

**UNDER ATTACK**  
**Human Rights in**  
**Oaxaca**

Citizen report  
2013- 2018



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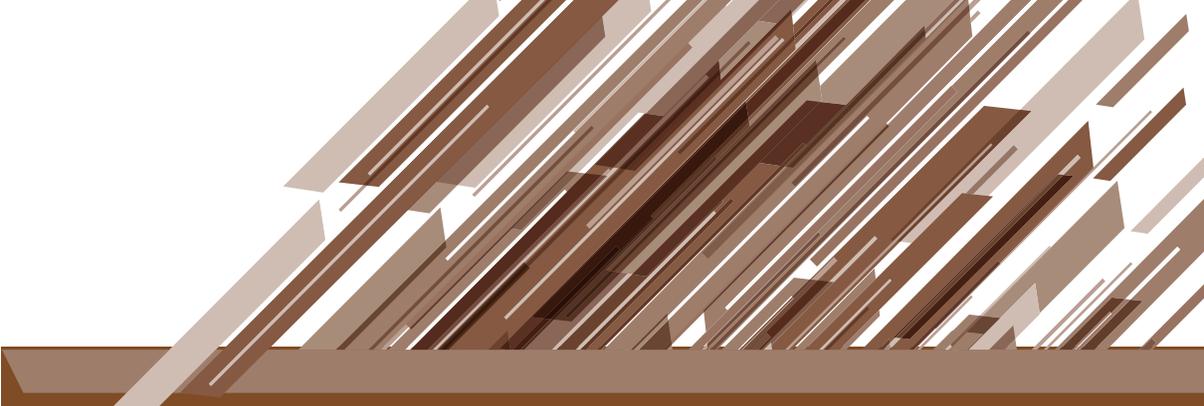


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## INTRODUCTION

The Universal Periodic Review (UPR) is a mechanism of the United Nations (UN) Human Rights Council, established in April 2008 with the objective to examine human rights practices of the 193 countries of the UN every four and a half years.

Mexico was evaluated in 2009, received 91 recommendations, of which 83 were accepted, 3 rejected and the rest commented without a clear statement. Mexico was evaluated in 2013 for the second time, received 176 recommendations, accepted 166, rejected 4 and responded to 6. In both evaluations, the rejected recommendations were related to the issues of “arraigo” and enforced disappearance.

In the 2013 evaluation, Mexico received recommendations on the following topics: legislative harmonization and signing of international treaties, violence against women and against human rights defenders and journalists, functionality of the mechanism for the protection of human rights defenders and journalists, torture, enforced disappearance, migration, childhood, justice and indigenous peoples.

Mexico is the country of the “Organization for Economic Cooperation and Development (OECD)” that shows the greatest inequality in family income. Poverty in Mexico affects between 44% and 46% of the population.<sup>1</sup> Oaxaca is one of the three poorest states in Mexico with the poorest municipality in the country: Santos Reyes Yucuná, in the Mixteca region of Oaxaca.

Oaxaca occupies second place in demographic expulsion. Of every 100 international migrants from the state of Oaxaca, 98 went to the United States, according to data from the National Institute of Statistics and Geography (INEGI).

<sup>1</sup> In Mexico, the greatest inequality in the OECD. Accessible on: <https://www.eleconomista.com.mx/economia/En-Mexico-la-mayor-desigualdad-de-OCDE-20171116-0133.html>, consultation: March 20, 2018.

Oaxaca occupies second place at the national level in emigration of indigenous labour and, together with Yucatán and Guerrero, is among the first three places in percentage of population speaking indigenous languages abroad, according to data from the National Institute of Indigenous Languages.<sup>2</sup>

On the other hand, Oaxaca has the greatest biological and cultural diversity. It registers a complex environmental heterogeneity, hence its high biodiversity, great wealth of ecosystems and more than 12,500 species of flora and fauna.<sup>3</sup> 16 indigenous populations along with the afromexican community, recognised by the 2013 local Constitution inhabit the State of Oaxaca; therefore, it is the state with the greatest indigenous diversity. In summary; in Mexico violence, poverty and inequality has increased dramatically. In this context, impunity persists for violations against human rights at national level and in the state of Oaxaca.

For these reasons, civil society organizations from Oaxaca have twice submitted reports to the Human Rights Council of the United Nations, with the objective of reporting human rights violations. This year, the participating organizations decided to elaborate this report to give continuity to the two previous reports.

The following topics are presented in this report:

Public policies in the context of Human Rights in Oaxaca, attacks on Human Rights Defenders and Journalists, criminalization of social protest, arbitrary detention, disappearance, torture, land rights and rights of indigenous peoples, children and adolescents, and femicide.

This report covers the period between January 2013 and March 15, 2018, corresponding to the presidency of Enrique Peña Nieto (December 2012 - November 2018), and to the governments of Gabino Cué Monteagudo (December 2010 - November 2016) and Alejandro Murat Hinojosa (December 2016) in the State of Oaxaca.

*Oaxaca, Mexico, March 2018.*

<sup>2</sup> Oaxaca second place in the expulsion of indigenous labor. Accessible on: <http://www.proceso.com.mx/228698/oaxaca-segundo-lugar-en-expulsion-de-mano-de-obra-indigena>, consultation: March 20, 2018.

<sup>3</sup> Oaxaca is the state with the greatest biological and cultural diversity in Mexico, and rural producers. . Accessible on: <http://www.revistaciencias.unam.mx/pt/44-revistas/revista-ciencias-91/232-oaxaca-el-estado-con-mayor-diversidad-biologica-y-cultural-de-mexico-y-sus-productor-rurales.html>, consultation: March 20, 2018.

# CHAPTER I. Public policies in the context of Human Rights

During the period of the present report, there was an opportunity to face serious lags relative to justice and human rights on a national level. Nevertheless, certain goals of the National Plan of Development<sup>4</sup> could not be realised, in Mexico nor in the State of Oaxaca in particular. By contrast, some of the goals failed or even exacerbated the Human Rights situation by trying to impose them in an authoritarian way. This was the case regarding educational reform.

The 20th of July of 2015, the governor Gabino Cué published a decree to create a new Educational State Institute and to recover “the rectorship of education” in Oaxaca. To achieve the mentioned policy he fired approximately 1755 teachers who were involved in the protests against this reform, he began criminal proceedings and implemented arbitrary detentions against leaders of the National Education Workers’ Union. On the 10th of April 2016, the Congress of Oaxaca approved the new State Education Law, thereby harmonising the law with the federal education reform. Experts on the issue have asserted that rather than an educational reform, this was in fact a labour reform which attacked workers’ rights. Moreover, the alternative proposal of the teachers, the Plan for Educational Transformation in Oaxaca (PTEO) was not even taken in consideration.

During the same period, as a result of demands by civil society in Oaxaca, on the 25th of September 2013, the Commission of Truth<sup>5</sup> was established with the aim of investigating the events that led to violations of human rights between 2006 and 2007. In February of 2016 the Commission of Truth finished its research and presented its report to the State and Federal Governments as well as to the Inter-American Human Rights Commission. The report details various mechanisms of repression used, it names alleged perpetrators and establishes criteria for a coherent reparation of the

<sup>4</sup> The goals were: A peaceful, inclusive, highly educational levelled, successful and responsible Mexico.

