

**EXECUTIVE SUMMARY OF THE JOINT ALTERNATIVE REPORT FOR MEXICO'S
EXAMINATION BEFORE THE UNITED NATIONS' COMMITTEE FOR THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)**

Civil society organizations who authored the report:

1. Asistencia Legal por los Derechos Humanos (Asilegal)
2. Centro de Derechos Humanos "Fray Bartolomé de Las Casas" (Frayba)
3. Centro de Derechos Humanos "Fray Matías de Córdoba"
4. Centro de Derechos de la Mujeres de Chiapas (CDMCH)
5. Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A.C.
6. Centro Mexicano de Derecho Ambiental (CEMDA)
7. Comité de Defensa Integral de Derechos Humanos Gobixha (Código DH)
8. Cultural Survival
9. Fundar, Centro de Análisis e Investigación
10. Proyecto Sobre Organización, Desarrollo, Educación e Investigación (PODER)
11. Red por los Derechos de la Infancia en México (REDIM)
12. Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" (Red TDT) (formed by 87 organizations in 23 states of the Mexican Republic):

Academia Hidalguense de Educación y Derechos Humanos A.C. (ACADERH) (Hidalgo); Agenda LGBT (Estado de México); Alianza Sierra Madre, A.C. (Chihuahua); Aluna Acompañamiento Psicosocial, A.C.(Ciudad de México); Asistencia Legal por los Derechos Humanos, A.C. (AsiLegal) (Ciudad de México); Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (AJAGI) (Guadalajara, Jal.); Asociación para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo" (Jacala Hgo.); Bowerasa, A.C. "Haciendo Camino" (Chihuahua, Chih.); Casa del Migrante Saltillo (Saltillo, Coah.); Católicas por el Derecho a Decidir, A.C. (Ciudad de México); Centro de Capacitación y Defensa de los Derechos Humanos e Indígenas, Asociación Civil (CECADDHI) (Chihuahua); Centro "Fray Julián Garcés" Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlax.); Centro de Apoyo al Trabajador, A.C. (CAT) (Ciudad de México); Centro de Derechos de la Mujeres de Chiapas (San Cristóbal de Las Casas, Chis.); Centro de Derechos Humanos "Don Sergio" (Jiutepec, Mor.); Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A. C. (San Cristóbal de Las Casas, Chis); Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A. C. (Ciudad de México); Centro de Derechos Humanos "Fray Matías de Córdoba", A.C. (Tapachula, Chis.); Centro de Derechos Humanos "Juan Gerardi", A. C. (Torreón, Coah.); Centro de Derechos Humanos "Miguel Agustín Pro Juárez", A. C. (Ciudad de México); Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Gro.); Centro de Derechos Humanos de las Mujeres (Chihuahua); Centro de Derechos Humanos de los Pueblos del Sur de Veracruz "Bety Cariño", A.C. (Tatahuicapan de Juárez, Ver.); Centro de Derechos Humanos Digna Ochoa, A.C (Tonalá, Chis.); Centro de Derechos Humanos Paso del Norte (Cd. Juárez, Chih.); Centro de Derechos Humanos Toaltepeyolo (Orizaba, Veracruz); Centro de Derechos Humanos Victoria Diez, A.C. (León, Gto.);

