



MISIÓN PERMANENTE DE MÉXICO



No. OEA-00378

Washington, D.C., 29 de febrero de 2016

Señor Secretario Ejecutivo:

Por su conducto me dirijo a la Comisión Interamericana de Derechos Humanos (CIDH) y me refiero a la nota número OEA-03636 del 15 de diciembre pasado, por la que se presentaron las observaciones del Estado mexicano al proyecto de informe sobre la situación de los derechos humanos en México elaborado por la CIDH.

Al respecto, en virtud de la relevancia de los comentarios y de la información que el Estado mexicano presenta en el documento de referencia y en seguimiento a la nota número OEA-03651 del 16 de diciembre pasado, por la que se solicitó a esa CIDH que al momento de publicar el informe definitivo, se publicara igualmente el documento por el que se transmitieron dichas observaciones, en anexo se remiten las observaciones del Estado traducidas al idioma inglés, a fin de que sean publicadas en conjunto con el documento original del Estado remitido mediante comunicación OEA-03636.

Aprovecho la oportunidad para reiterarle las seguridades de mi más atenta y distinguida consideración.

**Emilio Rabasa
Embajador
Representante Permanente**

**Al Sr. Emilio Álvarez Icaza Longoria
Secretario Ejecutivo de la
Comisión Interamericana de Derechos Humanos
Organización de los Estados Americanos
Washington, D.C.**

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

**REMARKS BY THE MEXICAN STATE REGARDING THE DRAFT REPORT ON THE STATUS OF
HUMAN RIGHTS IN MEXICO**

REPLY BY THE MEXICAN STATE IN RESPONSE TO THE NOTE, DATED NOVEMBER 24, 2015, FROM
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Mexico City, December 15, 2015

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REMARKS BY THE UNITED MEXICAN STATES REGARDING THE DRAFT REPORT BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AS A RESULT OF ITS VISIT TO MEXICO

I. EXECUTIVE SUMMARY / PRELIMINARY CONSIDERATIONS

The visits made by the Inter-American Commission on Human Rights (IACHR) require the greatest display of openness and cooperation by the States. Precisely, within that spirit and with a confident spirit of international cooperation, the Mexican State invited the IACHR to conduct a visit to assess the status of human rights in Mexico. The visit was carried out from September 28 to October 2, 2015, and turned out to become the final draft report which the IACHR presented on November 24, 2015.

This document on remarks by the Mexican State regarding the aforementioned draft report is comprised of three sections. In the first section, general and methodological remarks regarding the document. In the second sections, the IACHR's theory regarding the situation of violence in Mexico, its causes and consequences, is discussed and dismissed. In the third section, remarks are made on specific issues concerning each of the issues considered in the above-mentioned draft report. In each of these sections, the State makes substantive remarks on different aspects of the IACHR's draft report. Additionally, it poses questions it considers should be carefully addressed by the IACHR prior to the final drafting and eventual approval of its report.

In keeping with the spirit contained in the Commission's Rules of Procedure, the IACHR is urged to carefully consider and include all the information provided to it, before, during and after its visit, as well as the information contained within the body of this document. This is to ensure a modicum of a sense of justice and legitimacy by said Commission and provide the document with the necessary usefulness in order to strengthen the efforts by the Mexican State to foster and protect the human rights of all.

In this regard, we call to the attention of the IACHR Article 57 of its own Rules of Procedure, in Paragraph *f* it points out that the Commission's remarks should be made based on a series of specific rules, including that "the State shall provide (...) any document related to the observance of human rights that (...) may consider necessary for the presentation of its reports". This is to say that not only would the State have the obligation to provide the Commission with the relevant documents – which it did at all times – but also the State itself must be entitled to it being duly considered, before the IACHR fine-tunes it to consider its report and how it will eventually be published (Article 60 of the Rules of Procedure). This is to say that there is a legitimate expectation by the State that the IACHR should use and promptly specify the information provided, particularly regarding the use of sources and methodology, the material, spatial and temporary scopes of the report and, of course, the manner in which said information was considered.

Regardless of the above, the Mexican State considers that the visit held an initial bias preventing the IACHR from adequately assessing the information provided to it and the real situation concerning human rights in Mexico. Instead of monitoring the fulfillment of its obligations, the IACHR focused on finding human rights violations by pointing out *ab initio* that the visit would be conducted "*with particular emphasis on forced disappearances, extrajudicial executions and torture, as well as the situation of public insecurity, access to justice and impunity, and the situation of journalists, human rights defenders and other groups which are especially affected.*" For Mexico, it is incongruent to

state, as the IACHR has done, that Mexico is enduring a “serious human rights crisis” when only certain violations – not rights – are evaluated without assessing the enjoyment of all or most of the rights contained in the American Convention on Human Rights and other international instruments, and with a scope of spatial application pertaining to a federal state, as Mexico is.

México is a dynamic and changing country. Both its evolution as well as its challenges have changed based on country context and an assessment which does not take this matter into consideration would essentially fall short in order to be objective. The State notices that, in the draft report, both regarding the understanding of general and specific phenomena as well as in handling of data, there is a certain ambiguity and absence of objective criteria in order to justify the individual analyses.

It is a matter of concern for the Mexican State that the IACHR, throughout the draft report, reiterates the alleged cause-and-effect relationship between Mexico’s current situation and the so-called ‘dirty war’, going so far as to state that it has favored its repetition. Regarding the State, said remark – which is included in the report, lacking support or explanation – disregards over 50 years of progress, challenges, structural changes, learning and cases of an entire country, many of which were previously recognized by the IACHR during its visit to Mexico in the 1990s.

The State considers that the draft report presented by the IACHR does not, in turn, contemplate a series of realities and challenges concerning violence in Mexico, putting aside factors of the utmost significance and important progress attained and which are still being fostered every day.

In this sense, the general context developed by the IACHR has been rejected, to great surprise, because the Commission has decided to consider the following elements of importance to either be not suitable or to ignore them:

- Mexico’s regional and sub-regional geographic context and the complex issues regarding delinquency, drug-trafficking and arms-trafficking and the illicit flow of capital.
- The efforts deployed by Mexico in order to tackle these challenges, which have been accompanied by substantial progress in the strengthening of the legal framework to prevent violence and to protect human rights. Over the past few years, major historic developments have been fostered in this field, such as the 2008 penal justice system reform and the 2011 constitutional reform and, as of the latter, other important regulations and public policy developments, which illustrate the recent presentation by the Government of President Peña Nieto of initiatives regarding general laws on missing persons and the eradication of torture.
- The role and prestige of the armed forces regarding tasks to protect civilians and how it helps out with police work. In this regard, contrary to what the report depicts, the presence of armed forces in Mexican territory is neither permanent nor widespread, rather that it is attributable to the specific requirements of particular areas. This is to say that this is neither a figure nor a static deployment, rather that it has indeed been adapting, with significant reductions and substantial stories of success.
- Moreover, one must bear in mind that the armed forces has regulations regarding the use of force which have been bolstered in accordance with international standards concerning these matters and they have been provided with training on human rights issues. It must be also underscored that any violation of human rights by the armed forces is investigated and punished under civil jurisdiction, in accordance to international standards.

In addition to the above, it is noted that the IACHR's draft report arrives at conclusions which seem to have been taken lightly, based on the lack of seriousness of its methodology, sources and use of information to which it has undoubtedly had access over several years. Since it is a complex situation, explained by numerous factors, the State is concerned that the draft report arrives at sweeping assertions of cause and effect with little or no basis. Furthermore, said assertions have already been the object of comprehensive debates at the levels of government, civil society, subject experts and researchers who find it hard to arrive at answers which are apparently obvious to the IACHR.

Thus, the bias in seeking to prove human rights violations, in the opinion of the State, prevented the IACHR from properly assessing the sources of information it had and even from using them impartially. In regard to this specific point, the Mexican State believes that an important number of sources of information and their use by the Commission, do not comply with the requirements of trustworthiness and conviction of the IACHR's own Rules of Procedure, which are essential in order for it to arrive at factual findings which can be upheld. In other words, the strictness with which the Commission issues conclusions and remarks, after the fact, lacks objectivity.

The State allows the IACHR to clarify that it constantly works to address the issue of violence in Mexico and it is an ongoing commitment. Every day, from several fronts, the Mexican State seeks to create and improve everything necessary in order to guarantee the safety of its society and to protect the human rights of its population. Mexico is strongly convinced that, within this context, it has been able to attain significant developments which, unfortunately, the IACHR decided not to consider.

Mexico's commitment to fostering human rights and to the role of the Inter-American system is ongoing. It has always been a priority of the State to address the enquiries for information and hearings requested by the IACHR. Thus, it is surprising that the information conveyed to it over the years is not reflected in the draft report, as it is specified in each of the sections on remarks in it and, thus, the IACHR is urged to consider this document in depth.

Finally, the State will study the recommendations it wishes to pose to the Commission in its final report. To this end, and in order to aid the IACHR, this document includes the information regarding how the recommendations have been considered and/or are being implemented.

II. INTRODUCTION

1. The United Mexican States (hereinafter “State” or “Mexican State”) have carefully studied the draft country report which the Inter-American Commission on Human Rights (hereinafter “IACHR” or “Commission”) prepared on the occasion of its visit to Mexico, performed from September 28 to October 2, 2015.
2. In this regard, in accordance with Article 57 and Article 60 of the Rules of Procedure of the Inter-American Commission on Human Rights, the Mexican State wishes to make remarks regarding the aforementioned project, so that the IACHR may have sufficient information in order to weigh its impressions and arrive at objective conclusions, based on complete and accurate information.
3. Within this document, the State wishes to elaborate on the information provided to the Commission both in written format, during and at the conclusion of its visit to Mexico, as well as the information it was provided by all of the government authorities with whom it met, from the three branches of government, in addition to other Mexican authorities. This information also complements all the other information the State has provided to the Commission by the procedures stemming from Article 41 of the American Convention on Human Rights, topic-specific public hearings, conveyance of information to the thematic rapporteurships, regarding both visits to Mexico as well as in the daily exercise of its mandate, requests, cases, compliance of friendly extrajudicial detention agreements and merits reports, precautionary measures and requests for information regarding precautionary measures, in accordance with the regulations governing them in the Rules of Procedure of the Inter-American Commission on Human Rights.
4. This document is organized into three sections. In the first section, there are general and methodological remarks regarding the draft report. In the second section, the theory on the violence stated in the draft report is analyzed. In the third section, remarks are made on the specific topics addressed in the report. In each of these sections, the State makes remarks on the different aspects of the draft report which it considered to be relevant and it posed questions to the Commission. Finally, it posed some considerations regarding the conclusions and recommendations of the draft report, with corresponding table which identifies them, along with the actions in that regard.
5. The Mexican State considers it essential that the different questions posed to the IACHR be promptly addressed before any decision is made about the publication of its report, and that the underlying questions be adequately covered in it.
6. Mexico considers that certainty, technical accuracy and transparency are the major pillars which must govern how the Inter-American institutions act. So, the answers to these questions will benefit all of the users of the Inter-American System.
7. The Mexican State urges the IACHR to objectively consider, assess and ponder all of the information, both written and oral, in the final report it wishes to issue.

III. GENERAL AND METHODOLOGICAL REMARKS

8. The Commission's visits to a country indicate the greatest display of a State vis-à-vis international human rights organizations. Precisely, within that frame of mind and with a convinced spirit of international cooperation, the Mexican State invited the IACHR to conduct a visit in order to assess the human rights situation in Mexico and, likewise, address different individual cases which the Mexican State has sought to solve, within a framework of a strategy which was presented before the Commission's Plenary. Unfortunately, the IACHR determined to not consider this second element within the framework of its visit or its inclusion in this report.
9. There are few provisions which in the Rules of Procedure issued by the IACHR in 2013, as a result of the processing for Strengthening of the Inter-American System, regulate the guidelines which it must observe when it conducts a visit and issues the corresponding report on it. In fact, the Mexican State has noticed that the process concerning a visit assimilates, gets confused and mixed with one regarding a country report, which is governed under Article 60. The products of one and the other should be different as well as the processes which create them.
10. This assimilation of concepts gave rise to doubts regarding some cross-cutting aspects concerning the report presented by the IACHR. In this regard, respectfully, the Mexican State will make some observations and outline matters to the IACHR concerning the topics, thesis, methodology and sources of information which must be considered at the time of drafting the final report. As the Commission is aware, in accordance with its Rules of Procedure, these matters must be clarified before the State prior to the publication of the report.
11. The Mexican State underscores that, upon analyzing the draft report given to it, its point of comparison was the report the IACHR presented in 1998, as a result of its visit to Mexico in 1996.
12. In view of the fact that the Rules of Procedure of the Inter-American Commission on Human Rights are brief concerning the form and criteria about the presentation of the information it must issue upon issuing a report such as the characteristics of this document are, the Mexican State has turned to the closest experience in this regard; this is to say, regarding the report presented in 1998. From an analysis on that report, there was evidence about some substantial differences regarding the method, tone and presentation about the information which stand out in the draft report which is being presented for assessment.
13. Meanwhile, in the section, the State will make some remarks on how information sources are used and assessed by this Commission, both in quantitative and qualitative terms, and, in this regard, it will issue its opinion regarding the result of the visit.

1. Theme and Structure of the Report

14. The first remark by the State refers to the thematic choice of the draft report currently being presented. Meanwhile, in 1996, the IACHR was invited to conduct a general visit – and this is reflected in its report by also declaring on the status of political rights in Mexico, the rights of indigenous people or those of women, and economic, social and cultural rights, individually – in its recent visit and in the corresponding draft which is being sent now, only very specific matters

are addressed and the actions performed by the State regarding certain very defined rights are being assessed.

15. Regarding this point, doubts arise by the State regarding how the concepts are expressed in both reports. While in the 1998 report the chapters are expressed in terms of the law contained in the American Convention on Human Rights which the Commission assessed – e.g., the right to life, right to freedom, right to personal safety, and so forth – in the draft which the IACHR is now sending to the State for its remarks, the chapters are expressed in terms of violations of those rights – e.g. missing persons, extrajudicial killings, torture and so forth.
16. The Mexican State considers that the above are not only semantic or trivial differences rather they can substantially influence – as it appears it was the case – the content and the form under which the information and statements throughout the draft report were presented, in addition to the use of sources of information and their purpose. In fact, the State considers that focusing the visit under the terms of violations prevents the draft report from adequately assessing the public policies and successes leading to the protection of human rights in Mexican territory.
17. The American Convention grants powers to the Commission to monitor the compliance of the obligations of the States regarding the Convention. In other words, the Commission’s job is to observe how the human rights contained in said instrument are satisfied by the State.
18. However, as it is inferred in Paragraph 1 of the draft report, ever since the Commission announced that its visit to Mexico to monitor the status of human rights in Mexico, it stated in a press release that it would do so “with a particular emphasis on forced disappearances, extrajudicial killings and torture, as well as the situation concerning civil insecurity, access to justice and impunity, and the status of journalists and defenders of human rights and other groups especially affected by the context of violence in the country”.
19. In other words, since the Mexican State invited the Commission, it decided to focus its visit on searching for, finding and reflecting specific violations on human rights, not the satisfaction or the status of compliance on human rights.
20. By deciding to program its visit in terms of ‘violations’, the Commission incurs in an initial bias which predisposes its conclusions and which prevents it – as it occurred – from assessing the complete spectrum of the State’s action.
21. Proof of such was what one distinguished member of the Commission expressed during his visit to the State of Veracruz. At a meeting with local authorities, representatives for the State took note of the mention, in the sense that some of the policies to protect children in Veracruz State were impressive. But, unfortunately, due to the focus of the visit, few of them could be reproduced in the final draft regarding the visit. The State regrets that none of that information has been reproduced in the draft report which was conveyed to it.
22. If the draft report to be presented for remarks by the State is a report on the status of human rights in Mexico, the following questions arise:
 - Why did the Commission decide to assess it in terms of violations and not in terms of the compliance status regarding the rights contained in the American Convention on Human Rights?

- What is the reason behind the change in the approach regarding how it reports information in its 1998 report in comparison to the report being presented today?
- Why did the Commission decide to focus on specific violations and not make a general assessment concerning all human rights and their enforcement in Mexico?
- Is it congruent to state that Mexico is experiencing a ‘serious human rights crisis’ when only certain violations – not rights – are analyzed without performing an assessment on the enjoyment of all or most of the rights contained in the American Convention on Human Rights and other international instruments?

23. The Mexican State hopes that the Commission can reply to those questions prior to publishing its report and value its statements which, in it, are now expressed in light of them.

2. Lack of Information and Assessment regarding the Structure of the Mexican State and regarding Progress on Human Rights Issues

24. In addition, by comparing this draft report with the one issued in 1998, it called the State’s attention the differences between the chapters which the Commission decides to analyze the country’s structure and the resources for the protection of human rights.