<sup>5</sup> The Truth Commission introduces the report to the CIDH: “graves violaciones a DDHH durante 2006 and 2007”. Quote accessible in Spanish on: <https://regeneracion.mx/comision-de-la-verdad-entrega-informe-a-la-cidh-graves-violaciones-a-ddhh-durante-2006-y-2007/>, consultation: 20th March of 2018

The States Plan of Development (PED) was approved with a serious delay, and until now there is no adequate budget or any kind of action from the state, and the result indicators are absurd and the plan was elaborated without participation of the civil society.

damages caused to victims. Until today there have been no investigations, and the state government acted by omission regarding the results of this research.

On the 21th of March 2014 a constitutional reform initiative on the rights of indigenous and afro-mexican communities in Oaxaca was presented to the local Congress. Thus far despite repeated appeals from the communities, the civil society of Oaxaca and various national and international organizations, the initiative has not been approved. This is an alarming issue, as peace, justice and democracy will not be possible in Oaxaca while the indigenous communities continue to be excluded from the juridical, political and economical structures of the state; the appropriation and militarisation of their lands thereby continues.

The current government of Oaxaca represented by Alejandro Murat Hinojosa has showed an open disdain towards human rights. Regarding public policy, there has been a regression in fundamental issues for the governability of the state. During this six-year period of governance, violence against women has increased. The approval of the State Development Plan (PED)<sup>6</sup> was seriously delayed, and until now there is no adequate budget for any kind of action from the State. The result indicators are absurd and moreover, the plan was elaborated without the participation of civil society.

<sup>6</sup> The Plan of Development in Oaxaca 2016-2022, approved by the State Congress until the 17th August of 2017, later it was returned to the executive two times because of serious inconsistencies. Accessible on: <http://www.oaxaca.gob.mx/wp-content/uploads/2017/08/PED-2016-2022-Oaxaca.pdf>

## CHAPTER II. Attacks on human rights defenders

Attacks on human rights defenders have increased significantly in Oaxaca, both in relation to the frequency of attacks and the level of violence used.

Official data<sup>7</sup> show at least 124 attacks against at least 76 human rights defenders between January and September of 2016; in 80 cases (64,5%) the aggressors were public authorities.<sup>8</sup> From January to October of 2017, 166 committed cases of human rights violations are known of, committed in 113 aggressions, against 101 individuals, without taking attacks on collectives into account. In 18 cases, firearms were present.<sup>9</sup>

In 2017 there were at least six murders of defenders

Nine cases of illegal detentions against human rights defenders in 2017 are officially known; 64 cases of verbal aggression, threats and intimidation and 51 cases of physical aggression.<sup>10</sup> The official documentation does not take into account the serious number of raids on the homes and offices of human rights defenders in the last years.

In 2017 there were at least six murders of defenders,<sup>11</sup> one<sup>12</sup> of which took place under State guardianship in a municipal prison; another other three related to defenders under protection of the state government via precautionary measures. The year 2018 began with the homicide of three members

<sup>7</sup> The official rates are excluding everything related to the massacre of Nochixtlán.

<sup>8</sup> The Defensoria of Human Rights in Oaxaca. "Exige Defensoría proteger a defensoras y defensores de derechos humanos", bulletin 466, 15th September of 2016. Accessible on: <http://www.derechoshumanosoaxaca.org/noticia.php?idnoticia=665>, consultation: 18th February of 2018

<sup>9</sup> Based on my own research based on the data of the report presented by The DDHPO as a response to an information request via mechanisms of transparency.

<sup>10</sup> *Ibíd.*

<sup>11</sup> *Ibíd.*

<sup>12</sup> "Muere líder de Ucizoni dentro de la cárcel municipal en Matias Romero". Accessible on: <http://www.istmopress.com.mx/istmo/muere-lider-de-ucizoni-dentro-de-la-carcel-municipal-en-matias-romero/>, consultation: 20th March of 2018.

## Violence and structural reforms

A civil investigation of attacks against Human Rights Defenders identified, between 2012 and 2017, attacks related to energy reform, megaprojects, educational reform, mining sector reform and telecommunication reform.<sup>14 15</sup> This becomes more evident when one observes the action spaces of human rights defenders under attack: opposition of the educational reform in 2016, and the defence of land and territory in 2017.<sup>16 17</sup> The criminalisation of human rights activists will be considered in a following chapter.

## Women Defenders

In 2013 and 2014, Oaxaca was the place with most attacks against women human rights defenders (117 and 172 per year respectively).<sup>19</sup> This number increased to 189 in 2015<sup>20</sup> and to 320 in 2016.<sup>21</sup>

<sup>13</sup> Martínez, Tomás. “Emboscán a integrantes de Codedi en Oaxaca”, in Noticias, digital version, 14th February of 2018. Accessible on: <http://www.nvinoticias.com/nota/84729/emboscan-integrantes-de-codedi-en-oaxaca>, consultation: 17th February of 2018.S

<sup>14</sup> In their report named “La esperanza no se agota. Situación de las personas defensoras de derechos humanos durante la presidencia de Enrique Peña Nieto” (Mexico, 2017), the Red-TDT is mentioning 23 cases in the state related to the energetic reform, 11 of them (47.8%) were documented in Oaxaca, well above any other Mexican state. Also in Oaxaca thirteen of the 64 cases were related to megaprojects (20.3%), two of 17 to the educational reform (11.7%), two of 18 to the mining reform (11.1%), two of nine cases (22.2%) were related to the reform of telecommunication.

<sup>15</sup> This policy included the militarization of territory by constructing military installations in strategic places, like San Blas Atempa and Tlacolula and the repression of opponents of these projects. On the 24th November of 2017 an initiative dedicated to the law of protest restriction was represented to the State Congress as a part of the political alignment to the federal government (deputy Laura Viñon Carreño. “Iniciativa con Proyecto de Decreto por que se crea la Ley de Cultura Cívica del Estado de Oaxaca”. 24th November of 2017. Accessible on: <http://juristadelfuturo.org/wp-content/uploads/2017/12/iniciativa6de-Ley-de-cultura-ci%CC%81vica-Oaxaca.pdf>).

<sup>16</sup> The Ombudsman for Human Rights of the People of Oaxaca ( of Oaxaca DDHPO). “Exige Defensoría proteger a defensoras y defensores de derechos humanos”, bulletin 466 of the 15th September of 2016. Accessible on: , consultation: 18th February of 2018.

<sup>17</sup> Based on my own research based on the data of the report presented by The Human Rights Defence of Oaxaca as a response to an information request via mechanisms of transparency.

<sup>18</sup> In 2016, according to the mentioned report of the DDHPO, the main part aggrieved people were syndicalist involved in the movement against the educational reform (28 from 76). In 2017, also based on the information of the Defence, the main group was the land and territory defenders (39% of the cases), mainly in the Istmo of Tehuantepec; the second sector mostly affected was the access to justice (33% of the cases), which is related to the attacks on people who were looking for justice for the massacre of Nochixtlán.