Centro de Derechos Humanos Zeferino Ladrillero (CDHZL) (Estado de México); Centro de Derechos Indígenas “Flor y Canto”, A. C. (Oaxaca, Oax.); Centro de Derechos Indígenas A. C. (Bachajón, Chis.); Centro de Investigación y Capacitación Propuesta Cívica A. C. (Propuesta Cívica) (Ciudad de México); Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jal.); Centro de los Derechos del Migrante (Ciudad de México); Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jal.); Centro Diocesano para los Derechos Humanos “Fray Juan de Larios”, A.C. (Saltillo, Coah.); Centro Juvenil Generando Dignidad (Comalcalco, Tabasco); Centro Kalli Luz Marina (Orizaba, Ver.); Centro Mexicano de Derecho Ambiental (CEMDA) (Ciudad de México); Centro Mujeres (La Paz, BCS.); Centro Regional de Defensa de DDHH José María Morelos y Pavón, A.C. (Chilapa, Gro.); Centro Regional de Derechos Humanos “Bartolomé Carrasco”, A.C. (BARCA) (Oaxaca, Oax.); Ciencia Social Alternativa, A.C. KOOKAY (Mérida, Yuc.); Ciudadanía Lagunera por los Derechos Humanos, A.C. (CILADHAC) (Torreón, Coah.); Colectivo contra la Tortura y la Impunidad (CCTI) (Ciudad de México); Colectivo Educación para la Paz y los Derechos Humanos, A.C. (CEPAZDH) (San Cristóbal de Las Casas, Chis.); Comisión Ciudadana de Derechos Humanos del Noroeste (Mexicali, Baja California); Comisión de Derechos Humanos y Laborales del Valle de Tehuacán, A.C. (Tehuacán, Pue.); Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (COSYDDHAC) (Chihuahua, Chih.); Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Mor.); Comisión Regional de Derechos Humanos “Mahatma Gandhi”, A. C. (Tuxtepec, Oax.); Comité Cerezo (Ciudad de México); Comité Cristiano de Solidaridad Monseñor Romero (Ciudad de México); Comité de Defensa de las Libertades Indígenas (Palenque, Chis.); Comité de Defensa Integral de Derechos Humanos Gobixha A.C. (CODIGODH) (Oaxaca, Oax.); Comité de Derechos Humanos “Fr. Pedro Lorenzo de la Nada”, A. C. (Ocosingo, Chis.); Comité de Derechos Humanos “Sierra Norte de Veracruz”, A. C. (Huayacocotla, Ver.); Comité de Derechos Humanos Ajusco (Ciudad de México); Comité de Derechos Humanos de Colima No Gubernamental A. C. (Colima, Col.); Comité de Derechos Humanos de Comalcalco, A. C. (CODEHUCO) (Comalcalco, Tab); Comité de Derechos Humanos de Tabasco, A. C. (CODEHUTAB) (Villahermosa, Tab); Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Gto.); Comité de Familiares de Detenidos Desaparecidos “Hasta Encontrarlos”(Ciudad de México); Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo A.C. (Tulancingo, Hgo.); Consultoría Técnica Comunitaria AC (CONTEC) (Chihuahua); El Caracol, A.C (Ciudad de México); Estancia del Migrante González y Martínez, A.C. (Querétaro, Qro.); Frente Cívico Sinaloense. Secretaría de Derechos Humanos (Culiacán, Sin.); Fundación para la Justicia y el Estado Democrático de Derecho (Ciudad de México); Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Mérida, Yuc.); Instituto de Derechos Humanos Ignacio Ellacuría, S.J. Universidad Iberoamericana- Puebla (Puebla, Pue.); Instituto Mexicano de Derechos Humanos y Democracia (Ciudad de México); Instituto Mexicano para el Desarrollo Comunitario, A. C. (IMDEC) (Guadalajara, Jal.); Instituto Tecnológico y de Estudios Superiores de Occidente. Programa Institucional de Derechos Humanos y Paz (Guadalajara, Jal.); Justicia, Derechos Humanos y Género, A.C. (Ciudad de México); La 72, Hogar-Refugio para Personas Migrantes (La 72) (Tenosique, Tabasco); Mujeres Indígenas por la Conservación, Investigación y Aprovechamiento de los Recursos Naturales, A. C. (CIARENA) (Oaxaca); Oficina de Defensoría de los Derechos de la Infancia A.C. (ODI) (Ciudad de México); Promoción de los Derechos Económicos, Sociales y Culturales (PRODESCAC) (Estado de México); Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC) (Ciudad de México); Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER) (Ciudad de México); Red Solidaria de Derechos Humanos, A.C. (Morelia, Michoacán); Respuesta Alternativa, A. C. Servicio de Derechos Humanos y Desarrollo Comunitario (San Luis Potosí); Servicio, Paz y Justicia de Tabasco, A.C. (SERPATAB) (Villahermosa, Tab.); Servicios de Inclusión Integral, A.C. (SEIINAC) (Pachuca, Hgo.); Tequiu Jurídico A.C. (Oaxaca, Oax.); VIHas de Vida (Guadalajara, Jal.); Voces Mesoamericanas, Acción con Pueblos Migrantes AC (San Cristóbal de las Casas, Chiapas).

INTRODUCTION

The present **Alternative Report** comes out of the **joint effort** of a group of human rights organizations with a wide experience of work, research and documentation in Mexico.

We believe it is of great importance that the Committee for the Elimination of Racial Discrimination becomes aware and pronounces itself about the **new migration policies** adopted by the government of Andrés Manuel López Obrador. The context of the so-called “migrant caravans” is unprecedented in Mexico, and has generated at the same time a wave of popular solidarity and another of rejection and xenophobia. The number of human rights violations against migrants has escalated. Moreover, since his recent negotiations with the US government, Andrés Manuel López Obrador has militarized the South border sending the newly created National Guard and has made very frequent, very unfortunate and highly criminalizing remarks about the individuals and organizations who defend the human rights of migrants and refugees.

