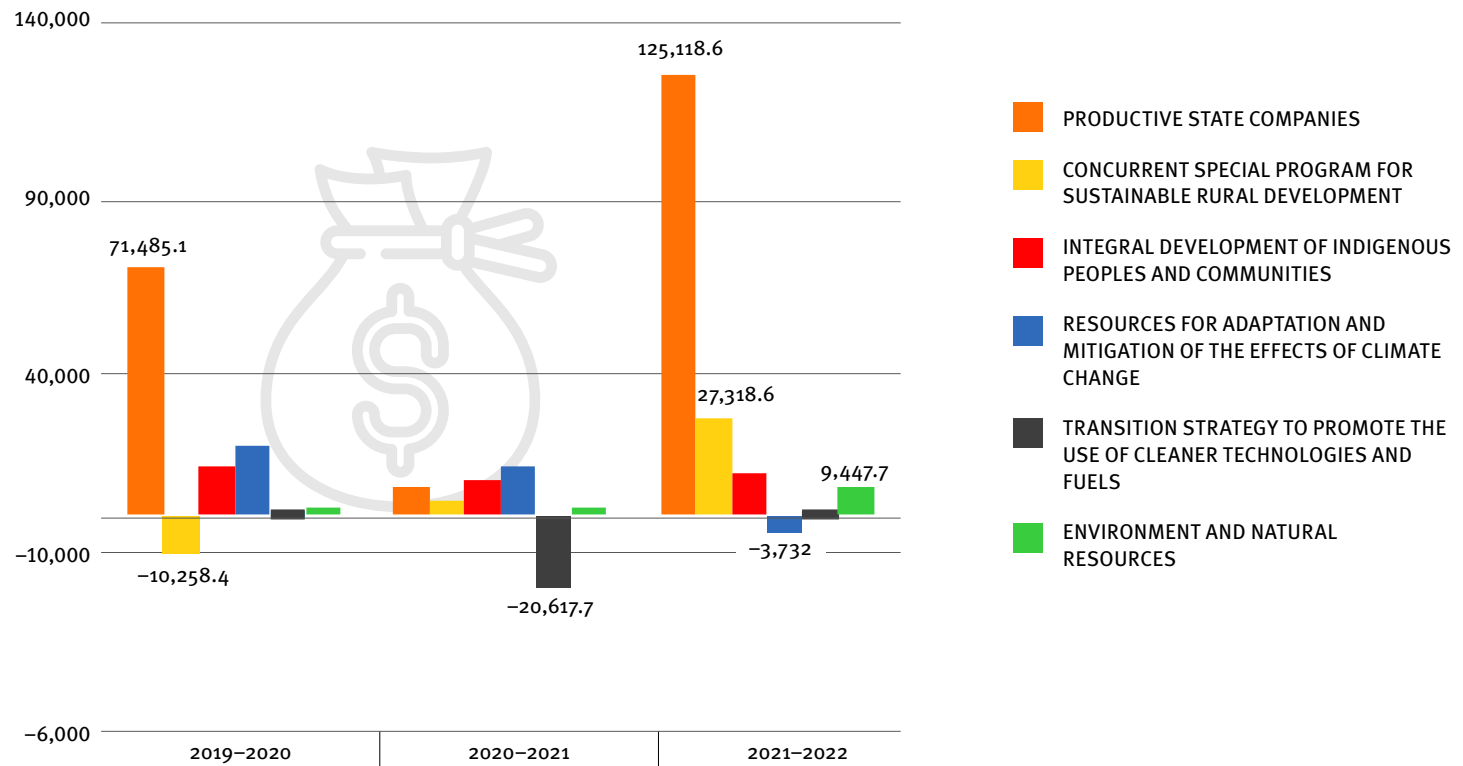
The environmental human rights and international accords that Mexico takes part in are being breached and infringed. Environmental policy (Promarnat 2020–2024) should align with ODS and the international treaties, but is not linked with federal economic development policy. Analyzing the allotted budget to sustainable rural development presented a –10,259.4 mdp, (million pesos for its acronym in Spanish) variation from 2019 to 2020, with a yearly average variation for the period of 6,944.2 (mdp). The expenditure variation of 13,118.2 (mdp) for indigenous towns and communities’ comprehensive development for 2022 compared to 2021 is lower than the 2019–2020 period. The resources for mitigation and adjustment of the climate change effects have presented more minor variations, with a negative variation of 3,732 (mdp) from 2021 to 2022.