25. In its 1998 report, the Commission began its assessment regarding the status of human rights in Mexico, expressing itself as follows:

4. In recent years, Mexico has made considerable efforts to reform its institutions and adapt them to the demands of a modern democratic State governed by its Constitution and the rule of law. In that respect, emphasis must be placed on the significant political reforms that have been implemented in Mexico, which have brought about improvements in the electoral system through impartial regulatory bodies that are independent of the Government. The voter registration photo-ID card, which was introduced in 1992, also marked a major step forward insofar as it instilled in the various participants and in voters at large confidence in the electoral system. What is more, the fact that the various political parties reached consensus on approving the reforms was a reflection of the importance of those reforms and the undeniable climate of confidence and fairness which they helped to create.

[...]

6. The subject of human rights has been a key element in these reforms. A National Human Rights Commission (CNDH) was established by the Presidential Decree of 5 June 1990 as an independent agency within the Ministry of the Interior. The constitutional reform of 29 June 1992 transformed the National Commission into an independent public body with its own legal personality and separate budget. The same constitutional reform also paved the way for the establishment of human rights organizations in the various states.

7. There can be no doubt that the advent of these organizations in Mexico has had a positive impact on the protection and promotion of human rights. In the years since their establishment, the national and state human rights commissions have investigated

numerous complaints, made important recommendations and, to a large extent, won the trust of the population, which now feels more secure in the knowledge that specialized institutions are working to promote respect for fundamental rights.

[...]

9. Despite the considerable progress made at the institutional level, the human rights situation in Mexico is certainly complex. The developments referred to above, however, are evidence of the country's desire to make the changes that are required to promote more effective protection and respect for human rights in Mexico.

26. The recognition of the institutional complexity and territorial extension of a country such as Mexico is led, at that time, the Commission to assess the organization of the public powers, the Mexican constitutional system and federal and representative form on which the Mexican Republic is created, the complex legislative structure and the regulatory hierarchies of the Mexican State and the systems to defend and protect human rights in Mexico, only to lay the foundations to begin to assess the status of human rights in Mexico.

27. In that report, the Commission dedicated *42 paragraphs* to outline and analyze the structure of the Mexican State and *62 paragraphs* to assess the Mexican constitutional system and the administrative and judicial means for the protection of human rights in Mexico.

28. Instead, in the draft report being presented now for remarks by the State, the Commission dedicated *four paragraphs* on the structure of the Mexican State, in light of the following:

46. Below, the Commission describes the structure of the Mexican State in order to understand the roles of each State Branch regarding human rights. In accordance with the Political Constitution of the United Mexican States, the United Mexican States is a representative, democratic and federal republic, comprised of 31 states and the Federal District, united in a federation. The exercise of the Executive Branch of the Union is assigned to the President of the United Mexican States.

47. Mexico's branches of government are divided into Legislative, Executive and Judicial. In turn, for their application, the branches of government for the 31 states are divided into Executive, Legislative, and Judicial. The Branches for the states are organized in accordance with each state's constitution. The states' governors exercise the powers of the Executive Branch. The states' legislatures exercise the powers of the Legislative Branch. The states' courts, which establish the respective state's constitutions, exercise the powers of the Judicial Branch.

48. Regarding the Mexican Judiciary Branch, its powers are exercised through Supreme Court, an Electoral Court, Collegiate and Unitary Circuit Courts, District Courts and the Council of the Federal Judiciary. In order to appoint Supreme Court Justices, the Mexican President must submit a list of three names to be considered by the Senate which, having the three candidates previously appeared, designates the person who will fill the vacant position. The Supreme Court is comprised of 11 Supreme Court Justices, with a president being designated. The plenary is the gathering of the 11 Mexican Supreme Court Justices who are in charge of solving the most important matters, all of them related to the

compliance of the Mexican Constitution and the law. The plenary of the Mexican Supreme Court can resolve conflicts regarding the Constitution's interpretation and actions against the non-compliance of what is established in it. In some cases, it can do so regarding the review of sentences issued by other agencies of which the Judicial Branch is comprised when the responsible authority does not comply with the sentence from a federal authority. The plenary can also resolve matters directly or redirect them to Collegiate Circuit Chambers and Courts. The Supreme Court is divided into two Chambers, comprised each of five judges, without the participation of the Chief Justice of the Supreme Court. Each chamber has its own chief justice. The First Chamber resolves civil and criminal matters and the Second Chamber resolves administrative and labor matters.

49. Among other things, the Full Court resolves *amparo* (a sort of Habeas Corpus) appeals. The purpose of an *amparo* trial is to resolve any controversy regarding general regulations, acts or omissions by authorities who violate human rights which are recognized in Mexico, general regulations, acts or omissions regarding the federal authority which violate or restrict the sovereignty of the states or the sphere of responsibilities for the Federal District, as long as recognized human rights and the guarantees granted regarding their protection by the Constitution are violated. The *amparo* is designed to protect people from general regulations, acts or omissions by public authorities or individuals in the cases stated by law.

29. The fact that only four paragraphs describe the structure of the Mexican State is not what is striking. It is a matter of concern that the Commission has superficially described the structure of the Mexican State without making any assessment whatsoever regarding what sort of influence it has on the protection of human rights and how it impacts the everyday life of people. A recommendation to a State cannot be objective and satisfactory if the manner how it must be implemented is not analyzed or how it needs to be transformed for it to be objective and satisfactory.
- Why did the criteria to describe the structure of the Mexican State in 1998 change and almost leave it out in the draft report which is being sent today to be assessed?
 - Why did the Commission decide not to conduct an in-depth assessment regarding the structure of the Mexican State in order to assess the status of human rights in Mexico?
 - When the draft report was being prepared, did the Commission consider that not assessing the Mexican institutional structure would not have an impact on the recommendations it would make to the State?
 - Is it possible to issue effective recommendations without assessing and understanding the Mexican institutional structure?
30. The Mexican State calls the Commission to provide answers to those questions prior to publishing its report and to value the statements expressed in it now in light of these questions. In particular, the recommendations created by it mostly aims to change the institutional work. So, expressing what it understands how the State operates is necessary to implement, if that should be the case, its recommendations.
31. In addition to above, in 1998, the Commission gave its views on the profound changes Mexico was undergoing. The changes, in connection with the protection of human rights in Mexico,

were and are, for this time, much more significant than those in 1998. However, it seems odd to the Mexican State that the Commission has only dedicated one paragraph of the draft report to the 2011 constitutional reform, and it stated that following:

52. In recent years, the Mexican legal system has made significant progress regarding human rights which has been recognized by the IACHR. As of the June 2011 reforms, the Political Constitution of the United Mexican States enshrined at a constitutional level all of the regulations on human rights contained in the treaties signed by the Mexican State. Article 1 of the Mexican Constitution states that all individuals will enjoy the human rights recognized in the Constitution and in the international treaties to which Mexico is a party, and establishes guarantees for their protection. This standardization of the human rights contained in the international treaties to which Mexico is a party and its jurisprudence with the constitutional rules represents progress in the right direction. However, as we shall see below, in practice, it has faced important challenges.

32. A reform of such a scope as the 2011 one, which completely transformed the structure and understanding of the Mexican State should have represented a more in-depth analysis. Although the State recognizes that the Commission has highlighted it, to underscore it as progress, in such a reduced manner in its report, is not enough. This is especially underscored because what the structural and institutional effects the reform meant and continues to mean in Mexico are not deeply valued in the draft report.
33. The 2011 constitutional reform on human rights represents the greatest increase on rights regarding the publication of the Constitution which is in effect, while, at the same time, this implies a change from within in the way the authorities must sustain their action, as they must stick to international obligations and standards in that matter to ensure its direct enforcement in Mexico.
34. With the reform, the concept of human rights was embodied into our Constitution and encompassing all of the human rights recognized in international treaties to which Mexico is a party. Additionally, the pro persona principle was included in the application and interpretation of the regulations regarding human rights.
35. Moreover, the reform reflects the State's obligation to prevent, investigate, sanction and repair human rights violations. It incorporates them as a principle of public education. It forbids the suspension regarding the exercise of a catalogue of human rights in cases of a state of emergency. It grants the right to be heard to all foreigners subject to a procedure of expulsion. It includes the right for all individuals to request asylum based on political motives and refuge on humanitarian causes. It establishes human rights as an element of social reintegration in the penitentiary system. It empowers the National Commission on Human Rights to investigate serious human rights violations, increases its power to learn about violations of human rights in the workplace and makes the acceptance and compliance of the recommendations from national and state ombudsmen compulsory. It establishes the respect, fostering and protection of human rights as its governing principle
36. The Federal Executive Branch has created an authority to monitor and coordinate the implementation of the 2001 constitutional reform on human rights, as well as to form a State policy on human rights issues. For his part, the President of Mexico presented a reform package

on human rights matters, including a Regulatory Act for Article 29 of the Mexican Constitution which ensures that the catalogue of human rights, which cannot be suspended, be coherent with Mexico’s international obligations. Furthermore, he proposed a Regulatory Act for Article 33 of the Mexican Constitution, through which foreigners in the process of being expelled, due to reasons of national security reasons, are guaranteed the conditions ensuring the suitable protection of their rights and due process.

37. Likewise, Federal Government civil servants will undergo training on the constitutional reform regarding human rights so it will have an impact on their day-to-day duties. To this end, the Citizens’ Council for the Implementation of the Constitutional Reform regarding Human Rights was established, which pretends to foster citizen participation in this process. Moreover, roving sessions to disseminate the constitutional reform regarding human rights in Mexican states, in order to socialize knowledge concerning the reform and to strengthen its enforceability.
38. The 2011 constitutional reform regarding human rights is not the only important reform on human rights which Mexico experienced. The criminal justice system reforms and the new *Amparo* Act, as well as the publishing of the Mexican Criminal Proceedings Code are instruments which are barely described in the draft and which, however, in practice and not only on paper, have meant crucial transformations concerning the protection of human rights in Mexico.
39. In turn, the June 2008 constitutional reform seeks to expedite the enforcement of justice through oral proceedings and to establish a system which would broaden the range of protection regarding the rights of both the victims and complainants as well as the suspects. It set a maximum timeframe of eight years for the adversarial criminal justice system to operate throughout the entire country. The reform seeks to consolidate a conciliatory and oral system, with alternative means of conflict solution and damage repair in a transparent and mainly rights-based manner. The system places the respect of the defendant’s human rights and that of the victim in the center of the criminal proceeding while boosting the effectiveness of justice.
40. Through the new Criminal Justice System, less than 10% go to oral proceedings, which means that over 90% are resolved by the arraignment judges through alternate channels of conflict solution – compensation agreements and suspension of the evidentiary period - (36.4%); summary trials (36.9%) and other kinds of solutions –the non-ratification of the detention, the non-indictment or the forgiveness of the victim - (21%). In turn, by means of the new Criminal Justice System, all criminal proceedings will be resolved in fewer than 365 days. For summary trials and alternate channels of conflict solution, the timeframe is from one-half to one-third of what it would need in order to resolve this in an oral trial. In this context, the new system allows for a swifter enforcement of justice.
41. The following comparison table will serve to highlight the differences between the traditional criminal justice system and the new adversarial criminal justice system, in benefit of the protection of human rights in Mexico.

Traditional Criminal Justice System	Adversarial Criminal Justice System
Systematic violations to the principle of presumption of innocence.	Presumption of innocence was granted constitutional status.

Violations regarding due process.	Protection of the fundamental rights of the defendant and the victim from the moment of detention.
Excesses during detention.	Immediate registration of the detention in order to prevent any delays.
Lack of review and classification of the detention by the judicial authority.	An arraignment judge will check the legality of the detention.
Generalized use of pretrial detention.	Pretrial detention in exceptional cases, with other precautionary measures which can be applied.
The victim's role is limited to assisting the Public Prosecutor's Office.	The victims are part of the criminal proceedings, from the investigation to the sentencing.
A written file is incorporated which prevents the objective assessment by the judge and limits the right to counsel.	It is governed by public hearings, in the presence of a judge, with total conflict between the parties.
The documents create uncertainty and mistrust.	Information is publically presented before the trial judge.
Confession to police officers or public prosecutors' offices holds evidentiary value.	The defendant's confession is only valid if it is done given before a judge. Any confession given at a Public Prosecutor's Office lacks evidentiary value..
Only one judge undertakes the trial, increasing the possibility of prejudgment.	There are Arraignment Judges, Oral Trial Judges and Enforcement Judges who have no prior knowledge of the matter.
Trials and, in general, the proceedings are slow and quite lengthy.	The proceedings are governed by the principle of orality; they are public, transparent, continuous and expeditious.

42. In turn, with the issuing of the National Criminal Proceedings Code, the standardization of trials all over Mexico is attained and, with it, judicial certainty regarding them. With it, an opportunity is established to invigorate the institutional transformation of the offices dealing with security and justice procedural equity is attained between the rights of the victims regarding the crime and the rights of the charged individual to due process.

43. Additionally, the new *Amparo* Act was published in 2013 in order to combat acts and omissions of authority which violate the human rights recognized in the Constitution and in the international treaties to which Mexico is a Party State. This way, the *amparo* becomes an effective mechanism to guarantee the effective application not only of the Mexican Constitution but also the American Conventions and other international judicial instruments regarding human rights.

44. This law expands the origin of the *amparo* and allows it to be lodged only by whomever has a legal interest rather than in the exercise of an individual or collective legitimate interest. Even in cases regarding extradition, the forced disappearance of people and the forced induction into the Mexican Army, Navy or Air Force, the *amparo* may be lodged by any individual other than the defendant.
45. The law also states that the *amparo* is applicable against individuals when they are a responsible authority through the performance of actions equivalent to those performed by the authorities, which broadens the number of individuals under obligation by the regulations. For instance, there are sentences by the Federal Judicial Branch granting an *amparo* against private schools as agents who can perform equivalent actions of authority when they prevent a student from exercising his right to an education.
46. Due to the publication of the new *Amparo* Act and its entry into effect, the National *Amparo* Training and Dissemination Program was established as a way to provide an answer, from the Mexican judiciary, to the expectations created in anticipation of the issuing of said act. This program was formed with a series of activities in different formats, the backbone of which was the critical analysis of the regulatory framework governing *amparo* trials and its application in judicial practice, in order to provide justice officials with better tools which foster the consolidation of their role as guarantors of rights.
47. If the Commission received and continues to receive information on these proceedings:
- Why did it not conduct an in-depth analysis regarding the 2011 constitutional reform regarding human rights?
 - Is it valid to state that the 2011 constitutional reform presents challenges in practice if the structural changes it created are neither described nor valued?
 - Did not the Criminal Judicial System deserve a better analysis in the draft report?
 - Was it not relevant for the Commission to assess the effects of the new *Amparo* Act in order to make a decision on the existing appeals and their effectiveness regarding the protection of human rights in Mexico?
48. At the same time, Mexico recognizes that the Commission has voiced its opinion on the legislative changes which it implemented onto military jurisdiction, as a consequence of the Radilla Case before the Inter-American Court of Human Rights. On the same level, it must be underscored that the Commission has mentioned the *Varios 912/2011* file in which the Mexican Supreme Court complied with the Radilla ruling and established the obligation for all courts to conduct widespread review for compliance.
49. However, it draws to the State's attention that after having met with the President and some of the members of the Mexican Supreme Court, who provided them with extensive information on their work, the Commission has only dedicated two paragraphs to the Mexican Supreme Court's jurisdictional activity.
50. As this Commission will remember, in 2013, the Mexican Supreme Court received the United Nations' Human Rights Prize, becoming the only court in the world to have obtained said award.

This prize was bestowed precisely due to the wide-ranging jurisdictional work and progressive criteria in favor of the protection of human rights in Mexico.

- Did the Commission not consider it to be appropriate to immerse itself into the outcome of the *Varios 912/2011* file in the Mexican judicial system? Did it not consider that it would have some sort of impact which would be worthy of conducting an in-depth assessment for the drafting of his report?
- Why did the Commission not include in its report descriptions on those sentences regarding torture, due process, hierarchy of rules, indigenous consultation, economic, social and cultural rights or equal marriage which helped the Mexican Supreme Court be deserving of the U.N. prize? Did it not consider these criteria relevant or their impact to be worthy for the drafting of the report?

51. The Mexican State expects and requests the Commission to recognize the value of the previous questions and for it to include the missing information in the draft report prior to its publication.

3. Determining Time Criteria

52. The Mexican State has noticed that the draft report sent to it does not present time limits or a definition of the periods of time being assessed and the reason as to why they are chosen.

53. In the State's belief, the absence of time limits or, at least, of a definition about them makes it hard for the recommendations the IACHR made to be assessed. Just as in the previous section the absence of an institutional assessment and an in-depth evaluation of the public policies implemented by the State were underscored in the report, the lack of time definitions also hinders the assessment for validly making recommendations.