On the other hand, we also think it essential for the Committee to hear about and pronounce about the **so-called “consultations”**, promoted by the new government. Recently, the UN Special Rapporteur for Indigenous Peoples, Victoria Tauli-Corpuz, published a technical note directed to the Mexican government about the right to free, previous and informed consultation and consent¹ that highlights that consultation processes directed to the general population do not guarantee the rights of indigenous peoples according to international standards. In addition, those who dare question these processes are criminalized by the authorities, putting their lives at risk.

INDIGENOUS COMMUNITIES

According to the National Institute of Statistics and Geography (INEGI), 6,6% of the national population speaks an indigenous language². However, according to the rule of self-identification the indigenous population ascends to 21,5%. 75% of the indigenous people in Mexico live in eight states: Oaxaca (24,4%), Chiapas (14,2%), Veracruz (9,2%), Estado de México (9,1%), Puebla (9,1%), Yucatán (8,8%), Guerrero (5,7%) and Hidalgo (5%)³. As Tauli-Corpuz noted after official visit to Mexico, the **historical and structural discrimination** against the indigenous communities has resulted in their marginalisation and multidimensional poverty.⁴

One of the most dramatic examples of how discrimination against indigenous communities still exist nowadays is **forced displacement**. Indigenous and rural communities have been historically displaced because construction of megaprojects that affect their territories. Hydroelectric power

¹ <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/special/278-nota-tecnica-consulta-mexico>

² INEGI. <https://www.inegi.org.mx/temas/lengua/>

³ Mexican Senate.

<http://comunicacion.senado.gob.mx/index.php/informacion/boletines/38021-poblacion-indigena-de-mexico-con-mayor-probabilidad-de-caer-en-pobreza-destaca-el-ibd.html>

⁴ United Nations. Human Rights Council. Report of the UN Special Rapporteur on indigenous peoples about her visit to Mexico. A/HRC/39/17/Add.2. Disponible en: <https://undocs.org/en/A/HRC/39/17/ADD.2>

plants, mining projects, *fracking*, etc. are among the current threats to the ancestral lands of the communities. Chiapas is the state that has suffered the largest number of internal displacements in Mexico. From 25 national episodes that have affected 20.390 people, the forced displacement that took place in 2017 in Chalchihuitán was the largest.

The displaced communities are in a situation of extreme vulnerability in relation to their health, food and living conditions, which endangers their lives and personal integrity. This affects them on a physical, psychosocial, spiritual and community level.

The structural impunity in the case of **gender violence** is manifested in the fact that the State refuses to process and recognize the cases of femicide, denying the generalized violence against women and the access to justice for the victims. Such situations are due to a lack of gender perspective in the justice and justice institutions, which re-victimize, criminalize and discriminate women, especially when said women belong to an indigenous community. Thus, **indigenous women** face a higher level of vulnerability and discrimination, because of their gender, ethnicity, language and class, all of which makes their access to justice very difficult. There is a rise in the number of femicides in indigenous communities, tolerated by the local authorities, which increases the level of impunity. The declarations of Gender Violence Alert have not been sufficient to remedy this situation.

On the other hand, indigenous women have also been identified as victims of **obstetric violence**. In his 2017 follow-up report about Mexico, Special Rapporteur Juan Méndez said that obstetric violence is a serious problem in Mexico, since in many cases healthcare service delivery can end up in obstetric violence or maternal death, and this phenomenon affects significantly indigenous women of limited resources⁵.

Another human rights violation that affects indigenous men and women are **arbitrary detentions**, mostly committed by state and local police, often because of their appearance, as a way of “social cleansing”, or to pretend that police forces fight insecurity with arrests. Indigenous people deprived of liberty are subjected to severe human rights violations during the **criminal proceedings**, in particular related to the following aspects: the right to an adequate defense, the right to an interpreter or translator, and the right to have their identity respected and recognized.

As a complete violation of Art. 2 of the ICERD, the **penitentiaries** do not guarantee the rights of the indigenous people to live with dignity, keep their culture, or their right to perform special interest activities to maintain their identity. Nor do they provide adequate education or health services, attending to the particular needs of the indigenous population, taking into account their socio-cultural identities, their customs and institutions.

Another worrying context because of the risks it generates for the indigenous communities is the **extractionist model of development**, with its correlate of imposition of megaprojects. Those who dare to defend their land and territory suffer attacks on a personal and collective level, ranging from defamations, threats, criminalization, intimidation, harassment, arbitrary detention, murder, etc. The intention of the aggressors (who may be authorities but also private actors such as, for example, corporations) is to weaken the community’s social fabric, disintegrating the social movements that defend the territory. It must be noted that the Mexican State is at the same time the main perpetrator of this type of attacks and, also, it is not fulfilling its role in investigating,

⁵ A/HRC/34/54/Add.4, par. 89.

preventing and protecting the communities and the citizens in general, generating a greater impunity.