The budget for the transition strategies to promote the use of technologies and cleaner fuels in 2021 had a 20,617.7 (mdp) cut, keeping the average yearly variation negative of 6,405.6 (mdp), taking us further away from compliance to the Paris accords. All in all,

the sum of average annual variations of budgets on those PEF fields 2019–2022, 28,134.7 (mdp), barely represent 41.3% of the average variation of production companies (68,116.2 mdp) according to PEF as per the SHCP (2019–2020) (Graph 39).

The future landscape for human rights and sustainable development is daunting. The federal policy disregards the negative social impact and what environmental deterioration and climate change will bring by breaching and infringing environmental hu-

GRAPH 39: ANNUAL VARIATION OF THE BUDGET IN THE PEF
MILLIONS OF PESOS, 2019–2022



Source: In-house elaboration with data from (2019–2022).

man rights, laws, and international accords. In this way, “the goal of Mexico’s fair participation in 2030 reflects slim to no action, nor does it adjust to any interpretation of the fair approach to comply with the 1,5°C from the Paris accords. If all countries followed Mexico’s lead, global warming would surpass four degrees C” (Climate Action Tracker, 2021). Hence speaking about the good exercise of environmental human rights, greater social well-being, and sustainable development becomes an uncertain future in our country.

The future landscape for human rights and sustainable development is daunting. The Federal policy minimizes the negative impact and social effects that environmental deterioration and climate change will bring.



Image: “The polluting gases present in the air of the CDMX make possible the gray cream that the capital currently suffers.” Photo: Redes. “/News cultura colectiva at <https://tinyurl.com/342swuhd>”



7

FINAL COMMENTS



7

FINAL COMMENTS



The existing challenges in Mexico to promote, respect, protect and guarantee human rights complying with the framework principles within the constitution have become more complex to reach due to the reduction of institutional capacities in terms of budget and talented human resources; due to decision making subordination before different political actors and, in many cases, the disappearance and destruction of public institutions. This situation is shown through the existing notorious contradiction between the government discourse and the policy execution that defend, promote, and guarantee the respect of human rights of the Mexican population, sharing a glimpse of considerable shortages in this government to face this and other problems.

The report grants essential information relating to the non-compliance or breach of human rights in Mexico. Nevertheless, its most important legacy is the shape and form the data and indicators are interpreted and presented. So much as the impact of the figures as the study case used to humanize the different breaches of rights enables a bleak landscape of the problem scope lived in the country. **ACCORDING TO A LITTLE MORE THAN 50 FUNDAMENTAL RIGHTS REFLECTED IN THE CONSTITUTION, THERE IS SOME TYPE OF NON-COMPLIANCE OR BREACH OF THEM IN PRACTICALLY ALL OF THEM.**



The report allows us to observe that rights in matters of security and citizenship protection are the most infringed in the last decade, surpassing since 2019 the 34 thousand homicides. 2021 could be the most violent year in Mexican history, surpassing 35 thousand homicides. This dark scenery is repeated with the femicide subject, whereby 2020 reached the deplorable number of 977, equally maintaining the expectation that this year surpasses that figure. By September 2021, 762 cases have been recorded. Other crimes like kidnapping or any type of theft are similar. The fact is that at least 66% of Mexicans do not feel safe.



The report finds that this is one of the rights reflecting weakness from the Mexican State to execute justice in the existing regulatory framework on access to justice. One of the most striking facts in this report is that 93.3% of crimes last year were not reported or investigated. Despite the confinement originated by the COVID-19 pandemic last year, crimes like extortion, fraud, verbal threats, or auto theft, risen in proportion to the previous years, the reporting of these decreased drastically. In more than 60% of cases, the reasons why the people victims of crime decide not to report are ascribed to authority inefficiency.



Talking about due process follow-up in Mexico, this has been blatantly infringed even if the constitution establishes that nobody could be deprived of freedom or properties, possessions, or rights, but only through a followed-up trial before the previously established court. Factually Mexican state armed corporations have blatantly infringed this regulatory framework, especially the Armed Forces.