54. Mexico is an ever-changing and dynamic country. Its developments as well as its challenges have changed based on the country context, and an analysis which does not take into account this matter, objectively, will necessarily fall short. The State has noticed that, in the draft report, in the understanding of both general and individual phenomena as well as handling figures, there is a certain ambiguity and absence of objective criteria to justify the individual assessments.

55. For instance, at some points in the report, the Commission traces consequential lines from the so-called 'Dirty War' to the present, in what it states it believes are cause-effect relationships.

56. In contrast, there are excerpts from its 1998 report in which the Commission acknowledges the transitions which Mexico experiences in the 1990s and before, which are not recognized in the draft report being presented now.

57. In particular, upon issuing its recommendations, the 1998 IACHR report stated the following:

678. The United Mexican States, as a society and as through its system of government, has been pursuing over the past several years concrete measures to promote democratization and liberalization aimed at destroying the rigid structures of the past that encouraged the violation of human rights and created a system of privileges that failed to respect the dignity and equality of large sectors of the population.

679. The difficult balance between a process of liberalization and democratization on the one hand and the maintenance of public order and the rule of law in the face of attacks against this process and the new forms of systemic illegality, such as drug trafficking, on the other, creates a complex overall framework within which to consider the general situation of human rights in Mexico and the role of the Government and the State authorities (at the various levels) in ensuring respect for and guaranteeing those rights.

[...]

681. The Commission has noted the considerable efforts made by different State organs to control the situation of increasing violence that has broken out in the country as well as the interest shown by the State in finding a peaceful solution to the problems of internal violence. In some respects, the State has succeeded in strengthening the climate of openness and peace. This is of particular importance, in the light of the situations of violence that exist in the regions to the south of Mexico, especially in the states of Chiapas, Guerrero and Oaxaca and in Huastecas de Veracruz and Hidalgo.

58. The aspects of the Mexican public life which the IACHR underscored in 1998 and, especially, the acknowledgement of Mexico's historic transitions did not seem to find a place in the draft report which it is now sending to the States for its remarks.

- Upon putting together this draft report, did the IACHR take into consideration the time limits and conclusions on which it had arrived in 1998?
- In this draft report, in any case, should the assessment not have started from 1998 to the present?
- Why, in this draft report, does there not exist a time analysis regarding the transitions which took place in Mexico from 1998 to the present?
- If the IACHR had previously recognized the dramatic transitions which Mexico experience throughout the 20th century and the beginning of the 21st century, why are consequential lines on cause-effect relationships traced from the 1960s to the present?
- What period of time really limited the study of the current situation presented in the IACHR draft report?
- In the IACHR's opinion, does the absence of a methodology which clearly defines the time assessment parameters not discredit the objectivity, relevance and opportunity of its conclusions and recommendations?

59. Additionally, the Mexican State recognizes, as the IACHR refers to it in its report, that the access to figures on some of the issues is not always consistent. By underscoring this, the State believes that the specific periods to approach a particular matter must be treated with caution in order to not arrive at erroneous factual findings.

60. There are different examples within the draft report which would seem to indicate a partial time selection in order to highlight a specific phenomenon. For instance, Paragraph 20 of the IACHR

refers to the 115 recommendations which the Mexican Human Rights Commission (*CNDH - Comisión Nacional de los Derechos Humanos*) addressed to the Mexican Secretariat of the Defense (*SEDENA - Secretaría de la Defensa Nacional*) between 2007 and 2012, implicitly showing us how that amount stood out. However, it does not point out that precisely as of that year, the recommendations made to SEDENA were considerably reduced. From December 1, 2012 to November 28, 2015, 2,007 complaints were lodged before the IACHR due to supposed violations of human rights attributable to military personnel, of which 1,625 were finalized by it and 382 are pending, noticing that regarding the period from January 1 to December 31, 2013, compared to the same period of time in 2012, there is a 42.10% reduction. Regarding 2014, there is a reduction of 60.52%. Furthermore, there is a 63.50% drop in the year-to-date. This circumstance was not considered by the IACHR at the time the report was drafted.

61. On the other hand, from 2012 to 2015, the Secretariat of the Navy (*SEMAR - Secretaría de Marina SEMAR*) received 1,105 complaints from the IACHR. However, 652 were finalized without any recommendation for the SEMAR, while only nine recommendations have been notified to said institution. These figures also have not been reflected by the IACHR in its report.
62. In contrast, in Paragraph 167, regarding the recommendations concerning the right to life, the Commission expanded the study period from 2006 to 2013. In particular, the Commission expanded the period stating that three out of every four recommendations on this matter were addressed to SEDENA and SEMAR and, thus, state that “these figures highlight the concern expressed by the IACHR that the armed forces participate in public security tasks, which must be the competency of the civil security forces.”
63. The State acknowledges that the IACHR may have particular views on how the rights contained in the American Convention or the functions of the military forces should be interpreted. Nevertheless, seeking to prove a point with a method which chooses to randomly select periods of time which match the conclusions it wishes to highlight raises doubts about the methodological strictness at which this Commission arrives.
 - Based on what criteria did it choose the periods of assessment in the draft project?
 - For the IACHR, when was it right to decrease or increase the study period in order to support a claim?
64. The State would appreciate the answers from the Commission prior to the publication of its report and their incorporation into it.

4. Choice and Use of Information Sources

65. According to what is stated in the IACHR, in Paragraph 4, for the preparation of its draft report, it standardized and analyzed “*the information received regarding the status of human rights in Mexico in the past few years. The IACHR used the information received before, during and after the on-site visit, including the visits by the Rapporteur for Abducted Individuals, performed in September 2014 and in September 2015, the ex officio visits, the inputs coming from different mechanisms through which the IACHR has followed up on the situation in Mexico, such as public hearings, topic-centric visits, requests for information made under Article 41 of the*

American Convention and precautionary measures; news articles, decisions and recommendations by specialized international organizations, among others”.

66. The State was able to find out that, effectively, in general terms, those were the sources of information that the IACHR used for its draft. However, it must be pointed out that there are concerns and remarks about how these sources were used, in order to have an impact on the conclusions at which the Commission arrives.
67. Now, neither Article 57 of the Rules of Procedure of the Inter-American Commission on Human Rights, which regulates the on-site visits, nor Article 60, which states how a country report is to be done, establish the criteria which the IACHR must follow in order to prepare a draft report as the kind it sends for observations.
68. *Mutatis mutandis*, and in the understanding that the final report will be included as an Annex to the Commission’s annual report, the Mexican State takes as a basis what is established in Article 59.5 of the Rules of Procedure, regarding the standards which it must observe in order to issue a report. As the provision states, the Commission must base its conclusions on trustworthy and convincing information often through the following sources:
 - a. official acts of all levels and branches of government, including constitutional amendments, legislation, decrees, judicial decisions, policy statements, official communications to the Commission and to other human rights organs, as well as any other statement or action attributable to the Government;
 - b. information available in cases, petitions and precautionary and provisional measures in the inter-American system, as well as information on compliance by the State with recommendations of the Commission and judgments of the Inter-American Court;
 - c. information gathered in the course of on-site visits by the Commission, its Rapporteurs and members of its staff;
 - d.c information obtained during hearings held by the Commission as part of its sessions;
 - e. conclusions of other international human rights bodies, including UN treaty bodies, UN Rapporteurs and working groups, the Human Rights Council, and other UN specialized agencies;
 - f. human rights reports issued by governments and regional organs;
 - g. reports by civil society organizations, as well as information presented by such organizations and private persons; and
 - h. public information that is widely disseminated in the media.
69. Although the article provides sufficient coverage so that this Commission can obtain information, in a proceeding marching the characteristics of an *in loco* or country report visit, reasonability, balance and objectivity in the usage of the sources of information. The Mexican

State noticed, with concern, the way in which the IACHR does not comply with those minimum standards.

70. If, as the draft report mentioned, upon presenting a series of recommendations, the purpose of the Commission is to “help the Mexican State in its efforts to guarantee the human rights in Mexico”, one would expect from it an extremely high technical rigor so as to assess the information from which it arrives at conclusions. Some statements seem to not stem from a process with these characteristics, whether they are in a quantitative or qualitative form, in a way that many of the thesis of this Commission would seem not to be based in its report.

a) Quantitative Observations on the Sources of Information Used

71. First of all, the State observes that, quantitatively, there is a sharp imbalance between the sources of information through which the IACHR arrives at its conclusions. If there is Inter-American jurisprudence, in the sense that the state’s information has a very high evidentiary value and Article 59.5 refers to the state sources of information as the first ones to be considered, the State is surprised regarding the scarce use that the IACHR makes of them in its report.

72. The State notices that from a total of **920** references, there are only **93** references in the entire draft report regarding the information the State has provided to the Commission through the ways contemplated in the Rules of Procedure. This number contrasts and stands out concerning the **100** times that the IACHR refers to its own reports, the **29** times it uses its own assessments regarding requests, cases or precautionary measures or the **22** times it uses its own press releases; ***this is to say, the Commission quotes itself 151 times in order to make a particular event true.*** In other words, in the Commission’s draft report, it prefers to quote itself ***on 58 additional occasions*** rather than refer to the primary sources of information which stem from official documents or declarations.

73. The State observes that this tendency also is noticeable regarding the information from non-governmental sources, such as reports and documents from civil society. Indeed, these are the reports in which the IACHR places more emphasis and from which it mostly draws its conclusions. The Commission uses the information provided by these sources **161** times.

74. In turn, the number of times that the IACHR turns to journalistic sources in order to accept something as a fact is recurrent. The Commission uses journalistic notes **171** times to refer to events and these derive from a limited number of media, most of them with quite defined journalistic profiles. This represents the main source of information in the report.

75. Finally, the only sources which resemble, in numerical form, those provided by the State are the references regarding reports from other international organizations, at **82** times. However, the conclusion stemming from one source or another, as it will be describe further on, are far from being symmetrical.

76. Specifically, combined with other sources of information, from among its own reports and documents, and those produced by civil society, the press or international organizations, the Commission used **827** sources which were different from the government ones. This is to say, ***only one-tenth*** of the draft report is based on government information, oftentimes repeated, when it is the State who can provided the most specific information regarding how it acted and, indeed, it did so and continues to do so.

77. In this regard, attention is drawn to the IACHR regarding Article 57 of its Rules of Procedure, which in Section f underscores that the observations by the Commission must be based on a series of precise rules, including that: “the State shall provide (...) any document related to the observance of human rights that (...) the latter may consider necessary for the presentation of its reports. This is to say that not only must the State be responsible to provide the Commission with the relevant documents – which it did at all times – but the State itself must be entitled that the Commission be duly considered before the IACHR defines the details in order to take into account its report and how it will eventually be published (Article 60 of the Rules of Procedure). In other words, there is a legitimate expectation by the State that the IACHR promptly uses and specifies the information provided, particularly regarding the use of sources and methodology, the material, spatial and temporal scopes about the report and, of course, how said information was considered.
78. In fact, as the Commission is aware and acknowledges in its report, the State has constantly provided it with information by means of the procedures stemming from Article 41 of the American Convention on Human Rights, topic-specific public hearings, conveyance of information to the topic-specific Rapporteurs, both regarding visit to Mexico as well as in the day-to-day performance of its mandate, petitions, cases, compliance of friendly extrajudicial detention agreements and in-depth reports, precautionary measures and requests of information for precautionary measures. Practically none of it was reflected in its draft report.
79. A 1:10 ratio regarding the handling of information can hardly be considered to be objective or reasonable in order to attain the requirements of being ‘trustworthy’ and ‘convincing’ by which the Commission is mandated to arrive at conclusions.

b) Remarks on the Use of Information Gathered During the Visit

80. Also worth mentioning are the times the IACHR used the information it gathered during its visit. The State strangely noticed that after five days of an intense agenda, the Commission had only referred **36** times to the information it gathered during its stay in Mexico.
81. It concerned the State even more that, on only **8** of those 36 references, the Commission had used the information conveyed to it by the states’ authorities during its meetings in Mexico. It is especially surprising that, if it was the IACHR itself which requested the Mexican State to meet with its highest authorities from the three branches of government, it decided to make so little use of the information with which government officials provided it.
82. As it is stated in its draft report, the Commission met with the Secretaries of State, with State Governors and Secretaries, with this highest officials from the federal and local judicial branch and with Federal Senators and Representatives during a five-day long agenda which implied meeting with over **70** public officials. The State regrets that the oral or written information has been considered to be insufficiently relevant to be used in the draft report on over eight occasions and it also regrets that the IACHR did not provide the corresponding courtesies to what it means to gather all of those authorities in an exercise of transparency and openness toward the IACHR by the Mexican State.
83. In addition to the above, as the Commission will recall, Mexico was one of the main promoters regarding the bolstering of the Inter-American System and it knows its plea regarding the budgetary shortfalls it is undergoing. It is strange that, bearing in mind the high costs involved

in a visit by the Commission, it has used these resources in a way which would seem scarcely productive, indicating that it will only comply with formalities in the face of an apparently prejudged situation.

c) ***Qualitative Remarks Regarding the Sources of Information Used***

84. In the previous sections, the State expressed its concern regarding the scarce appreciation regarding the draft report about Mexico's historic transitions, concerning how to assess the institutions and human rights protection mechanisms which Mexico has to pose recommendations and about the lack of time measuring criteria in the draft document, both to analyze general questions and specific scenarios. On top of that, it would seem that the qualitative use of sources of information is not optimal in many countries in the draft report.
85. Without truthful information which can attain the standards of being ***trustworthy*** and ***convincing***, with which the Rules of Procedure mandate this Commission, it is difficult to value the objectivity with which it issues its conclusions and recommendations to the State.
86. The State already underscored the disproportion in the use of information sources by the Commission. However, it further notices with greater concern how these sources are used.
87. As it has been highlighted since the beginning of this document, the fact that the report is being presented based on the 'violations' committed by the State and not regarding the 'compliance' of its obligations, it creates what would seem to be a partial use of the information sources, which hinders a real assessment of the information.
88. In other words, in the State's opinion, the Commission would seem to use a source with the sole purpose of proving that a right had been violated instead of seeking to evaluate the compliance of its obligations regarding human rights matters.
89. In this desire to seek proof of human rights violations, one can see a recurring lack of strictness, throughout the draft report, in using sources and in assessing its content.
90. In previous sections, there was mention of concern by the State about the recurring lack of concern regarding the ongoing use by the Commission of journalist notes to regard as truthful some premises, in counterpoint to the State's information. For the Mexican State, this concern becomes more serious when it takes into consideration the conclusions at which the Commission arrives, contrasting information sources and how lightly it is valued that one or the other offer truthful and trustworthy content or however they are presented. As an example, the way it analyzes information regarding its section on extrajudicial executions in Mexico.
91. In Paragraph 159 of the Commission's report, where it begins to discuss extrajudicial executions, the Commission states the following:

159. During the current Administration, regarding the total number of homicides (murder in the first degree and wrongful murder), the Executive Branch, according to its Third State of the Government Report, presented on September 1, 2015, counted over 94,000 murders since the beginning of its Administration; 34,903 in 2013; 32,631 in 2014 and 27,047 up to September 30, 2015. Regarding murders in the first degree, according to official figures from ranging from December 2012 to July 2015, 48,000 first-degree murders had been

recorded. However, some press organizations questioned said figure and state that it totals 57,400.

92. First of all, the way in which the Commission presented the information under the section of extrajudicial executions would make one think that there were over 94,000 of them, when the figure stated is that regarding homicides, regardless if they were first-degree or wrongful murders and much less if they were perpetrated by state officers. Initially, this proves a bias in the presentation of the information.
93. Beyond this, the Commission contrasts the official information and casts doubts on it under the sentence "*some media outlets question this figure and state that it totals 57,400*". If one goes to the source quoted by the Commission, it is possible to view that the phrase "*some media outlets*" actually refers to only one news article.
94. In other words, although the Rules of Procedure accepts the use of journalistic sources to arrive a conclusions exclusively when these reflect public information which has been "widely disseminated", the Commission considered one single article as being sufficient to place in doubt the official information and increase the number of first-degree murders in Mexico by almost 10,000.
95. The Mexican State believes that both the information source as well as its content can hardly be considered as being "widely disseminated" and much less that it was able to attain the standards of trustworthiness and being convincing in order for the Commission to derive objective conclusions and issue recommendations stemming from them.
96. The use of this kind of contrasts is a recurring one throughout the draft report. Consequently, the objectivity by which it states that the information presented in its report is truthful does not seem plausible.
97. Indeed, the State notices that the IACHR usually grants full evidential value and takes ownership of the value judgements expressed in the news articles. Thus, the conclusions and deductions arrived at by the IACHR are based on information obtained through these media outlets although, in most cases, they are not prime information sources nor are they sufficiently checked and corroborated against other sources. The above becomes more worrisome when one sees that the news articles are the most resorted to sources of information by the Commission in its report.
98. In turn, the State expresses its concern about how, throughout the draft report, it would seem that when reference is made to an official figure, it seems to be diluted, dismissed or called into question by the Commission, without regard to the information source used to attain this end.
99. Another example of the casual use of information sources and the eagerness to make categorical statements which discredit official figures is that which is found in Paragraph 67 of the draft report concerning actions taken by the Federal Police:

In the case of the Federal Police, for instance, according to official data, the death rate was low until 2010 and increased up to 2013, reaching 20.2 civilian deaths per wounded individual. In 2014, according to official figures, there was a decrease to 4.6 civilian deaths per wounded individual, which figures coming from media outlets indicate the opposite,

with a death rate of 25.5 in 2014. This trend was stated at a public hearing before the IACHR in October 2015.