Since the beginning of the government of Andrés Manuel López Obrador, there have been numerous **so-called “consultations”**. These “consultations” go against the international standards and, in particular, the Convention 169 of the International Labour Organization. In fact, although several of these “consultations” deal with megaprojects that affect indigenous communities, there is no distinction between indigenous and non-indigenous, rural and urban population in the “consultation” and the results.

Indigenous communities are especially vulnerable to the negative effects of **climate change**. This is partly due to the fact that a high percentage of indigenous communities in Mexico live in a situation of poverty or extreme poverty,⁶ and/or in geographical areas that are particularly vulnerable to some phenomena that can be associated with climate change (draught, floods, landslides...). The main impacts of climate change on indigenous communities have to do with the degradation of the land and the access to drinking water. Renewable energy projects (promoted by the authorities as a boost for the local economy and job market and not for their ecological merits) imply an industrial colonization of the indigenous lands, pushing the communities towards situations of even greater vulnerability.

The **freedom of expression** of the indigenous communities is also often disregarded. The **community radio** is an essential media for the communities since it is a low-cost tool, available in rural areas, and it may be used to broadcast information and cultural content in a wide range of indigenous languages by and for people who are not literate in Spanish. According to the law, only 1% of the communications budget is destined for community or indigenous media on a national level, which is a sign of a great discrimination if we take into account that the rural and indigenous audiences that have access to these media are far superior to the 1% of the national population.

The indigenous peoples in Mexico face a great level of violence when they exercise their freedom of expression. Journalists and activists in particular have faced violent reprisals at the hands of organized crime, police and politicians. The attacks, threats and murders of community communicators (who frequently lack formal training as journalists) are poorly documented. These radio reporters defend indigenous and human rights, and are often the object of censorship and aggressions. Sometimes they do not report these incidents because they do not trust the authorities, they fear the repercussions or the lack of adequate access to justice.

MIGRANTS AND REFUGEES

The migrant and refugee people, both those who are established in Mexico and those who are in transit, are in a situation of extreme discrimination in the **access to economic, social and cultural rights**. This is manifested in terms of employment, food, housing, health services and education. Many people cannot find a job (especially women), and those who do, face conditions of labor exploitation in terms of meagre salary, long hours and lack of social benefits. This, in turn, affects such basic needs as the access to food and housing, having an especially dramatic impact on children.

⁶ <https://www.panoramas.pitt.edu/health/mexicos-indigenous-population-continues-face-high-rates-poverty>

The **migration authorities** put into practice control and verification raids using ethnicity criteria. They direct their migratory control towards certain profiles (Central Americans, Caribbeans, Africans), who suffer a greater number of detentions and a higher risk of deportation, in conditions of prolonged deprivation of freedom in centers where their human rights are violated.

In Mexico, there is a narrative oriented to construct migrants and refugees, especially those coming from Central American countries, as a population that threatens **national security** and social harmony. This narrative tries to confirm the need to apply control measures destined to stop and deport foreigners.

This **xenophobic narrative** is promoted by the institutional discourse of the Mexican State, but also by business corporations and the mass media they control. It poses a very high risk since the local population is susceptible to adopt discriminatory, racist and violent attitudes, believing that migrant pose a threat to their jobs, livelihoods, health or security, or that they are receiving more benefits and attention than the national population.

CONCLUSIONS AND RECOMMENDATIONS

Below, we list only a few of the many recommendations that are included in the joint Alternative Report. We strongly suggest reading the complete report to have a more comprehensive understanding of the different topics discussed in this executive summary, and to read about 4 study cases in Hidalgo (indigenous peoples deprived of liberty), North of Puebla and Sonora (megaprojects and consultation), and Oaxaca (criminalization of African Mexican population).

We hope that this civil society report proves useful for the Committee so that they can have a more nuanced and updated portrayal of the Mexican reality in terms of human rights and discrimination.

- Recommendations:

- The Mexican State must generate the conditions for the recognition of the rights and the access to justice of the population of African descent in the country.
- The Mexican State must guarantee that the indigenous communities and their organizations have an effective participation in decision making processes.
- The Mexican State must implement the gender perspective at all the stages of the investigation in all the cases of women victims of gender violence.
- The Mexican State must implement maternal health policies from a human rights framework, with the direct participation of indigenous women.
- The Mexican State must make sure that indigenous peoples who exercise their freedom of expression through the radio are not criminalized or attacked.
- The Mexican State must rectify its migration policies and institutional discourse, to prevent and eradicate discriminatory practices and racist or xenophobic attitudes towards migrants and refugees.