<sup>19</sup> The National Network of Human Right Defenders in Mexico. Agresiones contra defensoras de derechos humanos México. Diagnóstico nacional. Mexico, 2017. Page 36.

<sup>20</sup> De Wolf, Emilie and Yésica Sánchez Maya (coord.). Defensoras de derechos humanos en la mira. Desafíos oara su protección integral

In 2016 the most common attacks were intimidation and harassment; slander, defamation, delegitimization campaigns and threats. The same year, defenders who were most affected were education and labour rights defenders (21%), defenders of freedom of expression (18%), women's rights defenders (18%) and land and territory rights defenders (11%).<sup>22</sup> The majority of the identified aggressors are government agents.<sup>23</sup>

In 2013 and 2014, Oaxaca was the place with most attacks against women human rights defenders

## Impunity

Impunity demonstrates governmental permissiveness towards attacks on human rights defenders. From 2013 until now the State is systematically refusing to investigate or sanction the aggressors in the judicial or non-judicial systems.

Speaking in official numbers, the General Office of the State investigated in 46 cases of grievance against defenders committed between 2015 and 2017. In only three cases has there been a judicial process and in only one case is there an arrest warrant existing in which it is not clear whether or not it has been acted upon.<sup>24</sup> In addition, the agency has begun notifying human rights defenders of cases being sent to the "reserve" or archive, which indicates the effective negation of a juridical process.

46 cases of grievance against defenders committed between 2015 and 2017.

en Oaxaca. The Network of Women Activists and Human Right Defenders in Oaxaca. Oaxaca, Mexico, 2015. Page 14.

<sup>21</sup> Consorcio for the Parliamentarian Dialogue and Equality in Oaxaca and the Network of Women Activists and Human Right Defenders in Oaxaca. "Informe sobre la situación de las mujeres defensoras de derechos humanos en Oaxaca". Report about the situation of human right defenders in the organisations of the United Nations. Mimeo. Mexico, February of 2017.

<sup>22</sup> Ibid.

<sup>23</sup> The quoted "Informe sobre la situación de las mujeres defensoras de derechos humanos en Oaxaca" elaborates that in 35% of the documented attacks the aggressors are unknown. 27 % of the identified aggressors was working for the police, 12 % was part of federal, state and municipal institutions, 10% was part of their own organisation or movement, 7% was of the communication media, 6% was from their own communities and 3 % was belonging to political parties, companies or military.

<sup>24</sup> General Office of the State. Office FGEO/DAJ/U.T./984/2017, of the 14th November of 2017, and annex, in response to an information request via mechanisms of transparency.

<sup>25</sup> DDHPO . Response to an information request via mechanisms of transparency, made by Consorcio Oaxaca.

Likewise the DDHPO has recorded 83 complaints in relation to grievances against defenders between 2015 and 2017.<sup>26</sup> By this time there has not been a recommendation. This means that the responsible organism has not identified any kind of human rights violation in any of the cases.<sup>26 27</sup>

Likewise the DDHPO has recorded 83 complaints in relation to grievances against defenders between 2015 and 2017. By this time there has not been a recommendation. This means that the responsible organism has not identified any kind of human rights violation in any of the cases.

<sup>26</sup> There is one recommendation of the year of 2015 in relation to the case of an indigenous person who has been unfairly imprisoned (Recommendation 11/2015, 2nd October of 2015. Accessible on: <http://www.derechoshumanosoaxaca.org/recomendaciones/2015/recomendacion-11-2015.pdf> ); nevertheless this case is not forming part of the files of the defenders; while investigations and the post-resolution there has not been a character of human rights defending and no documenting of a human rights violation. This recommendation has been incomplete and the defender keeps being imprisoned.

<sup>27</sup> The negation of the state to undertake non juridical resolutions is systematically. Until today the sentences of the Labour Group of the United Nations about the Arbitrary Detention in relation to the imprisoning of defenders in Oaxaca continue to be incomplete, and Damián Gallardo Martínez, Librado Baños Rodríguez, Enrique Guerrero Aviña y Pablo López Alavés are still in prison. In the case of Mario Olivera Osorio who has been released of his sentence there is still no sentence. The case of the 25 members of Sol Rojo who have been arrested while a manifestation also continues incomplete, above that the legal processes against them are still in progress.

<sup>28</sup> In his final report of the mission to Mexico, on January 24, 2017, the United Nations Special Rapporteur about the situation of human

## CHAPTER III. Criminalization of social protest

Oaxaca has a long history of criminalization of social protest, which has been exercised for decades against members of the social movement,<sup>28</sup> farmers, indigenous peoples, students, trade unions, political opposition, or even simply the youth. This “natural” tendency has exacerbated as a State policy to silence resistance to the so-called “structural reforms” promoted by the federal government.

In May 2013, in response to the resistance of teachers from Oaxaca to the educational reform<sup>29</sup> there was a wave of arbitrary detentions<sup>30</sup> against teachers; the start of legal processes and arbitrary detention became a pattern of action, through the apparatus of procurement and administration of justice at both the state and federal levels. In his report about his visit to Mexico, the UN special rapporteur on the situation of human rights defenders named six opinions issued between August 2014 and April 2017 - issued by the Working Group on Arbitrary Detention -; all cases are against activists from Oaxaca.<sup>31</sup>

rights defenders, Michel Forst explains criminalization with the following words: “it is carried out through the deliberate misuse of criminal law and manipulation of the punitive power of the State by state and non-state agents, to hinder and even impede the legitimate right of the human rights defender to promote and protect human rights. Generally, criminalization is carried out through the presentation of unfounded complaints or complaints based on criminal offenses, which may not be in accordance with the principle of legality or comply with international human rights standards. Submitting defenders to long legal processes is clearly an instrument to intimidate them and subjugate their defense of human rights. According to the information received, the courts impose precautionary measures against defenders without guaranteeing their rights and guarantees of due process.”

<sup>29</sup> On February 25, 2013, President Enrique Peña Nieto promulgated a reform to Articles 3 and 73 of the Constitution, which leads to changes in education. Since its promulgation and up to now, this reform has been strongly questioned by the National Coordinator of Education Workers (CNTE), mainly in Chiapas, Guerrero, Michoacán, Oaxaca and Tabasco, which, through mobilization and protest, has denounced the unconstitutionality of reform. This was the first of a series of reforms related to the labor market, energy, telecommunications, protection law and the legal system, among other aspects, which the federal government calls “structural reforms”. These have been concatenated with the recent creation of the questioned Federal Code of Criminal Procedures and the Law of Internal Security, as resources to inhibit or repress social protest.

<sup>30</sup> Oaxacan teachers and social leaders Damián Gallardo Martínez, Lauro Atilano Grijalva Villalobos, Mario Olivera Osorio, Sara Altamirano Ramos and Leonel Manzano Sosa were arrested in May 2013. On June 7, 2015, 86 people from a popular organization who had participated in the process were arrested. jointly and severally in a massive demonstration against educational reform, convened by Section 22; proceedings against 25 were instituted. In October 2015, the magisterial leaders Juan Carlos Orozco Matus, Othón Nazariega Segura, Efraín Picazo Pérez and Roberto Abel Jiménez were arbitrarily detained and dozens of arrest warrants were issued against members of Section 22. In 2016 they made the arbitrary detention of Aciel Sibaja Mendoza, Heriberto Magariño López and Francisco Villalobos Ricardéz, also members of the formal leadership.