100. From the previous paragraph, a tendency by the Commission to bestow full evidentiary value to the figures is inferred when, in their opinion, it indicates that the State is not fulfilling a specific task. However, when these figures improve – such as the death rate as of 2014 – the Commission will call into question the official information.
101. Once again, so as to discredit the official figures, the Commission categorically states that “media data indicates the opposite” and if the information source is checked, it again only goes to one single journalistic source to prove such a statement.
102. In this paragraph, it is possible to notice an action regarding the assessment of the information which is normally used by the Commission in a somewhat loosely enforced manner, which is that of public hearings. To reinforce the premise regarding the fact that the death index has not decreased, the Commission seeks to fact-check the information with what was stated in a public hearing.
103. In the footnote which backs this statement, the IACHR states the following: “*According to the information provided, civil society organizations stated that the information released to the media indicates that, according to official figures, the Federal Police have killed more people than having arrested them during ‘clashes’ within the current six-year term. Annex 2, César Martínez, ‘Federal Police Questioned on Excess Force’ (‘Cuestionan a la PF por exceso de fuerza’), Reforma, August 1, 2015.*”
104. In other words, the Commission stated *that a civil society source, citing a news source, which said it was referring to official information, said that the index of deaths caused by Federal Police actions had not decreased, making a press release the single reference of said statement.*
105. There is no methodology whatsoever which would provide evidentiary value to statements made by another second-tier source which could pass any reasonability test in order to consider the information provided as being trustworthy and convincing. For this reason, the State is concerned about how the Commission arrives at categorical conclusions using sources in a biased manner and without any real basis, no matter how respectable the source might be.
106. So, in view of the lack of technical strictness regarding how the Commission assesses the information sources and the biased manner in which it uses them when it uses phrases such as ‘serious crisis’, ‘alarming levels of...’, or the consistently used ‘once and again, throughout the country, it was heard that...’ or adjectives such as ‘widespread’, ‘systemic and structural’, its objectivity and truthfulness cast serious doubts.
107. Without attempting to discredit, in any manner, the challenges facing Mexico, as Under Secretary of Human Rights, Roberto Campa Cifrián, recognized at the conclusion of the visit, when the Commission used phrases and adjectives to exacerbate a reality without being anchored to trustworthy and convincing information sources, it moves away from the technical strictness which an international organization should have in order to attain the goals for which it was created.

108. The same trend to present information quoted in the press as being truthful, in contrast with the information provided by the State, can be seen in reference to the civil society reports (without prejudice that the Mexican State recognizes the importance of the work these role players means for Mexico's development and the respect and fostering of human rights).
109. For instance, without comparing it with the official figures on clashes, the IACHR, in Paragraph 67, it superficially considers truthful what was stated by the civil society organizations regarding the number of clashes sustained by the SEMAR between 2013 and 2015. The appeal concerning what was stated in public hearings is a way by which the Commission also subjectively makes this method to assess information a reality, but in a partial manner.
110. Throughout the report, it constantly quotes what was stated in topic-specific public hearings. However, only the issue of forced disappearance includes the position expressed by the State in the hearings. On other matters, such as that of the implementation of the criminal justice system, public security or extrajudicial executions, only the data and opinions of the non-governmental organizations which participated in the hearings are stated and it is given as being truthful. Nothing referred to or provided in writing by the State in these hearings to the IACHR has been reflected in the draft report.
111. Finally, the bias in the handling of information and the eagerness to state violations in its report, makes it to use reports from international organizations only when they point out flaws of the Mexican State. In the 53 references which the Commission used regarding U.N. documents, it *always* underscores a shortcoming in said reports and *never* progress by the State or by some of its public policies, which are also referred to in those reports.
112. For instance, in Paragraph 20 and Paragraph 41 of the report - a consistently-used document in the Commission's draft report - regarding the visit made to Mexico by the U.N. Rapporteur on Torture, he recognized that Mexico has adopted measures favoring the crime prevention and the development of security policies regarding human rights, including the withdrawal of military forces in some areas, the restriction of extrajudicial detentions, the approval of constitutional reforms, legal and jurisprudential developments, and human rights training, and it also recognizes the State's commitment to use the Istanbul Protocol in all of its investigations, for which training and evaluations have been made by independent experts. These acknowledgements, despite their relevance, are not considered or reproduced in the Commission's draft report.
113. The same thing happens, for instance, with the Special Rapporteur's report on extrajudicial executions - summary or arbitrary ones - who stated in Paragraph 19 of his report that Mexico is deeply committed to the international and regional human rights systems and it is a country open to examining international human rights mechanisms. These kinds of statements are also not reflected in the IACHR's draft report *motu proprio* not even in reference to that which was remarked by international organizations.
114. Bearing this in mind, the Mexican State raises the following questions:
- Under what criteria did the IACHR discriminate the information it had available to use it or not use it in the draft report?

- How did the IACHR determine the suitability of the information sources with which it backs its statements in the draft report?
- How did the IACHR ascertain that the information used was trustworthy and convincing under the terms of its Rules of Procedure?
- In view of the absence of figures, was it fit to arrive at definite conclusions without a sufficient number of information sources?

115. When creating a draft report, if an international organization does not value the challenges as opposed to the progress of a State, the purpose of the report in question becomes watered down and takes sides without reaching the end purpose of the rapporteurship. In this case, if the IACHR was seeking to refer mostly to information which would discredit the State's action without valuing its successes, the end of "aiding the Mexican State in its efforts to guarantee human rights in Mexico", which it states it is seeking, cannot be attained with its report.

116. Specifically, in the opinion of the Mexican State, in the interest of proving human rights violations, the handling of information sources in the draft report is partial, and not very trustworthy or convincing as the IACHR Rules of Procedure require. With it, the strictness with which the Commission issues recommendations after the fact and its purpose when issuing them lacks objectivity.

IV. REMARKS ON THE CHAPTER ON THE STATUS REGARDING VIOLENCE IN MEXICO

117. In order to place things into context, in its draft report, the IACHR analyzes the factors leading to violence in Mexico. Undoubtedly, the Mexican State shares the importance of understanding Mexico's situation regarding this matter, in its proper scope. This is why it is essential for the IACHR to present a complete and serious panorama regarding this situation.
118. The State believes that the draft report presented by the IACHR does not contemplate a series of realities or challenges about violence in Mexico, setting aside factors of greater importance and, once again, important progress attained and which are continuing to be bolstered every day. Furthermore, the IACHR arrives at conclusions which seem to have been taken lightly, based on the lack of seriousness regarding its methodology, and the information sources and the use of these sources which it has surely had over a period of several years.
119. The State believes that Mexico's situation, in regard to preventing and combatting violence, is highly complex and implies a number of factors and challenges. So, keeping it bound by a specific perspective or only referring to certain factors aimed at proving the responsibility of the Mexican State, will essentially create a biased view. As it is a complex scenario, Mexico is concerned that the IACHR arrives at sweeping assessments of cause and effect which, undoubtedly, have been the object of lengthy debates in the areas of government, civil society, topic-specific experts and researchers who will hardly arrive at answers apparently obvious for the IACHR.
120. As a preliminary step, the State wishes to clarify to the IACHR that, for many years, up to the present, work is continuously being performed in order to tackle the issue of violence in Mexico. Every day, from a number of fronts, the Mexican State seeks to create and improve everything needed to guarantee the safety of its society and to protect the human rights of its population. The State firmly believes that, within this context, it has achieved important progress which the IACHR had decided to ignore.
121. The State very respectfully believes that the IACHR has taken the matter of violence in Mexico out of context due to: (i) the methodology employed; (ii) the premises and factors it starts off with; and, (iii) the substantive content it presents and that which it excludes.

1. Remarks Regarding the Methodology

122. In the previous sections, the Mexican State has expressed its concern and doubts regarding the methodology used by the IACHR in preparing the draft report in question. As a follow-up to what has already stated, the State has noticed that, upon presenting the situation of violence in Mexico, the IACHR has omitted any information on progress or implemented measures conducted by Mexico in tackling this problem. The IACHR also decided to not include any of Mexico's positions regarding the issues posed despite the fact that they were expressed before and after the visit, in public hearings, reports sent to the IACHR and in other monitoring mechanisms described at the beginning of the draft report.

123. We reiterate that the State's position and the reported progress must be continually integrated throughout the draft report (as, indeed, the Commission does regarding information stemming from other sources). The fact that the IACHR does not do this, or it does so in supporting its theory, makes the report be based on an incorrect assessment, lacking the necessary objectivity. Moreover, the absence of fact-checking by the IACHR, as part of its methodology, leads to obscuring any sort of positive action or practice by the State and limits its report to finger-pointing and stigmatization which in no way whatsoever credit the compliance of the IACHR's objectives.

124. In contrast to the above, the IACHR states that "despite the change of government in December 2012, there were no substantial changes concerning security policies" [Paragraph 13 of the report].

125. Furthermore, in Paragraph 17, the only mention the IACHR makes about "progress on human rights in Mexico", in the chapter in reference, states the following:

"the Commission has constantly received information by civil society organizations, in which they state that progress on human rights issues in Mexico contrast with violations of human rights [...]"

126. It is a matter of concern for the Mexican State that the only mention of "progress on human rights in Mexico" does not mention any one in particular, stemming from any of the monitoring mechanisms the IACHR has, and which have been used to analyze "*the situation of human rights in Mexico in the past few years*", which are described in Paragraph 10 of the draft report.

127. In contrast, it is surprising that, in its 1998 Mexico Report, the IACHR explicitly stated in Paragraph 48 that it "*was aware of the serious problems in Mexico due to drug trafficking*", but also "*of the efforts by the State to combat this scourge against the health of the population*".

128. Furthermore, the Mexican State can see how cautious the IACHR addressed the issue in 1998, since in Paragraph 679 it underscored: "*The difficult balance between a process of liberalization and democratization on the one hand and the maintenance of public order and the rule of law in the face of attacks against this process and the new forms of systemic illegality, such as drug trafficking, on the other, creates a complex overall framework within which to consider the general situation of human rights in Mexico and the role of the Government and the State authorities (at the various levels) in ensuring respect for and guaranteeing those rights*".

129. The above compels the Mexican State to pose to the IACHR the following doubts:

- Does the IACHR truly believe that the Mexican State has not made any progress at all in the prevention and combatting of violence?
- Why did the IACHR not decide to include some of the data recently provided by the Mexican State (hearing on "Human Rights and Drug Policy in Mexico", within the framework of the 156th Ordinary Period of Sessions of the IACHR) concerning the comprehensive policy of the Mexican State on combating drugs?
- Did the recent discussion initiated by the Federal Government, regarding drugs in Mexico, gain any relevance for the IACHR?

- Does the IACHR believe that the recent statements made by the Mexican Supreme Court regarding the use of Marihuana in Mexico are relevant, in any way, regarding the statements it has made on violence in Mexico and the issue of combatting organized crime?
- Why has the IACHR decided to exclude from its draft report the actions undertaken by the Mexican State, on an international level, regarding drugs and organized crime? For the IACHR, do the actions fostered by Mexico on a bilateral and multilateral level with other States hold any relevance concerning human rights issued?

130. The Mexican State, once again, urges the IACHR to assess, consider and add, into its current draft report on Mexico, the information presented by Mexico within the framework of the monitoring mechanisms the IACHR has, to which it has been openly subjected to in the past few years, as well as to refer to the information provided during the meetings with the more than 70 officials described in Footnote number 6 of the draft report, within the framework of its visit.

2. Remarks on the Premises and Factors on Which the Chapter is Based on

131. In its draft report, the IACHR identifies three main sources of violence: (i) state role players; (ii) organized crime, and (iii) other role players.

a) State Role Players

132. We notice that the IACHR starts from the premise that state role players are sources of violence, with specific reference to the armed forces. In this regard, the IACHR explains that *“the presence of armed forces in public security activities, in contemporary times, has already been seen in the Mexico of the 1960s and 1970s”*. At the same time, it IACHR states that *“the current human rights crisis Mexico is experiencing is a **cause and consequence** of the impunity which has been lingering since the so-called ‘dirty war’ and has led to its repletion to the present”*.

133. At the forefront, it is of great concern for the Mexican State that the IACHR, throughout its draft report, reiterates the alleged cause and effect relationship between the current situation and the so-called ‘dirty way’, even stating that it has encouraged its repetition. For Mexico, these kinds of conclusions at which the IACHR has arrived, and whose only backing is that of the IACHR itself, reflect a lack of strict work stemming from slight and biased generalizations and perceptions.

134. The previous conclusion is not only far from the reality Mexico is experiencing but it also lacks total objectivity, backing and seriousness. This would seem to indicate that the IACHR has a serious lack of awareness regarding both contexts, a matter which is incompatible and incomprehensible in view of the amount of information the IACHR has had for several years. Regarding Mexico, said mention ignores over 50 years of progress, challenges, structural changes, learning curves and procedures of an entire country, many of which have been previously recognized by the IACHR, even during its visit to Mexico in the 1990s.

135. The IACHR cannot pretend to analyze Mexico’s current context and equate it to the so-called ‘dirty war’. The Mexican State has not doubt whatsoever that the IACHR has the relevant information to identify the abysmal differences which exist in Mexico and the changes and progress attained in human rights matters over more than the past 50 years. Thus, the Mexican

State urges the IACHR to adequately assess the most transcendental changes which have occurred in Mexico concerning human rights, from the so-called ‘dirty war’, as well as performing adequate work, in accordance with its mandate and objectives which were granted by the Member States of the Organization of American States.

136. In this regard, the Mexican State poses the following two questions to the IACHR:

- Does the IACHR consider that there has been no progress at all in Mexico regarding human rights issues since the so-called ‘dirty war’?
- Why does the IACHR consider that the ‘dirty war’ is a cause and consequence of the current Mexican context?

137. However, even though the IACHR identifies the state role players, in particular the armed forces, as the alleged major generators of violence and, just as the Mexican State stated in the previous chapter, it presents information which would seem to describe a partial temporal choice to highlight a specific phenomenon (for instance, in Paragraph 20 of the IACHR draft report, in which it makes reference to the 115 recommendations the IACHR made to the SEDENA between 2007 and 2012, implicitly revealing its assessment regarding that number), the Mexican State wishes to reiterate to the Commission that exactly as of that year, the recommendations made to SEDENA dropped considerably.

138. In that regard, from December 1, 2012 to November 28, 2015, 2,105, 2,007 complaints have been lodged before the IACHR for alleged human rights violations attributable to military personnel, of which 1,625 cases were closed by said organization and 382 are currently being processed. It should be noted that in the period from January 1 through December 31, 2013, comparing it with same time period in 2012, there is a 42.10% drop and, regarding 2014, there is a drop of 60.52%. Moreover, there has been a 63.50% drop this year so far. The IACHR did not bear this circumstance in mind when it drafted its report.

139. Additionally, in the case of the SEMAR, from December 1, 2012 to November 27, 2015, it received 1,105 complaints from the IACHR. However, 652 cases were closed without any recommendations for the SEMAR while only 9 recommendations have been notified to said institution. These figures have not been reflected either by the IACHR in their report.

COMPLAINTS AND RECOMMENDATIONS BY THE CNDH RECEIVED IN THE LA C.N.D.H. RECEIVED BY THE SEMAR WITHIN THE TIMEFRAME BETWEEN DECEMBER 1, 2012 AND NOVEMBER 27, 2015

YEAR	Complaints Received	Complaints Concluded	Complaints Being Processed	Notified Recommendations
2012	45	27	18	0
2013	393	254	139	7*
2014	367	263	104	1

2015	300	108	192	1*
TOTAL	1105	652	453	9*

RECOMMENDATIONS NOTIFIED BY THE IACHR TO THE SEMAR WITHIN THE TIMEFRAME BETWEEN DECEMBER 1, 2012 AND NOVEMBER 27, 2015.