One of the foundational rights of a democracy, freedom of expression, keeps going through a dark period in Mexican history. Infringement of this right constitutes an attempt against the democratic order of a country. Although Mexico managed to traverse from a closed system to a competitive one, which enables the alternation of power, respect to freedom of expression has been a critical outstanding issue. In this sense, Mexico is considered a hostile territory to the journalistic labor performance, partly because of the difficulty and hazard that means being a journalist in the country and partly due to the persistent belligerent attitude headed by president Andres Manuel Lopez Obrador against journalists and mass media.



Signos Vitales notices that Mexican road insecurity keeps on the rise. Despite the sanitary crises, in 2020, robberies on federal roads incremented 58.5%. It is estimated that two of every three cargo truck robberies in Central and North America are carried in Mexico, and the loss's estimated value was 4,400 million dollars in 2020. During the worst pandemic moment, a toll booth blockade was recorded every four hours. The transit of merchandise and people in Mexico is not safe.



The federal executive sent different legal modifications to the Congress of the Union intending to change the game's rules in the energy market in Mexico. These rules pretend to benefit the Federal Electricity Commission (CFE) above the rest of the energy industry participants, especially in matters of electric generation. The disposition pretends to disregard at least 1,092 current permits on matters of electric generation, which were granted before and after the so-called energetic reform. The accrued amount of national and international investments goes up to 90 thousand million dollars, casting doubt on the acquired commitments by Mexico on hydrocarbon and mining matters.



The report proves that people's rights in the labor matter have not only been left aside but have gotten worse with past practices. The charge of the known "moches" (Bribes) has been a frequent object of manifestations by the working class that works on the flagship projects of the federal government. Multiple reports of salary discounts up until 30% and unrecognized fee collections have been made public. Likewise, the government disregarded minors, which incremented the rate of school non-attendance but engorged the country's labor force. In Signos Vitales, we estimate that between December 2018 and June 2021, the minor ratio among 12 to 14 years old that study and work have incremented 29%. Currently, the labor participation rate in this age group is 8.6%, a figure not seen since September 2013; this is due to the significantly elevated labor participation of the minor population in primary activities and commerce, increment to school non-attendance, and the increment of Mexican farming exports.



For its part, Mexican Petroleum (Pemex) positioned itself as the company with the most fatalities in the world due to the minimal security protocols. At least 7% of the labor roll of the company attached to the 43rd clause of the collective labor contract to be absent from work. In addition to the pandemic, the company's health services faced a severe crisis due to the purchase of poor condition medication, which caused the passing of at least two people and health damages to other 42. The murkiness of the case is constant so far, and the fatality toll due to contaminated sodic heparin application is unknown.



As we proved, the Mayan Train has been criticized for different reasons: environmental, economic, and planning. Nevertheless, the displacements that the project left on its way throw overboard the stamp with which the government likes to distinguish: humane. At least 2,994 venues with one or more households each, with approximately 3,286 households with the right of way, were identified. The project will displace those households, and the lack of transparency is continuous about relocating that population. Despite that, in 2022, 2,176.3 million pesos were allotted to the acquisition program to relocate human settlements in the right of way of the Mayan Train project.



Regarding social rights transgressions, the report provides an equally discouraging landscape; despite the current government has been promoting from the start of the administration as a defender of those in need, under the motto “The poor first.” According to this report, this sector has been the one with the most social rights infringements, given the poverty context, income inadequacy, and the reduced use of their rights. Under the perspective of rights, poverty assumes a limitation to the use of human rights, as much as it deprives their fundamental freedoms. Therefore, human rights infringements are generally due to direct action, omission, or lack of state intervention, going from abuses to social security, access to health, food, or education rights by being linked to poverty generation and their identifying conditions.

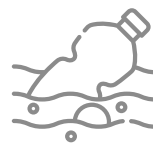


The current government inactivity landscape around the pandemic and the effective promotion of economic recovery have exacerbated the effects of an unequal Mexico, being minorities who frequently suffer the breach of their rights. Such is the case of women who are exposed to suffer some type of violence compared to men, where even internationally, the disadvantages for women's full development are lesser than men. This scenery is complicated even more when the topic of indigenous women is tackled, where one out of two women experienced some form of violence in their relationships.



Likewise, the infringement of rights to vulnerable groups comes to children and adolescents, who suffer a notorious exclusion in education matters, given the implemented modality during the pandemic, to those who do not have direct access to electronic devices and the internet significantly affects their learning education. Another infringed right is of the migrants since they face actions or omissions that attack their rights and their families, where even the national guard interventions seem to answer to pressures from the government, despite being strongly criticized for systematically infringing the human rights of this group of people. A similar case to the transgression of their rights is suffered by people with some type

of disability or senior citizens, exposed to inequality, stigmatization, and discrimination.