<sup>31</sup> Damián Gallardo Martínez, opinion 23/2014; Librado Baños Rodríguez, opinion 19/2015; Enrique Guerrero Aviña, 55/2015; 25 activists opinion 17/2016; Pablo López Alavez, opinion 23/2017 and Mrio Olivera Osorio, opinion 24/2017. “This series of opinions was

A characteristic of these new charges was the use of criminal offenses that have rarely been applied before for criminalization. In the past: terrorism, sabotage and conspiracy, and from 2013 the State accuses human rights defenders of crimes such as kidnapping, participation in organized crime, damage, money laundering, criminal association and possession of a firearm.<sup>32</sup> This happens in a national context of social polarization due to the increase of crime and organized crime, which leaves little space for the search for justice and social support. The false accusations make accompaniment out of solidarity difficult, as well as legal defense and visits of the families. The accused are transferred to maximum-security prisons, far from their places of origin or from where the events, for which they are accused, are supposed to have occurred. At the same time the government of Mexico made an investment of millions so that these arrests or accusations are in the headlines of the most popular newspapers to generate a high loss of prestige for the activists.<sup>33</sup>

**Nochixtlán.** On June 19, 2016 an operation was carried out by order of the state governor and executed by state and federal police<sup>34</sup> corporations against civilians under the pretext of “liberating a highway”, in which 8 people were killed, and around of 226 civilians were wounded - 84 of them with firearms -, reported by a citizen report.<sup>35</sup>



226 civilians were wounded  
84 of them with firearms

The federal government attributed the attack to the demonstrators themselves by denying that their agents were armed. A year and nine months have passed; impunity continues both on the state and federal levels.

After the elections of 2017, the political party that governed three previous “sexenios” (six-year periods of government) returned to power. One year and three

unprecedented and marked the first time that the Working Group issued six opinions in just over a year. To date, only two of these people have been released [no cases of Oaxaca], and the implementation of all opinions is still pending, “says the report in the aforementioned report.

<sup>32</sup> Outside of this pattern, the legal system has also been used for the criminalization of activists, citing, for example, flagrancy in crimes or administrative offenses. On October 2, 2013, agents of the State Police illegally beat and detained 11 members of the Committee for the Defense of the Rights of the People who maintained an information desk on the energy reform; They were accused of administrative faults that protesters allegedly committed. See Recommendation 06/2015, DDHPO, May 7, 2015, available at <http://www.derechoshumanosoaxaca.org/recomendaciones/2015/recomendacion-06-2015.pdf>. In October 2015, an arbitrary detention - also with torture - of an ombudswoman and a defender was carried out, accusing them in an irregular process of damages committed by alleged demonstrators.

<sup>33</sup> Some examples of this can be seen at: <http://www.excelsior.com.mx/nacional/2013/05/23/900409>, <https://www.nssoaxaca.com/2017/05/01/plagiaron-a-sobrinos-de-candiani-y-cnte-les-pago-su-sala-comment-page-1/>, <https://www.razon.com.mx/profesores-ahora-exigen-liberar-a-5-kidnappers/>, [http://diario.mx/Nacional/2013-05-20\\_81804ce9/caen-por-secuestro-tres-integrantes-de-la-cnte/](http://diario.mx/Nacional/2013-05-20_81804ce9/caen-por-secuestro-tres-integrantes-de-la-cnte/)

<sup>34</sup> Operative composed of 400 elements of State Police, 400 elements of the Federal Police, 50 elements of the State Agency of Investigations, 321 elements of the Gendarmerie Division, using short and long arming.

<sup>35</sup> Comité de Defensa Integral de Derechos Humanos Gobixha, Consorcio para el Diálogo Parlamentario y la Equidad Oaxaca, Fundar Centro de Análisis e Investigación y Luna del Sur. Operational “Oaxaca”, June 19. Report of human rights violations. Nochixtlán, Huitzo, Telixtlahuaca, Hacienda Blanca and Viguera. Oaxaca, Mexico, October 2016. Available at <http://fundar.org.mx/operativo-oaxa->

months later, criminalization has become more severe. The Ombudsman for Human Rights of the People of Oaxaca, a state agency that should counterbalance the abuse of power, immediately aligned itself with the current government and has maintained a compliant silence, leaving many cases unresolved, which contributes to impunity and generates a climate of permissibility towards the perverse use of the justice apparatus for repression. The militarization in areas where processes of defense of land and territory exist has been exacerbated in the light of the recent approval of the Law of Internal Security, which seeks to impose a military dictatorship with the purpose of silencing any kind of resistance.

On November 24, 2017, a bill to restrict the right to protest<sup>36</sup> was presented at the State Congress. The governor himself is in favor of the legislative measure<sup>37</sup>; if approved, it will exacerbate social polarization and the excessive use of power.

## Enforced Disappearance

It is a repeated practice that transcends sexenios<sup>38</sup>, the cases cited in the previous report are still victims of disappearance. This six-year term has seen two further cases: Fernando Ruiz Hernández<sup>39</sup> and René Alejandro Cruz Esteva.<sup>40</sup>

ca-19-de-junio-informe-de-violaciones-a-derechos-humanos-nochixtlan-huitzo-telixtlahuaca-hacienda-white-and-viguera/

<sup>36</sup> See “They present in Congress initiative to regulate marches”. Note available at <http://oaxaca.eluniversal.com.mx/politica/28-11-2017/presentan-en-congreso-iniciativa-para-regular-marchas-en-oaxaca>, query made on March 18, 2018. The initiative is available for consultation at: <http://juristadelfuturo.org/presentan-iniciativa-plagiada-regular-marchas-oaxaca/>

<sup>37</sup> See the governor’s position in “Oaxaca seeks to regulate marches and blockades; Sectur endorses the measure “. Note available at: <http://www.eluniversal.com.mx/estados/oaxaca-busca-regular-marchas-y-bloqueos-sectur-avala-la-medida>, query made on March 18, 2018.

<sup>38</sup> Edmundo Reyes Amaya and Gabriel Alberto Cruz Sánchez, missing in May 2007; Virginia and Daniela Ortiz Ramírez, missing on July 5, 2007; Lauro Juárez disappeared on December 30, 2007 and Carlos Rene Román Salazar, disappeared on March 14, 2011.

<sup>39</sup> Disappeared on January 13, 2018. “Requests Section 22 appearance with the life of a teacher disappeared in the Isthmus”, available at <http://www.istmopress.com.mx/istmo/pide-seccion-22-aparicion-con-vida-de-profesor-desaparecido-en-el-istmo/>, consultation carried out on March 20, 2018

<sup>40</sup> Disappeared on September 1, 2018. “Child of Section 22 teacher disappears; blame the government “, available at <http://despartar-deoaxaca.com/desaparece-hijo-docente-seccion-22-culpan-al-gobierno/>, consultation: March 20, 2018

<sup>41</sup> Data obtained through requests for access to information.