Year	2012	2013	2014	2015	Total
Being Processed	0	3	1	1	5
Concluded	0	4	0	0	4

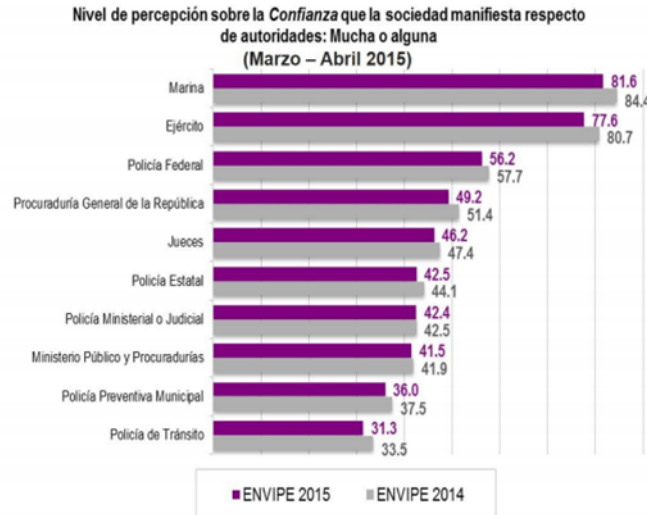
140. From the tables above, one notices that: (i) the IACHR recommendations to the SEMAR reflect a downward trend from 2013 to 2015; (ii) only in nine complaints was it possible to make recommendations to SEMAR, and so most of the complaints lodged were found to be unfounded; and, (iii) of said recommendations, four have been totally closed.

141. Likewise, the State considers that, as a part of a comprehensive understanding of the situation in Mexico, it is important that the IACHR observe the position of Mexican society as a whole regarding the tasks performed by the armed forces. In this regard, facing situations of existing violence stemming from organized crime, Mexican society recognized the armed forces as an institution which has provided protection and in which they have the greatest trust, above all the other institutions:

4) Desempeño institucional

Percepción del Desempeño

Nivel de confianza en autoridades a cargo de la seguridad pública, seguridad nacional, procuración e impartición de justicia. El **81.6%** de la población de 18 años y más identifica a la *Marina* como la autoridad que mayor confianza le inspira con "*Mucha o Alguna*", seguido del *Ejército* con **77.6** por ciento.



Encuesta ENVIPE¹.

142. In compliance with what is stated in Article 21 of the Constitution of the United Mexican States, public security is function under the control of the Republic, the Federal District, the states and the municipalities. It comprises crime prevention, the investigation and prosecution to make it effective; as well as the imposition of administrative violations under the terms of the law. This article envisages that the Public Prosecutor's Office and the police forces from the three branches of government must be in coordination in order to comply with the goals of public security.

143. It must be underscored that the temporary and extraordinary participation of the federal forces with local jurisdiction is performed under the full coordination of the authorities from the Mexican entities, within the framework of the coordination agreements signed under Article 27, Section XVII of the Organic Act of the Federal Public Administration, which allows for the participation of federal public security agencies when requested by local authorities.

144. In this regard, and in compliance with what is stated in Article 15, Paragraph 4; Article 21; Article 89, Section VI; Article 129 and Article 133 of the Constitution of the United Mexican States; Article 2; Article 4; Article 7; Article 8; Article 9; Article 11; Article 12 and Article 14 of the General Law of the Mexican Public Security System; Article 29, Section I and Article 30,

¹ http://www.inegi.org.mx/saladeprensa/boletines/2015/especiales/especiales2015_09_7.pdf

Section I of the Organic Act of the Federal Public Administration; Article 1; Article 2; Article 3, Article 10 and Article 11 of the Organic Act for the Mexican Army and Air Force; in addition to Article 1, Article 2 and Article 3 of the Organic Act for the Mexican Navy, it is up to the President of the Mexico to establish the military division of Mexican territory and the distribution of the Armed Forces, organized in territorial commands, serving the country's political division and, to the extent possible, in defined geographical areas which facilitate activities to be conducted, the definition of responsibilities and, at the same time, an effective administration.

145. The Armed Forces, in compliance of the above, deploy personnel throughout Mexico, in different periods and locations, under the following conditions: i) attention to areas affected by meteorological, seismic and natural disasters, transporting humanitarian aid, community kitchen with warm meals, water treatment plants and protection to prevent looting; and ii) recovery of people and possessions in cases of accidents and incidents on land, sea and in the air.
146. The territorial division, the deployment and actions implemented by the armed forces reflect the compliance of the general missions they have regarding foreign defense and national security, as well as to support the civilian population in cases of disasters and public needs. Additionally, the Armed Forces support the three branches of government of civil authority regarding actions pertaining to public security, in order to protect individuals and their possessions, at the specific, well-founded and motivated request, without substituting them in their functions. In this sense, the deployment of the Mexican Armed Forces responds to guarantee the safety of the population and preserve the Rule of Law, and not as it is stated to respond to a policy leading to launch generalized attacks against the civilian population.
147. The participation of the Mexican Army and Air Force acting as public security is based on Article 89, Section VI of the Constitution of the United Mexican States, which established that the President of the Republic call upon the Armed Forces for the national security of Mexico.
148. It is underscored that the Jurisprudential Theses 36/2000, 37/2000 and 38/2000 of the Mexican Supreme Court establish that the participation of the Armed Forces acting as public security is legal in the support of civilian authorities, having previously submitted a well-founded and motivated request, when they have proven that their reaction capability has been surpassed, due to organized crime, in strict compliance with the law, respecting the individual guarantees of the governed.
149. In many contexts, of which the State has no doubt that the IACHR is aware, the Mexican Armed Forces have performed a determining task, though extraordinary and temporary, to combat organized crime.
150. The IACHR can prove that, on occasions, Mexican society itself has urged the Government for the armed forces to be present in areas of the country which require them.
151. In fact, in the section on violence in Mexico, the IACHR has referred to the matter of the El Manzano community. However, the IACHR has decided to not to mention the fact that the inhabitants of the community, in addition to representatives of the beneficiaries, have requested the State for the presence of the Mexican Army in the area. It is even further surprising to Mexico that the IACHR has omitted this information when it was recently stated during the

public hearing on the Drug Policy in Mexico, within the framework of the 156th Ordinary Period of Sessions.

152. Moreover, for instance, the Mexican State has urged the IACHR to refer to and analyze the context of the State of Chihuahua which, although initially it required the presence of the armed forces, nowadays, it is experiencing quite a different reality.

153. In this sense, the deployment of the armed forces in Mexico is far from a static policy. On the contrary, it is a direct consequence of exceptional situation which require their presence.

154. Regarding the bolstering of the civilian security services, in August 2014, the Federal Police Force increased by 5,000 officers with the creation of the Seventh Gendarmerie Division. This increase in non-military security personnel by the Mexican Government contributed to the efforts by the Mexican State to have more and better human, technical and logistical resources in order to tackle organized crime in areas requiring greater attention and where it is necessary to continue to work towards the consolidation of the local institutions.

155. It must be underscored that, additionally, the Federal Police is committed to safeguarding, at all time, the human rights of individuals. Thus, Mexico has recognized several international instruments, such as the case of the 'Law Enforcement Officials Code of Conduct' which was approved and proclaimed at the 106th Plenary Session of the United Nations General Assembly, on December 17, 1979.

156. In addition to the above, the Federal Police is subject to the 'Basic Principles on the Use of Force and Firearms by Law Enforcement Officials' approved at the Eighth Congress of the United Nations on the Prevention of Crime and Treatment of Offenders', held in Havana, Cuba, on September 7, 1990, as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

157. Likewise, the authorities in charge of public safety in Mexico are compelled to comply with the provisions contained in the international treaties to which Mexico is a party.

158. Additionally, the Mexican State is surprised by the fact that, in the stated session from the draft report, the IACHR specifically refers to the State of Michoacán. The State feels obliged to mention that it extended an invitation to the IACHR to visit said state within the framework of its visit but without the IACHR agreeing to the aforementioned offer. The Mexican State regrets to position undertaken by the IACHR based on the fact that it would have represented an ideal opportunity to view, on site, the real context of said state.

159. In view of the previous remarks, the State wished to pose the following questions to the IACHR:

- Does the IACHR consider as being irrelevant the efforts conducted by the Mexican State to strengthen the civilian security corps, specifically those undertaken in 2014?
- Why did the IACHR omit the situation in Chihuahua when assessing the deployment of the armed forces in combatting organized crime?
- In view of the IACHR's draft report, should the Mexican State understand that the IACHR considers that *none* of the contexts or situations which Mexico has experienced justifies the

deployment of the armed forces or that it is contrary to international standard on human rights matters?

- Since the IACHR decided to the travel to the State of Michoacán during its visit to Mexico but indeed it did decided to make direct reference to it in its Mexico Report, did it conduct any complimentary study on the state's current situation? Based on what sources and what methodology?

b) Organized Crime

160. Although the IACHR mentions organized crime as a source of violence in Mexico, it concerns the State that in most of the paragraphs dedicated to this heading, the role of said entities are highlighted 'in collusion' with the Mexican authorities, without an assessment due to the approaches and challenges which may imply, for any country in the world, the presence of such criminal groups.

161. Within this context, the IACHR refers to the Ayotzinapa case, stating that "*according to the Interdisciplinary Group of Experts, state, federal and Army police authorities had accompanied the incidents and, thus, may have been in collusion with organized crime groups*" [Paragraph 21 of the draft report].

162. So as to dispel any confusion, the Mexican State much clarify that the Interdisciplinary Group of Experts, in no part of their report, suggested that the state, federal or Army police had acted in collusion with organized crime groups. Furthermore, in no part of the report by the Interdisciplinary Group of Experts was the word 'collusion' mentioned. However, if it is the IACHR which has decided to make this assessment, the Mexican State kindly requests that is refrain from issuing considerations on the merits of a case which, additionally, is not under its study in the petitions procedure.

163. In this regard, it is not idle to contrast the work the IACHR has performed on past occasions. In 1998, the IACHR spoke about the complaints in which it linked State officials in charge of conducting operations against drug trafficking. In this regard, it is really visible the caution with which the IACHR addressed the issue at that time, by recognizing the complexity of the police operations and the need to **not prejudge** about the truthfulness of the complaints in which State officials in charge of them were linked as it is inferred in Paragraph 148 of said report.

164. In view of what was posed above, the State believes it to be appropriate to ask the IACHR the following questions:

- What led the IACHR to modify its assessments in 1998, drafted in a negative sense (by use of the phrase "without prejudging"), while in 2015 it employs a suggestive wording, and apparently preconceived, as the IACHR's mention of the Ayotzinapa case illustrates?
- Does the IACHR consider that its mention of the Ayotzinapa is compatible with the limitation it has to make statements on the merits of cases which have not been submitted to its awareness through a petition procedure? In that alternative, would the IACHR be using the precautionary measures procedure for said purposes?

- Does the IACHR not consider it to be wise to refrain from making this sort of observations when the Interdisciplinary Group of Experts is currently collaborating in the investigation of the events?

c) Other Role Players

165. As part of the other role players identified by the IACHR as being sources of violence in Mexico, “communitarian police or self-defense police” and “private security forces” are mentioned, which may have emerged “in view of the State’s ineffectiveness”.

166. In a general sense, the Mexican State reiterates its surprise and bewilderment regarding the decision by the IACHR to omit any mention concerning progress or processes performed by the Mexican State on that matter. Not only is the IACHR dismissive in that sense but it also ventures to arrive at a conclusion, in not a very responsible way, regarding an alleged “ineffectiveness by the State”. Likewise, it considers that the IACHR must conduct a more profound study on this complex matter, in which it analyzes in detail the Mexican context, only avoiding to repeat certain ideas which have been taken up again from reports regarding other OAS Member States, such as the case of Honduras and Colombia. The similarities in the statements made by the IACHR in its draft report on Mexico, in comparison with other country reports and without consideration of the country’s specific context, do not escape the State.

167. For example, the Mexican State considers that the IACHR should be cautious in trying to transfer elements which are difficult to apply to the Mexican context or which should be assessed taking into account variables associated to Mexico. In particular, it is striking for the Mexican state that the IACHR has decided to include “private security forces” as one of the role players of violence in Mexico, even though the IACHR itself recognizes that, in Paragraph 29 of the draft report, which has “limited information” which “makes it difficult to conduct a proper assessment on how much of an effect privatization has”.

168. As the IACHR can confirm, Report A/HRC/30/34 by the Working Group, regarding the use of mercenaries as a means of violating human rights and impeding the exercise of the U.N. right of people to self-determination, the following relevant issues in regard to private security companies in Mexico, in contrast to other countries in the hemisphere, are stated:

- Most countries do not mention plans to perform studies on human rights, with the exception of El Salvador, Guatemala and Mexico.
- In Mexico’s regulations, it is stated that a service provider must provide his staff with courses, at least once a year, which are to follow an approved model which includes content on human rights.
- In Mexican law, private security personnel are forbidden to perform tasks entrusted to the Prosecutor’s Office or the police, such as obtaining background information on people.
- Under Mexican law, security service providers are required to use only registered firearms.
- Under Mexican legislation, due to wrongdoings and redress for victims, criteria is established for determining the appropriate sanction for each offense.

169. Additionally, in connection with the so-called ‘self-defense groups’, the State wishes to point out that, among the unsafe conditions in targeted municipalities in Michoacán, several armed civilian groups emerged. In order to draw attention to the phenomenon, the Mexican Government, at the express request of the state government, signed an agreement establishing the bases to provide support regarding public security matters.

170. The Federal Police took over public security in the municipalities where the biggest crime problems arose, and performed permanent surveillance in coordination with authorities of the three branches of government. This action allowed contain the crime rate in the region to be kept in check, through the presence of the authority and timely attention to citizen complaints. The Federal Police carried out several actions to create bonds of cooperation with citizens, encourage reporting and strengthen trust in security agencies.

171. In view of the progress toward the strengthening of public security and law enforcement agencies, the demands of the armed civilian groups have been addressed. Only those who proved they met the necessary requirements were officially incorporated perform police work in the community.

172. In the above context, the Mexican Government considers it suitable to pose the following questions to the IACHR:

- During the IACHR's evaluation, did it assess the differences between the so-called 'self-defense groups' and 'community police forces'? Does the IACHR believe they are synonymous?
 - Did the IACHR take into consideration, during the drafting of its report on Mexico, the recognition by Mexican law of the principle of self-determination of indigenous peoples and their right to organize security forces in accordance with their traditions and customs?
 - Why did the IACHR decide to include the 'private security forces' if it had little information about them?
- d) Did the IACHR seek to use, by applying analogy, other situations which other OAS member states are facing to the Mexican context?

e) Other Factors

173. The IACHR has identified "other factors affecting the situation of violence" in Mexico. In this context, social and economic status, migration routes, drug trafficking and arms trafficking as well as the impunity existing in Mexico are underscored.

174. It does not go unnoticed by the Mexican State that, regarding each of these aforementioned factors, ultimately and in a general fashion, the IACHR blames the Mexican State for the violence in the country.

175. Again, the IACHR does not present any information on progress in the areas indicated by the Mexican State. For instance, regarding the social and economic scenario, the IACHR sets aside the existence of policies specifically created to address situations of poverty, housing, health, education and employment, as well as significant progress which, as it goes unrecognized, directly affects the reliability of the IACHR report.

176. Solely as an example, and due to the fact that it is recognized that the IACHR has several monitoring mechanisms, the State wishes to point out certain information which the IACHR has decided to leave out of this section.

- **Poverty**

177. According to the results of the 2014 Poverty Survey, conducted by the National Council for the Assessment of Social Development Policy, the percentage of extreme poverty fell from 9.8% to 9.5%. Extreme poverty fell from 11.5 to 11.4 million people between 2012 and 2014. The average number of shortcomings regarding the population in poverty fell between 2012 and 2014 from 2.4 to 2.3. The average shortcomings of extreme poverty fell from 3.7 to 3.6. Between 2012 and 2014, the percentage of the rural population in poverty fell from 61.6% to 61.1%. In 24 states there was a reduction in the percentage of poverty or extreme poverty. Income growth for the decile with the highest poverty rate (Decile I), as well as the decrease in social shortcomings of that population, contributed to the reduction of extreme poverty between 2012 and 2014.

178. In January 2013, the Federal Government launched the National Crusade against Hunger. It was an integration and social welfare strategy with a vision of rights which, in addition to seek that 7 million Mexicans in extreme poverty and with inadequate access to food can be fed sufficiently and with dignity, aims to transform the environment of families with decent housing, basic infrastructure, roads, drinking water, drainage, sanitation, education, health and productive projects which will allow them to get ahead with income and employment.

179. Additionally, in Mexico, the PROSPERA social inclusion program is implemented in order to foster the development of skills related to the education, health and nutrition of the families benefitting from it, to contribute to breaking the intergenerational cycle of poverty. In June 2015, PROSPERA was providing care coverage to 6.1 million families, spread over 114,854 towns in 2,456 municipalities and delegations. Based on their geographical distribution, 58% of the families are located in rural areas, 19% in semi-urban areas and 23% in urban areas. Families benefitting from the program receive an average monthly support amounting 913.50 Mexican pesos.