In Mexico, the good exercise and development of human rights in terms of social well-being and the environment are not guaranteed. The country is ranked worldwide in 24th place out of 164 countries with a high index of hydrological stress, a consequence of the high levels of water pollution. More than 70% of rivers, lakes, and dams present some type of pollution byproduct of the inadequate and weak infrastructure (1.03 plants per municipality) for residual water treatment (49.1% in 2019), which contribute to just 36.3% of the superficial water networks and 40.6% of the underground networks monitored present good quality (2020). Added to that, the primary source of energy production is non-renewables (representing 80% by 2019), a situation that contributes to air quality deterioration. From the capable particle measuring PM₁₀, PM_{2.5}, and ozone stations, only a minimum percentage comply with the regulated limits, aggravating environmental conditions and contributing to a greater degree to climate change. Actions to reduce the effects of climate change by Mexico are categorized as highly inefficient in the international context, carrying the transgression of treaties and international accords.



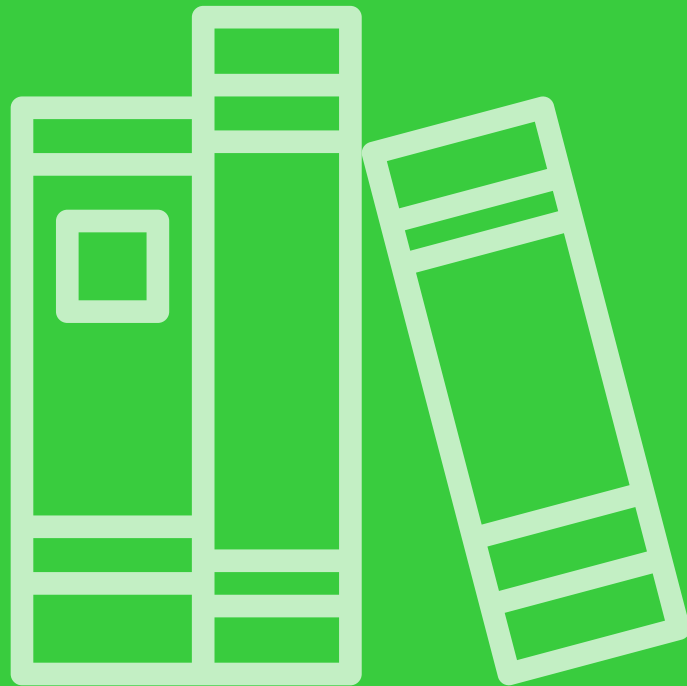
The environmental policy that seeks the inclusion of Indigenous Towns and Communities on par with sustainable development does not reflect the current political priorities. The climate effects adjustment and mitigation resources had a 3,732.0 mdp decrease in the public budget for 2022 compared to 2021. The Transition Strategy to Promote the Use of Cleaner Fuels and Technologies presents a negative average annual variation in the PEF of 6,405.6 mdp in the 2019–2022 period. The total cost for Environmental Depletion and Degradation (CTADA, for its acronym in Spanish) increased 1.09 billion pesos (4.5% of GDP) in 2019, where the environmental protection expenditures (GPA for its acronym in Spanish) was 104,433 million pesos (0.5% of GDP) in 2019. The federal administration has promoted reforms to laws, constitutional reform initiatives, and megaprojects that have encouraged the competitiveness loss, IED, and the eviction and land dispossession, generating social, environmental, and legal conflicts in the national and international framework, this in the context of the infringement of the rights that move us further and further away from the longed-for sustainable development.



In conclusion, the scenario left by the Mexican government's neglect and lack of human rights respect force new actors to form strategic alliances to demand, in a much more forceful manner, full respect for the rights of everyone. Civil society, academia, and the private initiative must find the appropriate channels to have a much more effective impact, which will allow transforming the culture of disregard for the law to one where obedience and law observance is the only rule. **THIS MASSIVE SUM OF VOICES DEMANDING RESPECT AND DIGNITY FOR PEOPLE HAS BEGUN ALREADY, AND SIGNOS VITALES INTENDS TO CONTRIBUTE WITH ONE MORE PIECE IN THE CONSTRUCTION OF A BETTER MEXICO.**



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