## CHAPTER IV: Torture

Torture as a serious violation of human rights is constant; agents of the State put it into practice daily, normalizing the use of it.

Impunity in cases of torture is a pending debt.

In the last three years, 2015-2017, the Ombudsman for Human Rights of the People of Oaxaca (DDHPO) registered 137 complaints of torture. The Public Prosecutor's Office of the State (Fiscalía General del Estado) counts a total of 156 cases previous to the adversarial system (2016) and 29 recent cases.<sup>41</sup> This without counting the cases that may exist in detention centers or under another type of penalty. According to "Asilegal", the indigenous population of Oaxaca is the most vulnerable: of the indigenous peoples in detention, 50% have been victims of torture.<sup>42</sup> The tendency to make torture invisible by official institutions contrasts with the repeated denunciations by civil society organizations and international organizations, including 10 recommendations of the UPR 2013.

The Mexican State has been forced to legislate on the issue in a process that lasted more than 3 years, finally on June 26 of 2017, the "General Law to Prevent, Investigate and Punish Torture, Other Cruel Inhuman Treatment and degrading Punishment" (LGPIST) was published. However, in the recommendations of the UPR 2013 only 5 were implemented in the new law.

Impunity in cases of torture is a pending debt. The current legal provisions of the LGPIST contribute to perpetuate the issue, it is the accused authority itself who investigates its own elements, at both federal and state level, this is in contravention of recommendation 50 of the UPR 2013. There are

<sup>42</sup> Report 2017 „Asilegal“, available at <https://www.asilegal.org.mx/index.php/es/noticias/658-indigenassinjusticia-asilegal-presenta-informe-sobre-indigenas-privados-de-libertad-en-chiapas-y-oaxaca>

<sup>43</sup> Including the cases by the civil association CODIGODH.

a few sentences for torture at the national level but the sentences achieved have been minimal. In Oaxaca there are none including cases that are being litigated.<sup>43</sup>

Article 19 of the LGPIST is confusing when establishing the legitimate use of force, opening a window which could justify the use of torture, contradictory to the recommendation 20 of the 2013 UPR and the importance of guaranteeing the inadmissibility of evidence obtained under torture. It should be kept in mind that Oaxaca presents a high level of social conflict resulting from institutional abandonment and lack of attention to the problems of indigenous peoples, women, trade unions and social movements, also maintaining “arraigo” and preventive detentions.

Since the LGPIST is a general Law, it must be harmonized in State legislation. In Oaxaca the legislation on the subject was approved without the participation of civil society.<sup>44</sup>

Within the law of the state we find that the articles 55 to 59 establish the integration, obligations and powers of a Specialized Prosecutor for the investigation of the crime of torture. In this regard, the Attorney General of Oaxaca informed the State Congress that the General Prosecutor’s Office already had a “Torture Unit” since last August 9 of 2017<sup>45</sup>, but is not working due to a lack of specialized personnel and budget.<sup>46</sup>

With regard to the National Mechanism for the Prevention of Torture referred to in the LGPIST, in the state of Oaxaca there is no interest to observe the agreements that contribute to its implementation.

<sup>44</sup> In Oaxaca, the State Congress through Decree 1330 dated December 20 of 2017, issued the Law to the „Prevenir Investigar y Sancionar la Tortura y otros Tratos o Penas Crueles, Inhumanos o Degradantes“ of State of Oaxaca. Available at [http://www.congreso.oaxaca.gob.mx/legislacion\\_estatales](http://www.congreso.oaxaca.gob.mx/legislacion_estatales)

<sup>45</sup> See page 12 at [http://fge.oaxaca.gob.mx/wp-content/uploads/2017/fgeo/100\\_DIAS.pdf](http://fge.oaxaca.gob.mx/wp-content/uploads/2017/fgeo/100_DIAS.pdf)

<sup>46</sup> Communication of stuff of the Attorney General of the State of Oaxaca, March 2018.

<sup>47</sup> According to the numbers generated by the CNDH, 131 journalists have been murdered between 2000 and 2017 in Mexico (13 of them

## CHAPTER V. Journalists and the freedom of speech

Mexico is one of the most dangerous countries worldwide for journalism; the CNDH has recognized an alarming increase of violence against journalists, while the impunity rate of homicides is 90%.<sup>47</sup> After the states of Veracruz and Mexico City, Oaxaca has the highest number of attacks against journalists.

Mexico is one of the most dangerous countries worldwide for journalism

In the specific case of Oaxaca, the organisation Article 19 has documented 15 homicides of journalists between 2000 and 2017. From 2015 to 2017, the DDHPO initiated 168 complaints of attacks against reporters. These three years, the organism has assisted 302 reporters; the most frequent grievances were threats, harassments, surveillance, intimidation and physical aggressions. In 2015 the DDHPO registered 80 cases of attacks, and in 2016 they documented 211 cases; of which 148 took place while the journalists in question were working.

For journalists as well as for defenders of human rights, there are no recommendations.

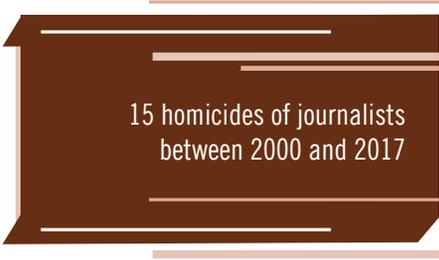
In 2017 the DDHPO documented attacks against 100 journalists. That year, with the new government of the PRI, 144 attacks were committed – 103 against men and 37 against women--; the verbal attacks against them included discriminating insinuations for being women. Because of the attacks, 18 precautionary measures were issued in order to protect the physical integrity of 15 male,

were women). 20 persons disappeared since 2005 and from 2006 there have been 52 attacks against installations of media. The CNDH relates the level of impunity to a poor work in regard to the investigations of the crimes and to the missing training of people working in this area, that is why “se requieren acciones muy urgentes para evitar y recomponer este tema”. See “Impunidad en asesinatos de periodistas en México es de 90%: CNDH”. Process, 25th January of 2018, accessible on <http://www.proceso.com.mx/520006/impunidad-en-asesinatos-de-periodistas-en-mexico-es-de-90-cndh>. See also CNDH, “Recomendación general 24”, 8th February of 2016, accessible on [http://cndh.org.mx/sites/all/doc/Recomendaciones/generales/RecGral\\_024.pdf](http://cndh.org.mx/sites/all/doc/Recomendaciones/generales/RecGral_024.pdf).