- **Housing**

180. According to Social and Economic Conditions Module of the National Survey on Household Income and Expenditure (MCS-ENIGH) the total number of private homes inhabited in Mexico increased from 30.8 to 31.6 million between 2012 and 2014. There was a decrease in the population living in households with some sort of deficiency, indicating an increase in the quality of existing housing. In order to ensure housing affordability, programs are designed combining loans with subsidies. These are mechanisms which facilitate the generation of previous savings in order to buy a home, and the reduction in mortgage rates, as well as reduced prices in housing through agreements with the private sector.

181. In early 2015, the Federal Government announced a package of fiscal and financial measures regarding housing and access to mortgage loans and subsidies. Among other measures, the Institute of the National Housing Fund for Workers (INFONAVIT) will eliminate the charge to title a home purchased by people earning less than 2.6 times the minimum wage and INFONAVIT mortgages will back the purchase high-efficiency appliances so families will have to pay less for electricity, water and gas. Also, the National Housing Commission (CONAVI) will provide support to 15,000 young people and 20,000 women heads of households, and there will be financing from development banks so that people with disabilities, migrants or adults can purchase a new home.

- **Health**

182. The Social Health Protection System (the People's Insurance - *Seguro Popular*) which provides health services, as a social right, covers 100% of the top-level medical care and about 90% of secondary care, according to the hospital discharge registration system of the Secretariat of Health by Universal Health Services Catalog (CAUSES). *Seguro Popular* has added more than 55 million Mexicans. So, adding this figure to the number of people with access to health services through the Mexican Social Security Institute (IMSS) and the Institute for Social Security and Services for State Workers (ISSSTE), there was a total of 109 million Mexicans covered by social health protection as of December 2013.

- **Education**

183. Ensuring quality education in Mexico remains one of the priorities regarding the Government of Mexico with the purpose of placing it at the core of sustainable development for all Mexicans while bridging the gap concerning social differences in Mexico. After the education reform in 2013, education quality and equity was explicitly stated in the Constitution of the United Mexican States. Its two main goals are quality and equity in education. Also, the National Development Plan includes as one of its five key goals to achieve a "Mexico with quality education", in which the bases under which education is governed in Mexico are established.

184. In addition to this, the education budget in Mexico increased from 519,023,000 million pesos in 2007 to 623,814.22 million pesos in 2014, of which 384,616.85 pesos was earmarked for elementary education; 84,302.74 million pesos to the middle school and high school education, and 109,822.62 million pesos to higher education. The remaining amount was spent on other educational services. For the 2013-2014 school year, 3.55% of the Gross Domestic Product (GDP) was spent on education.

185. In 2010-2011 period, the National Education System covered 92.5% of children and youths who were at the typical age to attend elementary education, of which 68.7% were in preschool, 100.5% in elementary school and 78.8% in middle and high school. The net coverage rate for high school education, within the same period, was 50.4%. In 2010, the national illiteracy rate dropped to 6.7% among the population 15 years old and up.

186. In 2010-2011 period, 95 out of every 100 children entering elementary school completed it; 95% were girls and 94.3% were boys. In high school, the graduation rate was 83.3% - 86.4% for girls and 80.2% for boys. In the 2010-2011 school year, the net education coverage rate in Mexico was 70.8% in preschool, 102.6% for elementary school, 82.7% in middle school and 50.1% in high school. In 2010, there was a significant increase in net coverage rates in preschool and middle school.

- **Employment**

187. The 2013 Employment Regularization Program 2013, signed with the Federal Government by state governments and the Federal District, is an initial effort to encourage the nationwide legal hiring of labor.

188. The National Employment Service (SNE) conducts activities aimed at linking the supply and demand of labor. It provides guidance to job seekers and support to the unemployed and underemployed population. It is composed of three basic components: the Employment Support

Program (PAE), the Program Dealing with Labor Contingency Situations (PASCL) and Employment Matchmaking Services, and the 'Making Room' (*Abriendo Espacios*) program focused on the inclusion into the workplace of people with disabilities.

189. From December 1, 2012 to April 30, 2014, the National Employment Service attended 6,779,393 people; 1,872,067 of which were placed in a job. These figures are higher than the same period last year, attended by 1,140,189 (20.2%) people and with 354,383 (23.4%) hirings. Regarding the total number of people hired by all of the programs operated by the National Employment Service, 73.9% was through the employment matchmaking services and 26.7% through the Employment Support Program (PAE), the Program Dealing with Labor Contingency Situations (PASCL). Concerning the number of people attended to, 90.4% were through employment matchmaking services and 9.6% in the PAE and PASCL programs.

190. The National Employment Matchmaking Network (RNVL), comprised of 32 state networks, 31 municipal networks and one trade union network, is an inter-institutional coordination agency to foster the inclusion of groups in vulnerable situations under decent working conditions and equal opportunities and treatment.

191. From 2013 on, and as a result of the launching of the Control and Monitoring System of the National Employment Matchmaking Network, the process of labor inclusion regarding vulnerable groups in the 32 states is monitored. From 2009 to 2013, the number of people in vulnerable situations served totaled 62,800, of which 29,601 were women and 33,199 men (47.14% and 52.56%, respectively); 34,055 of them are disabled. Through network placement services, 17,415 people were attended - 6,909 women and 10,506 men (39.67% and 60.33% respectively).

192. In the context of the previous information, the Mexican State wishes to pose a single question to the Commission:

- Do you believe the Mexican State has not made any progress in relation to the country's socioeconomic situation?

193. On the other hand, regarding arms trafficking, it is particularly interesting that the IACHR concluded that, in order to avoid this phenomenon "it is essential for the State to comply and enforce the requirements of the law concerning possession, carrying and sales, as well as its international obligations in that matter".

194. Faced with the determination of the IACHR, the Mexican State posed the following question:

- Why has the Commission decided not to refer to any measure that the Mexican State has implemented in that regard?
- Why has the IACHR decided to ignore the broad participation the Mexican State has had, at an international level, regarding disarmament?
- What are the reasons for the IACHR to urge the Mexican government to fulfill its international obligations in this matter, without pointing out the set of actions it has undertaken domestically and even aided by other countries?

- In view of the importance due to the proximity of Mexico to the United States regarding this issue, and taking into account the complexity this factor represents, does the IACHR consider that it is sufficient for the Mexican State to fulfill and enforce Mexican law requirement concerning the possession, carrying and sale of weapons?
- In view of the recommendation posed by the IACHR in this regard, does the IACHR considers the transnational aspect of arms trade to be relevant?
- In the opinion of the IACHR, do domestic regulations and easy access to weapons in the United States hold any relevance in the Mexican context?

195. On the other hand, regarding the issue of impunity, the IACHR makes special reference to the issue of corruption.

196. In this regard, the IACHR again decided to set aside any progress made by the Mexican State. For instance, the IACHR decided not to mention that:

- On November 4, 2014, a parliamentary group presented an initiative draft decree amending and adding various provisions of the Constitution of the United Mexican States in combating corruption – they are Article 22, Article 28, Article 41, Article 73, Article 74, Article 79, Article 104, Article 108, Article 109, Article 113, Article 114, Article 116 and Article 122, to create the national anti-corruption and auditing system.
- The aim of the initiative was to generate close coordination between the National Auditing System and the National Anti-Corruption System to foster impartiality and independent criteria between the investigating authority and the sanctioning authority, to achieve a long-term impact to reduce the perception of corruption, and to maintain it as a government practice.
- The initiative was recently revived in February 2015 by the Federal Executive Branch, approved by the Chamber of Deputies and the Senate, and made known by a decree published in the Federal Gazette on May 27, 2015.

197. The Mexican State considers that there are factors to be taken into account when analyzing the situation of Mexico. They include: Mexico 's geographical location and its proximity to the United States of America; easy access to weapons in the United States of America; the fact that the United States is the biggest consumer of drugs in the world; the policies implemented regarding drugs by former U.S. President Bill Clinton; the decision by former President Clinton concerning detours on drug-smuggling routes; and the arrest of several drug cartel leaders made by the Mexican State and the instability created in the drug cartels.

198. A suitable response to the State on the questions posed in this section, both prior to the publication of the report as well as within it, will result in the transparency with which the Commission issues its statements and methodological rigidity with which is expected to act.

V. REMARKS ON SPECIFIC ISSUES IN THE REPORT

1. Disappearances and Forced Disappearances

Parragraphs 71 to 134.

199. As stated, the Mexican State is surprised by the fact that the IACHR presented its report based on ‘human rights violations’ and not on ‘protected human rights’ as it is stated in the American Convention. It is also a matter of concern that, throughout the report, it makes statements lacking real and objective basis. Such is the case of stating that the problem of disappearances in Mexico has attained critical levels and link the problem with an “alarming impunity” stemming from the dirty war, as mentioned previously.

- In this regard, it must be pointed out that **General Coordination of Investigation at the Office of the Attorney General of Mexico (PGR)** is comprised of investigations regarding events which probably constitute crimes, committed in the 1960s, 1970s and 1980s, precisely with the objective to investigate the events which occurred during the so-called dirty war. Currently, 275 preliminary investigations are being processed, of which, in 247 investigations, the disappearance of 485 individuals is being looked into. The rest of the investigations have been launched due to several crimes, such as homicide, abuse by authorities, and abduction, among others. Several actions and proceedings have been conducted within this framework, and two victims were located.
- Additionally, it must be pointed out that in the response to **IACHR Recommendation 26/2011**, the Mexican State has launched a **comprehensive damage repair** for victims, of which victims in 87 of the 275 proven cases have benefitted. In 2012, the trusteeship for the compliance of the obligations regarding human rights matters was created, and in 2014, its objective was expanded with the goal to perform repairs stemming from the report issued by the IACHR. Currently, through this trusteeship, the process to deliver financial compensation to indirect victims is continued.
- Finally, it is important to underscore that, in compliance with the sentence by the Inter-American Court for Human Rights in the Radilla Pacheco case, the Mexican State launched a series of actions to conduct an effective investigation and offer a comprehensive compensation to the family members of the victim. In this sense, the State presents periodic reports to the Inter-American Court, informing it of progress made in the investigations. But it has also complied with adopting the pertinent legislative reforms in order to standardize Article 57 of the Military Justice Code with international standards, implement permanent programs and courses regarding the analysis of Inter-American jurisprudence concerning the limits of military criminal jurisdiction and about due investigation in cases of the forced disappearance of individuals. Likewise, in a public act, the responsibility of the State was acknowledged regarding what happened in the case of Rosendo Radilla Pacheco. Psychological treatment has been offered to the victim’s family members and they were financially compensated, with set amounts in the sentencing, for the material and intangible damage caused.

200. The Mexican State has recognized being responsible in the events which took place in the 1960s and 1970s in some federal states and, in this sense, it launched actions to investigate the crimes committed within this context and duly compensate the victims. There is little proof to back the statement of an existence of an impunity problem stemming from the dirty war.

201. It is also a matter of concern that, although it is acknowledged that there is no certainty in the determination of a figure on missing individuals, the IACHR retakes the statement made by the U.N. Committee against Forced Disappearance, indicating that the high number of reported missing individuals lead it to arrive at the conclusion of the existence of a “context of generalized disappearances in a large part of the territory, many of which could be described as being forced disappearances”. Within this context, it must be clarified that the figure of 26,000 missing individuals, provided by the National Registry of Information on Missing or Disappeared Individuals, contemplates people who are missing for any reason and it is neither a benchmark nor should it be considered as such to assess the magnitude of the problem regarding the forced disappearance of individuals in Mexico.

202. The Mexican State acknowledges that faces numerous challenges in dealing with missing personas and, mainly, regarding the creation of a national registry which, through its database, allows for the magnitude of the problem we are facing to be known. In this sense, the following actions have been put into motion:

- The **National Registry of Information on Missing or Disappeared Individuals (RNPED)** has entered a **process to review, update and purge it since 2013** when, by an ruling from the National Council of the Judiciary, adopted within the framework of the 29th Plenary Assembly, on May 30, 2013, working groups in each of the Attorney General’s Offices and Prosecutor’s Offices in the states were created to carry out this process, working from standardized criteria.
- Additionally, within the framework of Mexico’s commitments in its 2013-2015 Plan of Action from the Alliance for Open Government, the National Registry of Information on Missing or Disappeared Individuals was reorganized and improved: in 2014, a **technical sheet to reclassify information from the database** was created and published in order to distinguish between the people regarding whom there is evidence in the preliminary investigations that they may be victims of forced disappearances, in comparison with the universe of missing individuals, at a federal level, and the **National Registry of Information on Missing or Disappeared Individuals database for federal jurisdiction on open information was published**, and which since January 2014 and to date in 2015 allows us to distinguish cases of forced disappearance investigated at the federal level (Article 215, Federal Penal Code), from the cases of people reported as simply disappeared or missing, individuals found alive or dead, and so forth. This information is classified by the individual’s gender and by the state where the events took place.

203. As for the attention of public servants to complaints presented by possible victims of forced disappearance, the IACHR reports receiving numerous complaints about the poor performance of the authorities involved. In particular, it stresses that prevails a sense of distrust in the authorities and a high degree of impunity. It should be noted that positive developments to combat impunity in the field, include the following:

- On August 19, 2015, the Standardized Protocol for Disappeared Individuals and the Investigation of the Crime of Forced Disappearance entered into effect. Said Protocol will be

applied by the Attorney General's Offices and the Prosecutor's Offices all over Mexico and, with it, the criteria for investigation becomes standardized based on national and international recommendations and standards.

- The Office of the Attorney General of Mexico has also entered the operation process of the **AM/PM (Ante Mortem/Post Mortem) Database** stemming from an agreement signed by the International Committee of the Red Cross. This database is populated by sensitive and useful information for searching living individuals and for identifying deceased people. It is expected that the software will become operative in all of the Offices of the Attorney General of Mexico, Prosecutor's Office and Coroner's Offices in all of the states by the end of 2015.
- Moreover, the **Special Prosecutor's Office of Seeking Missing Individuals** at the Office of the Attorney General of Mexico, created on October 10, 2015, is in charge of directing, coordinating and supervising investigations to search for individuals. Its creation was due to several international recommendations made to Mexico. This Prosecutor's Office currently has 120 officials and is currently being strengthened. It is working of the integration of a **National Registry of Clandestine Graves**, a DNA database which is expected to be the most complete in Latin America and the use of drones to locate victims.

204. Finally, with regard to definition of the crime of forced disappearance, the IACHR states that, currently, Article 215 of the Federal Penal Code does not meet international standards, in particular with what is established in the Inter-American Convention on Forced Disappearance of Persons.

205. In this regard, the reform to Article 73 of the Constitution, which empowered the Congress to issue the General Law on Forced Disappearances and the draft of the "General Law on Forced Disappearance", sent by President Enrique Peña Nieto to Congress on December 10, 2015, must be underscored. The preparation of this bill was done through a three-phase consultative process in which citizens, civil society organizations and states participated and it was accompanied by the International Committee of the Red Cross. This bill will establish a new public policy focused on searching for and locating missing individuals, and proposes the creation of four basic instruments:

- i) The **National Search System**, which will seek to ensure the immediate mobilization of public security, law enforcement authorities and specialized personnel upon receiving a report of a disappearance. It aims to guarantee a broad, swift and prompt institutional response in the hours following the disappearance.
- ii) The **National Registry of Missing and Undetected People** is a registry with updated information provided by hospitals, detention facilities, and coroner's offices, both at a federal and local level, which will allow family members to monitor the reports filed regarding disappearances.
- iii) The **National Forensic Registry** will facilitate the localization and identification of disappeared individuals.
- iv) The **National Citizens' Council** is comprised of defenders of human rights, specialists and family members of the victims. Its goal is to provide advice and issue opinions to the National Search System.

206. Mexico recognizes that the challenge ahead regarding this matter is to promote the adoption of the General Law, as well as ensuring its total implementation.

207. It should also be noted that, in its report on Mexico - CED/C/MEX/CO/1 – the Committee against Forced Disappearances recognized the following progress:

- The Committee welcomed various measures taken by the State, including: a) the reform to which human rights recognized in international treaties ratified by Mexico was given constitutional status; b) recognition in Article 29 of the Mexican Constitution which states that in no way may the prohibition of forced disappearance be restricted; c) the adoption of the General Victims Law in 2013; d) the adoption of the new *Amparo* Law in 2013; e) the standardized database on international recommendations regarding human rights matters (Paragraph 5 and Paragraph 6).