<sup>48</sup> Ibid, and “Defensoría de Oaxaca registró 144 agresiones a periodistas en 2017”, in “Proceso”, 22th January of 2018, accessible on

2 female journalists and the offices of one media outlet.<sup>48</sup>

In 2017, according to the DDHPO, the main aggressors were people working for the public sector: 45 cases of attacks against reporters were committed by individuals, 14 by public servants of the municipality, 14 by social organisations or trade unions, 12 by public workers of the State, 9 by the municipal police, 5 by the General Prosecutor of the State, 5 by the State Police and 5 by the police or a public worker of the community. In 32 cases the aggressors were unknown.<sup>49</sup>



15 homicides of journalists  
between 2000 and 2017

30 cases of the attacks were harassments, intimidation, tracking, monitoring and persecution, followed by 19 cases of threats; 15 cases of physical aggression; 13 cases of death threats; 12 attempts to raid working equipment or delete material; 12 cases of verbal aggression; 9 raids of working equipment and 6 incommunicado detentions.<sup>50</sup>

One of the most recent cases is the attack against Jaime Méndez Pérez, the director of an information portal, whose house was burned down in December of 2017, and the case of the reporter Agustín Silva Vázquez, who disappeared the 21st of January 2018.

To these facts we must add the impunity rate of 90%, as well as the risks of the recently passed Law of Internal Security and the fact that the autonomous organs dedicated to Human Rights are obliged to provide information about the victims.

## Journalism in Oaxaca

The owners of media companies—including ex-governors and other politicians—are benefitting illegally from their complicity with the governments<sup>51</sup>, the journalists lack minimum labour and social rights, such as medical service and a minimum income. Politicians and governors are taking advantage of this situation by buying, bribing or suppressing the press.

The supposed transition towards democracy has failed; nothing has changed since the political alternation in 2010, although now a number of protocols and commissions exist, which are of no use.

<http://www.proceso.com.mx/519491/defensoria-de-oaxaca-registro-144-agresiones-periodistas-en-2017>.

<sup>49</sup> “Defensoría de Oaxaca registró...”

<sup>50</sup> *Ibíd.*

<sup>51</sup> In 2017 Oaxaca spent 127831773 pesos on advertisement, according to the numbers of Article 19, accessible on <https://mapa.articulo19.org/index.html#!/principal/2017/oaxaca>.

<sup>52</sup> Report of the Labour Group regarding the question of human rights and transnational and other companies referring to their mission

## Façade Mechanisms

The Special Prosecutor for the Attention to Crimes against Freedom of Expression, which reports to the PGR, and the Mechanism for Protection of Journalists and Human Right Defenders, have been established. In Oaxaca, during the previous “sexenio”, the Office of the Prosecutor for the Investigation of Crimes of Societal Significance; the Coordination for the Attention of Human Rights of the Executive, and from March of 2015 the Specialized department of Journalist Protection in the DDHPO, have been created, but all of them are serving to justify their disregard.

## CHAPTER VI. Land, territory and indigenous peoples rights

Between 2016 and 2017, the Working Group on Business and Human Rights<sup>52</sup> and the UN Special Rapporteur about The Rights of Indigenous Peoples<sup>53</sup> visited Mexico and made a series of recommendations on the responsibility of the Mexican state in relation to matters of protection and rights of indigenous peoples, arguing that the legal, political and institutional framework does not allow the effective recognition of the rights of land and territory, autonomy, free determination, political participation, access to justice, the right to consultation and consent.

68 hydroelectric projects

The Mexican State has been characterized for denying a legal recognition of indigenous peoples as subjects of rights; while they are recognized as subjects of public interest now, the legal recognition continues to be inadequate. This condition generates a series of systematic violations, which reflect, in the words of the UN Rapporteur of Indigenous Peoples, a “structural discrimination”.

Violations of indigenous peoples rights in Oaxaca have intensified alarmingly, primarily because of the imposition of energetic, extractive and infrastructural projects, alongside the implementation of the Special Economic Zone in the Isthmus of Tehuantepec.

In relation to the energy projects, there are 68 hydroelectric projects planned. It is necessary to highlight that in some rivers, the construction of 9 to 14 dams in one channel is foreseen<sup>54</sup>; the

towards Mexico, document A/HRC/35/32/Add.2 of the 27th April of 2017, General Assembly of the Organization of the United Nations, accessible on [http://www.hchr.org.mx/images/doc\\_pub/G1710193.pdf](http://www.hchr.org.mx/images/doc_pub/G1710193.pdf).

<sup>53</sup> Declaration of cierre de misión, Special Rapporteur of the UN about the rights of indigenous peoples, Victoria Tauli-Corpuz, s/f, accessible on <http://unsr.vtaulicorpuz.org/site/images/docs/country/2017-11-17-unsrip-declaracion-mexico.pdf>.

<sup>54</sup> García Arreola, Ana María (2016). Contexto hidro-energético en Oaxaca, EDUCA, Oaxaca, Mexico, 5th Septiembre of 2016, accessible on <https://educaoaxaca.org/boletines/2071-contexto-hiduro-energ%C3%A9tico-en-oaxaca.html>.

<sup>55</sup> García Arreola, Ana María; Angélica Castro Rodríguez y Miguel Ángel Vásquez de la Rosa (2013). Public Report “Paso de la Reina”,

hydroelectric project “Paso de la Reina” in the Coast of Oaxaca would affect over 1097 people of the Mixtec, Chatino, Afromexican and Mestizo communities.<sup>55</sup>



24 wind farms

Between 2006 and 2013, 24 wind farms were installed in the municipalities of Juchitán, Asunción Ixtaltepec, Unión Hidalgo, El Espinal and Santo Domingo Ingenio in the Isthmus of Tehuantepec.<sup>56</sup> The contracts were realized in a manner disadvantageous to landowners, because the companies of the wind farms have the right of possession of the territory for 30 years, with the

possibility to be renewed another 30 years; to appropriate a great part of the generated profits of the wind farms determining the payments by every rented hectare.<sup>57</sup>

In the case of the extractive projects, we have documented the granting of 322 mining concessions in 90 municipalities of the state up to 50 years. Concessions cover a surface of 462.974 hectares which represent almost 5 % of the state-owned territory.<sup>58</sup> These concessions result in 41 mining projects, two of them are in stage of commercial exploitation.

It is important to note that in the case of the project “San José” operated by Fortuna Silver Mines, four murders directly related to the mining conflict and eight people injured by firearms have been documented between 2010 and 2012. Currently, four human rights defenders rely on protective measures emitted by the DDHPO.<sup>59</sup>

Among the main impacts is the dispossession of land, environmental impacts, social conflicts, and the criminalization of the communitarian defence.

The negotiation processes contemplated in the energetic, mining, hydrocarbon laws and the Special Economic Areas, are leading irremediably to the transfer of territories to companies; additionally there are legal servitudes which are restricting the use and the enjoyment of the holders and owners.<sup>60</sup>

EDUCA, Oaxaca, Mexico, 2013.

<sup>55</sup> “Istmo pierde atractivo para parques eólicos, advierten”, in El Universal, 8th March 2017, accessible on <http://www.eluniversal.com.mx/articulo/estados/2017/03/8/istmo-pierde-atractivo-para-parques-eolicos-advierten>.

<sup>57</sup> Leyva Madrid, Marcos y Neftalí Reyes Méndez (s/f). Report about Democracy and Development in Latin America 2012-2013. “Informe nacional México”, in The social organisations and mobilisations for the defence of resources and natural assets: a challenge for the democracy and the development in Latin America. Latinamerican Association of Development Promotion Organisations (ALOP), Mexico, s/f, accessible on [http://www.alop.org.mx/sites/default/files/IDD%202012\\_2013%20M%C3%A9xico\\_edit\\_FINAL.pdf](http://www.alop.org.mx/sites/default/files/IDD%202012_2013%20M%C3%A9xico_edit_FINAL.pdf).

<sup>58</sup> Reyes Méndez, Neftalí (2016). Context about mining in Oaxaca, EDUCA, Oaxaca, Mexico, 3rd October of 2016, accessible on <https://www.educaoaxaca.org/boletines/2097-contexto-sobre-miner%C3%ADa-en-oaxaca.html>.

<sup>59</sup> De la Cruz Cortés, Armando, et al. (2013). Justice for San José of the Progress. Report of the civil mission of observation. Territory Defence Collective of Oaxaca, Oaxaca, Mexico, November of 2013. Accessible on <http://endefensadelosterritorios.org/endefensadelosterritorios/2014/03/16-DE-DICIEMBRE-INFORME-web.pdf>.

<sup>60</sup> García Arreola (2016).

<sup>61</sup> Reyes Méndez (2016).

In the last years, the activities of the industries have preference over any other use of the land.

Moreover, the information of the federal level, state government of Oaxaca and of the involved companies to the communities has been discretionary, they are not giving any information about the scale of the projects or the possible impacts of the activities in relation to the social, political, environmental and cultural areas.<sup>61</sup>



322 mining concessions  
in 90 municipalities

It is necessary to mention that within this context, consultation processes have been established but only to legitimize these projects and without taking international standards into consideration.<sup>62</sup> The right of consultation and consent should be recognized as safeguards of the substantial rights.

<sup>62</sup> Territory Defence Collective of Oaxaca (2016). Report of the consulting observation of the Central Valleys of Oaxaca. Oaxaca, Mexico, 7th June of 2016. Accessible on <http://endefensadelosterritorios.org/wp-content/uploads/2016/06/INFORME-FINAL-OBSERVACION-DE-LA-CONSULTA-EN-VALLES-CENTRALES-DE-OAXACA.pdf>.

<sup>63</sup> Poverty and social rights of children and adolescents in Mexico, CONEVAL and UNICEF Mexico, 2014. Available at <https://www.coneval.org.mx>.

## CHAPTER VII. Children and Adolescents

In spite of not having a tool that concentrates precise and transparent information on the situation of the rights of children and adolescents in Oaxaca, as the State government is required by the law on the matter, official data shows that in Oaxaca, violations of the rights of children and adolescents are generalised. This sector of the population suffers from different degrees of non-compliance in access to education, health, food and welfare to which they are entitled. In extreme cases, not even the right to life is guaranteed:

According to the National Council for the Evaluation of Social Development Policy, one million 440 thousand 291 people from Oaxaca suffer from food poverty, which means that 36.1% of the 3.9 million of the inhabitant's income is insufficient to acquire the basic food. Oaxaca is one of the 4 entities that concentrate the largest proportion of children and adolescents in poverty, over 70% in 2014.<sup>63</sup>

Girls, boys and adolescents in very marginalized municipalities have alarming levels of poverty and vulnerability: 9 of 10 people from 0 to 17 years in very marginalized municipalities are in situations of poverty and 1 of 2 in extreme poverty; practically all the population in municipalities with very high marginalization<sup>64</sup> suffers at least one social deficiency and 7 of 10 have 3 or more social deficiency.<sup>65</sup>

According to the report on poverty and social lag of the SEDESOL, in 2016 27.3% of the population of Oaxaca had educational lag, 17.36% suffered from overcrowding in housing, 15.9% lacked basic health services, 98 municipalities of the state increased their level of poverty and 59.4% of the homes in Oaxaca showed a lack of basic services.<sup>66</sup>

Data on the right to food are even more discouraging: 36.1% of the population under 18 in Oaxaca

[org.mx/Medicion/Documents/Estudio-Pobreza-Coneval-Unicef.pdf](https://www.gob.mx/cms/uploads/attachment/data/file/186869/Oaxaca.pdf), page 37

<sup>64</sup> In Oaxaca there are currently 103 municipalities with very high marginalization and 258 municipalities of high marginalization, according to the Annual Report on the situation of poverty and social backwardness 2017, Oaxaca, Ministry of Social Development. Available at <https://www.gob.mx/cms/uploads/attachment/data/file/186869/Oaxaca.pdf>.

<sup>65</sup> Ibid. Page 41.

<sup>66</sup> Annual report on the situation of poverty and social backwardness 2018, Oaxaca, Ministry of Social Development. Available at <https://www.gob.mx/cms/uploads/attachment/data/file/186869/Oaxaca.pdf>.

survives in food poverty and 1 of 3 children are susceptible to malnutrition. Between 2016 and 2017, 51 children died from this social scourge, placing Oaxaca in the fourth position of deaths due to malnutrition.<sup>67</sup>

The data above coincide with those declared by the person in charge<sup>68</sup> of “dispatching the Local System for the Integral Protection of the Rights of Children and Adolescents” (SIPINNA): 3 of every 10 girls and boys in Oaxaca have no guaranteed access to education and one of every 5 do not have three daily meals guaranteed; 23.7% of those under 5 years of age have short stature and 3 of 10 suffer food poverty. These numbers place Oaxaca 10 percentage points below the national average (13 percent) and make it impossible to achieve children’s rights.<sup>69</sup>

SIPINNA, in addition to not having a clear budget or work program, has never spoken out against the violation of the rights of children and adolescent victims of the police intervention in Nochixtlán in 2016, or denounced the situation of children and adolescents affected by the natural disasters of 2017 and 2018.

The lack of educational infrastructure in rural municipalities for decades has violated the children and adolescent’s right to live with their families. A large number of children and adolescents from a very young age, have to move to live in accommodations operated by the National Development Commission of Indigenous Peoples in order to exercise their right to education, which confronts them additionally to suffer physical and psychological violence, living in deteriorated facilities, lack of medical care and poor quality of food. This was documented by the National Commission of Human Rights, which accredited violations of the fundamental rights of 559 children and adolescents in government houses and kitchens.<sup>70</sup>

SIPINNA, in addition to not having a clear budget or work program, has never spoken out against the violation of the rights of children and adolescent victims of the police intervention in Nochixtlán in 2016, or denounced the situation of children and adolescents affected by the natural disasters of 2017 and 2018.<sup>71</sup>

[www.gob.mx/cms/uploads/attachment/file/288963/Oaxaca.pdf](http://www.gob.mx/cms/uploads/attachment/file/288963/Oaxaca.pdf)

<sup>67</sup> National Council for the Evaluation of Social Development Policy (Coneval), study Childhood malnutrition in Mexico, 2017, <http://www.nvnoticias.com/nota/77738/infantes-en-oaxaca-victimas-de-pobreza-alimentaria>

<sup>68</sup> El actual gobierno a más de un año de gestión no ha nombrado titular.