208. Based on the above, the State again questions why the Inter-American Commission did not conduct a thorough analysis of the constitutional and legislative progress which has been adopted in Mexico since 2011, and that significant structural changes have been created to provide a more effective response to the challenges Mexico faces in protecting human rights. This progress is, undoubtedly, still under construction. However, it proves Mexico's commitment and priority in addressing major challenges, such as the fight against forced disappearance

a) Ayotzinapa

209. The IACHR wishes to refer to the Ayotzinapa case, beginning with a “national and international call to attention” regarding the “structural and almost absolute impunity that these serious crimes usually end up as”. The above seems to be a statement which prejudices the result of the in-depth, on-going investigation regarding the events and it does not take into account the numerous efforts by the Mexican State in the case nor the creation of the Interdisciplinary Group of Independent Experts (GIEI). It is believed that the report does not suitably explain the actions undertaken in the Ayotzinapa case, taking into account the following considerations:

- The IACHR report does not state the fact that 111 people (the masterminds as well as the perpetrators) have been remanded due to the events which took place in Iguala, and that the investigation is still open. In addition, the Mexican State has worked closely with the Interdisciplinary Group of Independent Experts and opened new lines of inquiry in response to its recommendations.
- In its report, the IACHR does not recognize the State's cooperation with the Interdisciplinary Group of Independent Experts which, according to it, their cooperation during the first six months in office facilitated their work in Mexico.²
- The same report by the Interdisciplinary Group of Independent Experts, as of page 175, recognizes some of the actions taken by the Office of the Attorney General to clarify the facts, which is not reflected in the IACHR report.
- In this regard, the IACHR fails to mention that the Interdisciplinary Group of Independent Experts acknowledged that the advances made in the investigation of the case during the first

² Interdisciplinary Group of Independent Experts (GIEI). Ayotzinapa Report: Investigation and Initial Conclusions Regarding the Disappearances and Homicides of the Normal School Students from Ayotzinapa. September 6, 2015. Pg. 5, Paragraph 5.

six months of its work are a positive step³, as well as the fact that bonds of trust have been gradually generating between the parties.⁴

- Regarding the identification of the remains of one of the students, performed by the laboratory in Innsbruck, Austria, the Commission questions its validity because “the Argentine Forensic Anthropology Team (EAAF) was not present when the Attorney General’s Office allegedly (si) recovered the bag on the San Juan River.” (Paragraph 119), This is reason enough to disqualify the prosecutorial work by the Attorney General’s Office.
- It should also be noted that, on November 10, the Specialized Unit for Investigation and Search for the Ayotzinapa case, led by Joseph Aaron Perez Carro, began their duties. This office depends on the Office of the Deputy Attorney General on Human Rights, Crime Prevention and Community Services. The unit is comprised of a multidisciplinary team including prosecutor’s offices, doctors, and prosecutor’s office police and will be in constant collaboration with the Interdisciplinary Group of Independent Experts.

210. Additionally, it is kindly requested that the IACHR not take the State’s interventions out of context in in public hearings. In Paragraph 121 of the report, it states that "the State underscored that the decision to allow or not allow access to the members of the Interdisciplinary Group of Independent Experts to interview the soldiers lies with the President of the Mexico, who is the supreme commander of the armed forces due to constitutional mandate, and not lie with the military leaders”. This was not planned that way, as evidenced by the document which recorded the public hearing on the "Investigation and Initial Conclusions Regarding the Disappearances and Homicides of the Normal School Students from Ayotzinapa”, held on October 20, 2015. In response to a question from Rapporteur Cavallaro, Undersecretary Roberto Campa said that, in effect, the President is the Supreme Commander of the Armed Forces by constitutional mandate. However, regarding the statement of the General Secretariat of National Defense on the decision to allow interviews with members of the 27th Battalion, Secretary Campa pointed out that almost 50 members of this battalion have given their statements and reiterated that there is full readiness by the Mexican State, pursuant to what is stated within the judicial framework, to expand on these statements.⁵

211. In paragraph 118 of the IACHR draft report stated: “77% of those arrested for their alleged involvement in the events had injuries, with possible signs of torture ...”. After reviewing what is stated in the report of Interdisciplinary Group of Independent Experts, it indicated that of the 80 individuals detained, 19 were uninjured and the rest (77%) had different types of injuries. Currently, there are more than 110 detainees and it was the Attorney General’s Office itself that, in an exercise of transparency and good faith, has held the corresponding hearings for the investigation of such allegations.

3 *Ibidem*. Pg. 332, Sole Paragraph.

4 *Ibidem*. Pg. 298, Paragraph 1 and Pg. 303, Paragraph 2.

5 Minute 54 to Minute 62 of the Public Hearing on the Presentation of the “Investigation and Initial Conclusions Regarding the Disappearances and Homicides of the Normal School Students from Ayotzinapa” report, held on October 20, 2015.

212. According to the records of the Inter-American Commission on Human Rights itself, the Agreement between the Interdisciplinary Group of Independent Experts and the Mexican State was signed on October 19, 2015 and not October 20, 2015 as indicated in Paragraphs 120 and Paragraph 121 of the report.

b) Disappearance of Migrants

Paragraphs 135 a 144

213. The IACHR notes that, in the context of violence in Mexico, one of the phenomena which creates the greatest concern is the disappearance of migrants and the particular difficulties migrant families face searching for and accessing justice.

214. In this regard, as the IACHR has been informed, both in public hearings on the issue as well as regarding information presented to the Rapporteur on the IACHR's Rights of Migrants, it is important to note that the Attorney General's Office is working on the creating **Foreign Support Mechanism**, consisting of a series of actions and measures tending to ensure access to justice for migrants and their families located in another country and who need to access authorities based in Mexico, as well as to perform aid them in the search for missing migrants and in the investigation and prosecution of crimes committed against them, seeking to ensure the rights of victims. Such a mechanism will operate through the Attorney General's Attaché's Offices which the Office of the Attorney General has in Mexico's embassies in other countries.

215. Also noteworthy is the importance of signing the **Collaboration Agreement for the Identification of Remains Found in San Fernando, Tamaulipas and Cadereyta, Nuevo Leon**, through a Forensic Commission and a subsequent addendum to include the Office of the Attorney General of the State of Nuevo Leon and the State of Tamaulipas in their fields of competence. This Forensic Commission follows the recommendation by the Inter-American Commission on Human Rights in the sense of developing effective mechanisms of investigation, which are to be regionally coordinated, to enable injured migrants and their families, regardless of their immigration status and wherever they are, to have effective access to justice. This mechanism allows assistance and information to be given to families regarding the search for the migrant individual. In this case of disappearance, from the Mexican Embassy in Guatemala which is empowered to take action throughout Central American; the clarification of the facts to ensure both the effectiveness of the investigations as well as the right to the truth; compensation regarding the damages and harm suffered by the direct and indirect victims; as well as full access and capability to act in all stages of the investigation and prosecution of the perpetrators.

216. Finally, it should also be mentioned that the Secretariat of the Interior, jointly with National Migration Institute, introduced the 'Comprehensive Strategy for the Prevention of Kidnapping of Migrants', formally launched the Framework Cooperation Agreement for the Prevention and Combating the Kidnapping of Migrants, signed between the Secretariat of the Interior, the Office of the Attorney General and the National Commission on Human Rights

- The Strategy includes five lines of action aimed at abating crimes against migrants in Mexican territory: i) to establish coordination by signing specific agreements with state governments, in order to implement specific actions of caring and supporting migrant victims of crime, ii) to implement an operational plan with the collaboration of the Secretariat of Communications and

Transportation and other agencies, to dismantle organized crime gangs operating along migration routes, iii) establishing a communication plan to prevent, inform and raise awareness, aimed at the Mexican population and migrants in Mexico, as well as being aimed at sending countries, iv) to update the procedure to arrest kidnappers and inclusion of preliminary investigations, v) establishing mechanisms for comprehensive care for foreign victims.

- In this context, it incorporates the work of civilian networks attending to migrants and Human Rights Commissions.

c) Disappearance and Forced Disappearance of Women

Paragraphs 145 a 152

217. The Commission expresses its concern over the disappearance of women and girls, noting that has monitored this phenomenon. He also notes that civil society has generated alarm by, manifesting itself through the requests for Gender Alerts.

218. While the IACHR acknowledges progress in regulatory matters, it believes that it will have no real impact on public policy and therefore on the lives of women. Thus, it questions the effectiveness of existing mechanisms, such as the ALBA Protocol, AMBER and Alert Mexico Protocol

219. The IACHR report draws attention to stereotypes, particularly gender, and how these will bias the results of an investigation. However, the report recognizes the progress that has been made in raising awareness and visibility of gender by not mentioning the protocols published by the Attorney General's Office, on femicide and sexual violence and protocol the Supreme Court uge gender perspective. Also they can highlight the following progress

- The 2013-2018 **Proigualdad policy**, aligned to the National Development Plan, considered among its strategies, effective justice, sensitive to gender, with due diligence, without discrimination to women and girls. Among its lines of action, it establishes the fostering of the standardization of police research protocols regarding the homicides of women and the development of impact indicators and application protocols, manuals, ministerial criteria, expert and law enforcement services with gender perspective, in addition to Strategy 2.3 regarding strengthening care services to women and girls under all types and forms of violence. It has, among its lines of action to consolidate he implementation of the **ALBA Protocol and the Alerta AMBER México Protocol** and foster a national information system on missing people. The Government of Mexico considers it to be necessary to continue to work towards strengthenning training and standardize all of the search actions and protocols at a national level
- The protocols published by the Mexican Supreme Court to regarding judging with gender perspective must be underscored, as well as the protocol published by the Attorney General's Office, on femicide and sexual violence, which serve as action guidelines regarding women's rights and law enforcement with gender perspective for personnel throughout Mexico it may be generally applied at a national level.
- In compliance with the "Campo Algodonero" sentence, dated July 12, 2012, the Alba Protocol was modified, which contemplate the coordination of the efforts by the three levels of government committed in the promotion and execution of activities leading to the localization of women who have been reported to be missing.

- The **Alba Protocol** has a **Technical Collaboration Group**, composed of various federal and local agencies, which display appropriate actions for locating missing women and girls, and continues to operate until they are located. The National Commission to Prevent and Eradicate Violence against Women, acting as the convener of this group and responsible for monitoring agreements and actions arising from the regular meetings. It has facilitated the operability of the mechanism and the identification of the needs which arise around inter-institutional coordination and cooperation.
- It also emphasizes the creation of the **Subcommittee on Coordination and Liaison to Prevent and Eradicate Violence Against Women in Ciudad Juarez, Chihuahua**, established in order to plan and monitor collaborative actions of the federal government with the state and municipal governments to combat and eradicate violence against women. It is coordinated by the National Commission to Prevent and Eradicate Violence against Women and the Women's Table Network, and comprised of various federal agencies, the government of Chihuahua and civil society organizations.
- It should be noted that, to date, 12 applications of Gender Violence Against Women (AVGM), have been processed, two of which have already been declared (State of Mexico, requested in December 2010 and Morelos, requested May 2014), two are pending under the procedure laid out in the 2008 Regulations of the General Law on Access⁶, (Nuevo León and Chiapas); and eight more are pending under the procedure established in the current Regulations of the General Law on Access, the same that was renovated in 2013 to grant autonomy, transparency, impartiality and expedite the Gender Violence Against Women Alert investigation statement.
- Among the best are the requests that the Gender Violence Against Women Alert may be presented by international organizations, national or federal entities defending human rights as well as legally constituted organizations of civil society. Upon the request being admitted, the formation of a working group is created, in order to study and assess the situation of the territory on which it is stated that there are violations of human rights of women. This group is multidisciplinary and involves experts on academic institutions who are experts in the matter, guaranteeing impartiality; to give it greater speed, the working group has a deadline of thirty calendar days from the day they meet for the first time to integrate and develop their corresponding conclusions.

220. The IACHR stresses that, although the Inter-American Court issued a ruling on the *Campo Algodonero* case, in many aspects of investigations into cases of deaths and disappearances of women, there is still a lack of gender perspective, particularly when public officials are involved in events which possibly constitute a crime. The Commission states that in most of these cases, officials are not investigated, which is not supported by any source. It concerns the State that

⁶ Guanajuato (requested in 2014), Morelos. (requested in 2014), Michoacán (requested in 2014), Colima (requested in 2014), Baja California (requested in 2015 Sonora), Veracruz (requested in 2015), Querétaro (requested in 2015) and San Luis Potosí (requested in 2015)

due to the nature of the claim, it is not accompanied by any document backing it. The report also notes that stereotypes, particularly gender, usually skew the results of investigations.

221. However, the report does not take into account progress in raising awareness and visibility of gender, particularly from the fields of teaching and law enforcement, by omitting the protocols published by the Supreme Court (SCJN) and the Office of the Attorney General of Mexico.

- The **Protocol of the Mexican Supreme Court to Judge with Gender Perspective**, published in 2014, aims to take care of the problems detected and repair measures ordered by the Inter-American Court on Human Rights in the cases of González and others (*Campo Algodonero*, Inés Fernández Ortega, Valentina Rosendo Cantú, regarding the control of convencionalidad by those who enforce the law.
- On his part, the **Special Prosecutor's Office on Crimes of Violence against Women and the Trafficking of Humans (FEVIMTRA)**, at the Office of the Attorney General of Mexico, published the **Protocols of Investigation on Femicide Crimes and Sexual Violence**, which act as action guides and define guidelines with gender perspective.
- In this regard, it is noteworthy that the Inter-American Court of Human Rights, in the *Campo Algodonero* case, positively valued the creation of Operation Alba and the "Alba Protocol" as a way of paying increased attention to the disappearance of women in Ciudad Juarez and he issued a series of parameters regarding the situations in which this protocol should be enabled which the Mexican government has taken into account.⁷.

d) Disappearance of Boys and Girls

Paragraphs 153 a 156

222. Paragraph 153 states that "in accordance with the information contained in the National Register of Data of Missing or Disappeared Persons (RNDPED), in Mexico, there are over 7,016 children and adolescents missing, which represents 30 % of the total number of disappearances". However, the report does not indicate the time period encompassing that figure. On February 26, 2015, an updated list was published in the National Register of Data of Missing or Disappeared Persons. From January 1, 2012 to January 31, 2015, 15,668 people were reported as being located, of which **3,677** are children (2,365 girls and 1,312 boys); the remaining 10,597 are adults (2,179 women and 8,418 men), while 1,394 did not provide their age (321 female and 1,073 male).

223. Paragraph 154 points out the absence of criminal classification for the conduct of adults seeking to recruit children and adolescents for organized crime, in addition to the absence of effective policies of child protection and the prevention of children in the most vulnerable situations. However, the following items are not mentioned:

- In Title VII of the Federal Penal Code, concerning **health-related offenses**, it stipulates that the penalties which, if any, are applicable for offenses under Section 194 shall be increased by one half, **when minors are used** to commit any of these offenses.

⁷ Corte Interamericana de Derechos Humanos, Caso González y Otras "Campo Algodonero" v. México, Sentencia de 16 de noviembre de 2009, Serie C No. 205, párr. 505 y 506.

- Also in Title VIII of the Federal Penal Code concerning **crimes against the free development of personality**, it stipulates that a person commits the offense of corruption whoever compels, induces, facilitates or procures one or more persons, under 18 years of age, to **carry out the commission of any crime or being part of a conspiracy** . This offense is also punishable under the penal codes of the states
- National Program for Social Prevention of Violence and Crime (PNPSVD).** Under the National Program for Social Prevention of Violence and Crime 2,500 training activities have been conducted regarding children’s rights, bullying prevention, culture and sport, denaturing of violence, abuse prevention and child abuse. Similarly, over 270 cultural, sports and academic events have been carried out.
- **Greatest Sportsmen (*Glorias del Deporte*) Program.** It has a comprehensive approach to social protection through soccer for at-risk 13 to 15 years old. The program was launched as a pilot in 2013, serving 1,500 teenagers in 21 cities. In 2014, the program grew considerably and 8,560 teens were attended to in 54 cities in 29 Mexican states.