<sup>69</sup> Declarations of the person in charge of the Local System of Integral Protection of the Rights of Girls, Boys and Adolescents, Feb 2018; Available at <http://www.nvnoticias.com/nota/85099/ninos-de-oaxaca-sin-escuela-ni-comida-en-la-entidad>

<sup>70</sup> This forced the institution to issue recommendation 52/2017 addressed to Governor Alejandro Ismael Murat Hinojosa and the holder of the CDI, Nuvia Mayorga Delgado, document available at: [http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2017/Rec\\_2017\\_052.pdf](http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2017/Rec_2017_052.pdf)

<sup>71</sup> As a corollary of this institutional ineptitude, SIPINNA poses retrograde positions by publishing that early childhood “is the period from conception (sic) to 5 years of life”. This position, in addition to contrary to the Convention on the Rights of the Child and the Law on the Protection of the Rights of Children and Adolescents in Oaxaca, puts at risk the free determination of girls, adolescents and adult women to terminate pregnancy when the health law provides for it, as in cases of rape. See its publication on Facebook (<https://www.facebook.com/Sipinnaoax>) of February 2, 2018, on Early Childhood.

<sup>72</sup> Consorcio para el Diálogo Parlamentario y la Equidad Oaxaca AC, Violencia feminicida, <https://violenciafeminicida.consorciooaxaca>.

## CHAPTER VIII. Femicide violence

Femicide violence is constantly growing in Oaxaca. From 2013 to 2017, 475 femicides<sup>72</sup> were committed, 67% more than the cases documented in the previous UPR report. In this report, the Mexican State had been recommended to guarantee the lives of women, but contrary to that, the number of women murdered<sup>73</sup> increased and cruelty and brutality increased in the murdered of women. In response, the national and state governments have shown contempt for women's lives, their indifference and ineptitude to access justice, since the impunity reaches 99% in these types of crimes.

The recommendations issued in the Report of the Working Group on the Universal Periodic Review Mexico 2013<sup>74</sup> have not been able to materialize due to lack of will and political capacity of the federal and state authorities.

To cite some examples, from December 2016 to February 2018, the current Secretary of Oaxacan Women has changed its office bearer three times, which has not allowed to generate public policies for the needs of women. In addition to this, the prosecutor specializing in crimes against women, after a year of work, submitted his resignation listing the deficiencies for the development of their work: lack of trained staff, infrastructure and budget. The previous government (six years) left 8,500 previous investigations lagged in the file of crimes against women.<sup>75</sup>

From 2013 to 2017, 475 femicides were committed, 67% more than the cases documented in the previous EPU report.

org.mx/, 2018.

<sup>72</sup> The National Citizen Observatory of Femicide reports an increase of 74% from 2015 to 2017 in the country. ANSA LATINA, "They increase 74% femicides in three years". Available at [http://www.ansalatina.com/americalatina/noticia/mexico/2018/01/22/aumentan-74-femicidios-en-tres-anos\\_ac33b129-67e5-473a-bcaa-54b3102d48ec.html](http://www.ansalatina.com/americalatina/noticia/mexico/2018/01/22/aumentan-74-femicidios-en-tres-anos_ac33b129-67e5-473a-bcaa-54b3102d48ec.html), consultation on February 15, 2018.

<sup>74</sup> Asamblea General de las Naciones Unidas, Informe del Grupo de Trabajo sobre el Examen Periódico Universal México, December 11 of 2013.

<sup>75</sup> Pérez, E. (2017), "In impunity 8500 preliminary inquiries left by the administration of Gabino Cué". Available at <http://www.entera-teoaxaca.com.mx/?p=6091>

<sup>76</sup> Altamirano, N. (2017), "In Oaxaca, almost 80 thousand teenage pregnancies in 7.5 years". Available at <http://www.nvnoticias.com/>

Femicide violence in Oaxaca impacts girls and young people more and more frequently. For example, in 2013, 35 cases of young women disappeared, while in 2017 the number rose to 78 cases, which represented an increase of 123%. Mechanisms for search and location are slow, bureaucratic and ineffective.

Civil society has found that many women victims of sexual crimes such as rape and sexual abuse decide not to report because of lack of trust in institutions, or they are revictimized when they do. In these years, the state government diminished resources and importance to the attention of violence against women: in the previous “sexenio”, through pressure of the feminist organizations, it was possible to have a Deputy Attorney’s Office of Attention to the Violence of Gender; in the current one it was reduced to a special prosecutor’s office. There is no state shelter for victims of violence.

In spite of the legislations approval to enforce the political participation of women, they do not stop being attacked because they occupy decision-making spaces and suffer threats, contempt, discredit, hindering the performance of their functions and even femicide. From December 2016 to date there were 21 attacks of this type.

In terms of health, between 2015 and 2017, 2,666 pregnancies in girls and adolescents under the age of 15 were registered in Oaxaca.<sup>76</sup> Every year there are approximately 9,200 pregnancy interruptions in hiding<sup>77</sup>, although in the state legal abortion is only allowed for four reasons (rape, risk of life of the mother, malformations of the product and accidents), it is urgent to extend the legal framework.

nota/66766/en-oaxaca-casi-80-mil-embarazos-de-adolescentes-en-75-anos

<sup>77</sup> Torres, C. (2016), “More than 9,000 clandestine abortions in Oaxaca”. Available at: <http://old.nvnoticias.com/oaxaca/general/salud/331225-mas-9-mil-abortos-clandestinos-oaxaca> consultation on March 18, 2018.

## RECOMMENDATIONS

- Repeal the educational reform and open a broad process of consultation with various actors of the academy, teaching workers on the right to education of girls, boys and young people that addresses cultural differences and social and economic inequalities in Mexico.
- Punish those responsible for human rights violations indicated in the report of the Oaxaca Truth Commission. Design a mechanism to guarantee the right to truth, justice and reparation within the framework of transitional justice.
- Guarantee the free exercise of the right to defend human rights, including social protest.
- Evaluate national and state mechanisms for the protection of human rights defenders and journalists in relation to the effectiveness and coordination between federation and states.
- Exhaustive review of cases that have consultative opinion of the Working Group on Arbitrary Detention to give full compliance.
- Take up in the legislation in force the recommendations of the UPR in terms of “arraigo” and preventive detention.
- Implement mechanisms endowed with trained personnel and budget at federal and state levels in relation to the LGPIST.
- Evaluate the public policy and state budget for the investigation and punishment of torture.
- Establish a legal framework that guarantees journalistic companies to comply with legal obligations to workers in the media, such as minimum wages, social security and benefits of law.
- Harmonize the state legal framework with international human rights standards, in recognition of the right to self-determination, autonomy and territory of indigenous peoples and communities.

- Immediately approve the constitutional reform on the rights of the indigenous and Afro-Mexican peoples, as it was stated in the initiative presented in 2014, at the Oaxaca State Congress.
- Generate a state information system that safeguards the rights of girls, boys and adolescents, that yields sustained figures and that allow the evaluation of public policies and social programs aimed at this sector.
- Promote a citizens' observatory on the rights of children and adolescents in the state of Oaxaca, with the participation of civil society.
- Review the legal framework, public policy and budget for attention sanction and eradication of femicide violence.
- Guarantee the full exercise of women's political rights to their community and political participation in service and representation positions
- Guarantee the right to legal abortion for all adolescents and adults who request it.