2. Extrajudicial Executions

224. In Paragraph 159 to Paragraph 172, the IACHR mentions figures on first-degree murder and wrongful murder in Mexico, particularly in the period from 2012 to 2015. The Interdisciplinary Group of Independent Experts refers again to the conclusion that the homicide rate fell from 2013 to 2015. In Paragraph 169, the IACHR concludes that, at present, it is impossible to have reliable numbers and statistics on how often the problem of illegal deprivation of life by the state security forces occurs.
225. Under international law, an extrajudicial execution is by definition the arbitrary deprivation of life⁸ committed by state officers. It is a matter of concern that the IACHR report, Paragraph 159 to Paragraph 163, refers to homicide figures, not precisely extrajudicial executions, based on these figures, it concludes the existence of a “systematic and endemic” impunity under the section of extrajudicial executions. This is misleading and an incorrect assessment of the situation of extrajudicial killings in Mexico.
226. In Paragraph 161, the Commission, again, takes up the concern expressed by the Special Rapporteur Christof Heyns about the “alarming levels of violence and attacks against life in Mexico”. However, he does not undertake the same acknowledgement which the same Rapporteur expressed in his report A/HRC/26/36/Add.1, regarding the following progress:
- The Rapporteur noted that, in the course of his visit, it was clearly demonstrated that Mexico is deeply committed to international and regional human rights systems and it is a country open to review of international human rights mechanisms. The Special Rapporteur underscored that this spirit of openness and the State's adherence to the international human rights agenda reinforces its capability to protect the right to life in cooperation with the international community (Paragraph 19);

⁸ Arbitrary deprivation of lives is understood as being any execution without complying with the principles of legality, absolute necessity, proportionality and precaution. [P. Alston, Handbook on Extrajudicial Executions <http://www.extrajudicialexecutions.org/application/media/Handbook%20Chapter%202%20use%20of%20force%20in%20LE.pdf>]

- He took note of the promising progress made with regard to the Treaty on Arms Trade; progress which continued after his visit to Mexico. The Special Rapporteur commended Mexico for having signed the Treaty on the same day it opened for signature on June 3, 2013, and for ratifying it in September 2013 (Paragraph 38);
- The Rapporteur noted that Mexico has adopted several protocols to investigate serious crimes and search for vulnerable persons whose whereabouts are unknown, which is a positive development. He stressed that the different protocols for the investigation of femicide in certain jurisdictions and Alba and Amber protocols are an example of the usefulness of standardizing certain specific policies (Paragraph 46).
- The Special Rapporteur obtained a positive impression regarding the operations and services he observed at the Institute of Forensic Sciences in Mexico City, dependant on the Superior Court of the Federal District, and the Chihuahua forensic services (Paragraph 47).

227. It should also be noted that, at national level, the actions by individuals using force should invariably be subject to the provisions of Article 1 and Article 21, Paragraph 9 of the Constitution of the United Mexican States; Article 6 of the General Law on the National Public Security System; Article 3, Article 15 and Article 19, Section V of the Federal Police Law; Article 185, Final Paragraph of the Regulations of the Federal Police Law; Federal Law to Prevent and Punish Torture.

228. However, on April 23, 2012, Agreement 04/2012 from the then-Secretary of Public Security was published in the Federal Gazette, by which the general guidelines for the regulation of the use of force are issued by the police entities of the decentralized bodies at the Secretariat of Public Security. This Agreement is to establish the general regulatory basis for the use of public force by police institutions of the Secretariat of the Interior's decentralized administrative bodies.

229. The aforementioned Agreement establishes that the use of public force is strictly carried out to the extent required to perform the functions of the members of police forces and should be legal, necessary, proportionate, rational, and timely to ensure compliance with the principles of legality, objectivity, honesty, effectiveness, efficiency, responsibility, diligence, professionalism and respect for human rights recognized by the Constitution of the United Mexican States and will be used to neutralize and control behaviors which generate threats of violence and have a tendency to cause to others or federal police officers. It also provides that the legitimate use of force may also be used to restore public order caused by mass disorder and tumultuous events which generate violence or harm to others, properties and the safety of others, as well as in situations of serious disturbance public order and of peace.⁹

230. Moreover, inside the National Security Commission (CNS) and given the importance regarding respecting the human rights of people, the General Commissioner of the Federal Police (who holds the highest rank in the CNS) has issued various "circular letters" to the Heads of Divisions, namely: PF/OCG/0014/2013; PF/OCG/0015/2013; and PF/OCG/0016/2013. These circulars contain "instructions for members of Federal Police," so that, in the exercise of their functions, they can adjust their performance to the principles of legality, objectivity, efficiency, honesty, professionalism and respect for individual rights and human rights enshrined in the Constitution. For the development of the actions carried out on preventing and combatting

⁹ <http://www.dof.gob.mx/index.php?year=2012&month=04&day=23>

crime, in cases of the detention of persons, they are immediately made available to the corresponding Public Prosecutor, refraining from inflicting cruel, inhuman and/or degrading treatment, and not to use the facilities of this institution as detention centers. This is in compliance with AGREEMENT 05/2012, issuing the general guidelines to place persons or objects at the disposal of the competent authorities,” published on April 23, 2012, in the Federal Gazette. It also has the “Booklet of Rights who Aid People Being Detained, which establishes all the rights of detainees.¹⁰

231. The Federal Police, through its Regional Security Division, which is responsible for safeguarding the federal highway stretches, has issued several regulations regarding disturbances, such as the “Guidelines for Action Regarding Roadblocks and Tool Booths”. They are for internal use and not accessible through government websites.

232. In addition, it is noted that, currently, the Federal Police are carrying out functions of judicial police, based on the implementation of the accusatory penal system, for which it has the “Courtroom Security Protocol, approved at the 38th Session of the National Public Security Council”. In addition, the Federal Police, through the Federal Forces Division, which is responsible for maintaining and restoring public order and peace, has issued the following: “General guidelines for the establishment of permanent actions ensuring the integrity and behavior ethics of public servants in the performance of their job duties or commissions” , “Systematic Operating Procedures (Implementation of Operational Reaction and Immediate Alert) and “Operations to Restore Law and Order”.

233. The Mexican State, through the Federal Police, is committed to safeguarding the human rights of people at all times. So, it has recognized various international instruments, such is the case of the “Code of Conduct for Law Enforcement Officials”, approved and proclaimed at the 106th Plenary Meeting of the United Nations General Assembly on December 17, 1979.

234. In addition to this, the Federal Police is subject to the “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, adopted at the Eighth United Nations Congress on the Prevention Crime and Treatment of Offenders, held in Havana, Cuba, on September 7, 1990; and the Set of Principles for the Protection of all individuals under any form of detention or imprisonment. Similarly, the authorities responsible for public security in Mexico are required to comply with the provisions of international treaties to which Mexico is a party.

3. Torture

Paragraphs 173 to 174; Paragraphs 245 to 259 (in the section Abducted Persons)

235. The IACHR agrees with the Subcommittee on Prevention of Torture and the Special Rapporteur that the practice of torture is widespread in the country and it considers it to be a matter of concern that up to April 2015, the Office of the Attorney General of Mexico had 2,420 open investigations on torture but there was only a record of 15 convictions at the federal level. With

¹⁰ <http://www.cns.gob.mx/portalWebApp/ShowBinary?nodeId=/BEA%20Repository/1304042//archivo>

the above, the Commission concludes that there is a serious problem of impunity surrounding the practice of torture in Mexico.

236. It should be noted that the high number of investigations initiated by the alleged commission of the crime of torture is due to the fact that the Mexican Supreme Court has issued criteria on the obligation of authorities from the Prosecutors' Offices to investigate, *ex officio*, any possible act of torture, even if it has not been denounced by the alleged victim. This is based on the principle of comprehensiveness of the investigation, established in Article 94 of the Federal Code of Criminal Proceedings. In that sense, having a large number of open prosecutorial investigations and a low number of convictions, should not infer that there is an impunity problem.
237. In the section on abducted persons, the importance of ensuring the protection of human rights of detainees is underscored, especially during the first hours of the abduction. It discusses the inadequate implementation of the Istanbul Protocol, about challenges in the appropriate classification, at the state level, and failures in the investigation. It recognizes jurisprudential progress in the Mexican Supreme Court on the matter and the creation of a Specialized Torture Crime Unit within the Mexican Attorney General's Office.
238. Just as on the issue of the forced disappearance of individuals, it is a matter of concern that despite stating that "information was received indicating that the official records of torture and abuse throughout Mexico reflect underreporting and are inaccurate, contradictory and incomplete, which prevents having an accurate overview of the true magnitude of the problem, there is talk of a widespread problem in Mexico.
239. It is important to underscore that **Mexico is committed to preventing and punishing acts of torture aiming to eradicate it completely**. Our country has a judicial framework at federal and state levels to prevent and punish acts of torture, and this legal framework is currently under review in order to standardize the definition of torture at the national level, in accordance with international standards.
240. Among the major advances in combating torture and which have not been adequately reflected in the IACHR report, the following stand out:
- i) Since 2003, in Mexico the obligation to implement the Specialized Medical/Psychological Report, known as the **Istanbul Protocol**, for cases of possible torture or abuse was established. Since then, training courses on the theory, practice, technique, methodology and application of that opinion are held permanently.
 - ii) Significant progress regarding the restriction of military jurisdiction, particularly in light of the recent reform of **Article 57 of the Military Justice Code**, to ensure that all military personnel implicated in human rights violations against civilians, committed in past or present, be investigated, prosecuted and judged by the ordinary justice system.
 - iii) The approval of the **National Criminal Proceedings Code**, as long as it fits and is in line with the adoption of the new accusatory penal proceedings, which guarantee the right to due process, including its due diligence.
 - iv) The publication of the **Protocols of Chain of Custody, Preservation of Evidence and Use of Force**.
 - v) The enactment of the **General Victims Law** of Victims and the establishment of instances to ensure adequate compensation of victims in case of serious crimes.

- vi) The recent ruling by the Mexican Supreme Court regarding the implementation of the Judicial Procedure Protocol, related to the judge's obligation to request, on the one hand, the application of the corresponding Psychological Medical Report, in view of the possible commission of act torture and, on the other hand, the investigation of this likely act. Also, recently the Supreme Court ruled that the confessions likely to have been obtained by torture are inadmissible.
- vii) The amendment to Article 73 of the Constitution, which empowered the Congress to issue the General Law on Torture. From this reform, the Executive Branch, through an interagency group, is working on a draft General Law on Torture and other Cruel, Inhuman and Degrading Treatment which meets international standards in this matter. The project has been worked on through an inclusive process which has had stages of consultation with citizens, civil society, states and has been accompanied by the International Commission of the Red Cross. In this Act, important aspects regarding prevention as well as measures to prevent the use of torture in detention, among others, will be presented. On December 10, 2015, President Enrique Peña Nieto sent a draft General Law against Torture to Congress, which will standardize the crime of torture in the 32 states, in accordance with international standards. Also, in order to end this and other forms of cruel, inhuman or degrading treatment, it proposes to create the following entities:
- Specialized Investigation Units, both federally and in the states, to more effectively combat this crime.
 - The National Prevention Mechanism, consisting of the National Commission on Human Rights and the state ombudsman, and in which representatives of international organizations, civil society, academics and experts will participate.
 - National Register of Crimes of Torture and Inhuman and Degrading Treatment, consisting of the databases from Mexico's Attorney General's Office and the local Attorneys General Offices.
- viii) The entry into force, on August 19, the Standardized Protocol for the Investigation of the Crime of Torture.
- ix) The creation of the **Specialized Unit on the Investigation of the Crime of Torture** on October 27, 2015, which is responsible for directing, coordinating and supervising the investigations into crimes regarding torture. It must be underscored that this unit shall have the authority to require information from police, technological, scientific and expert investigation from the Attorney General's Office and others, as well as the ability to coordinate with law enforcement institutions from federal entities to investigate this crime.
241. It is surprising that the Commission reconsiders assessments made by the U.N. Special Rapporteur on Torture, Juan Mendez, but doing so without acknowledging Mexico's progress in the matter referred to in the report A/HRC/28/68/Add. 3, namely:
- It underscores that the 2011 Constitutional Reform on Human Rights represented a significant step forward in the implementation and respect for human rights. The reform expanded the IACHRs powers of investigation, and incorporated controls in order to comply with its recommendations. It established the prison system organization based on respect for human rights and social reintegration (Paragraph 10);
 - The Rapporteur highlights the fact that the 2008 penal reform laid the groundwork for moving from an accusatory criminal proceeding to an inquisitorial one, which shall operate throughout Mexico in 2016. This reform constitutionalized fundamental rights to prevent torture and

abuse, including the obligation to conduct an immediate record of the arrest and the exclusive admission of evidence in court hearings, with exceptions for pretrial submitted evidence and organized crime. He acknowledged the reforms to ensure the presumption of innocence and access to defense from detention (Paragraph 11);

- He underscored the creation of the National System for Victims, headed by the Executive Committee for Victims, which has a Torture Committee to assist victims and help design policies (Paragraph 17);
- He points out that, in March 2014, the National Criminal Proceedings Code, governing the adversarial process, was published, and should be adopted and implemented by state legislatures by no later than 2016. It strengthens constitutional guarantees and provides important safeguards to prevent torture and abuse, such as confidential access to and communication with a lawyer from detention (Paragraph 18);
- The Special Rapporteur acknowledges that Mexico has taken steps towards favoring crime prevention and the development of security policies with a human rights perspective including the withdrawal of military forces in some regions, restricting extrajudicial detention, the adoption of constitutional reforms, legal and jurisprudential developments, and training in human rights (Paragraph 20);
- Finally, it recognizes the State's commitment to use the Istanbul Protocol in all investigations, for which independent experts have been performing training and evaluations (Paragraph 41).

4. Specific Situations

a) Tlatlaya

Paragraphs 176 a 180

242. The Inter-American Commission on Human Rights, in addressing this case, did not cite information that the Attorney General's Office sent it, not mentioning that, on October 29, preliminary investigation PGR/SEIDO/UEITA/174/2014 was recorded, by which penal action was taken against Alan Fuentes Guadarrama, Julio Cesar Guerrero Cruz, Roberto Acevedo Lopez, Samuel Torres Lopez, Ezequiel Rodriguez Martinez, Fernando Quintero Millan and Leobardo Hernandez Leonides, as suspects in the commission of the offense of abuse of public service; also, against Fernando Quintero Millan, Roberto Acevedo Leobardo Lopez and Leonides Hernández, for their alleged responsibility in the commission of crimes of abuse of authority, murder and illegal alteration of the scene and traces of the crime; finally, against Ezequiel Rodriguez Martinez, for his alleged perpetration in the commission of the crime of concealment under the theory of not attempting to prevent the consummation of a crime, settling the matter before the Fourth District Court of Federal Criminal Proceedings in the State of Mexico, in Toluca, under criminal case number 81/2014. On October 30, the corresponding arrest warrant was issued and enforced on October 31.

243. By the IACHR ignoring this information, it invalidates the work that the Attorney General's Office and the Mexican State performed on the subject, making it appear that from the day of the incident, authorities have not conducted any investigation, ignoring the military record, despite repeatedly, in the draft report, stating that the military enjoyed impunity, demonstrating the Mexican State it has strict compliance with human rights, and when there is enough evidence to prove their responsibility, these are, indeed, recorded.

244. Also, the timely information provided by the Attorney General's Office is not mentioned. On August 6, 2014 criminal action was brought against Cinthya Estefani Nava Lopez and Patricia Campos Morales for their alleged perpetration in the commission of the crime of possession of firearms and possession cartridges, leaving an open space to continue with the research regarding other members of the criminal group calling itself "The Michoacán Family" mentioned in the sworn statement recorded by the two women.

245. Finally, it must be underscored that the IACHR statement, in Paragraph 180 of the draft report, is incorrect. This paragraph repeats statements which say " ... The Commission deeply regrets the statements of the Secretary of National Defense, made to the media in October 2015, in the sense that Tlatlaya there were no violations of human rights, even if the criminal process is still ongoing " Such statements are based on the press release dated October 8, 2015, in vanguardia.com.mx entitled "In Tlatlaya, soldiers fired in self-defense: Cienfuegos", which is totally false, since the information before the public opinion in the interview given by the Secretary to a journalist on October 11, 2015, stated that: "... our soldiers, in full view of many Mexicans are guilty of committing what is said there. However, there is still no decision by an authority, this is to say a judge, that we are guilty or are not, and I would suggest, I would ask that you first perform a trial and a determination of whether there is a responsibility, and if there is, well, to proceed accordingly with the law, but if there is not, also to recognize that there is this responsibility and therefore they would be innocent ... ". In this context, it is confusing on how the IACHR addresses the issue by doing so without seriousness or objectivity, displaying partiality to the detriment of the commitment to human rights.

b) Apatzingán

Paragraphs 181 a 184

246. The IACHR also states the events which took place on January 6, 2015 in Apatzingan, Michoacan, as a specific matter of concern. However, the report does not reflect that the information on progress attained in the investigation has not been considered, regarding the events which the Mexican State sent to the IACHR in May 2015, in response to its request for information based on Article 41 of the American Convention on Human Rights. In that sense, it kindly requests the Commission to refer to the report and reflect, in this section, some of the progress and positive actions resulting from the efforts of the Mexican State.

5. Impact on Specific Groups

a) Women

Paragraphs 190 a 203

247. The IACHR points out that it has received information that women in Mexico - and other countries - continue to be victims of certain crimes in greater proportion than men, among which most notably are rape, sexual abuse, domestic violence, crimes against family and crimes against sexual freedom and security.

248. It is noteworthy to recall that to address the problem of violence against women, Mexico has undertaken major legislative and public policy efforts. **The General Law on Women's Access to a Life Free of Violence** was published in February 2007 in order to establish the legal and

administrative guidelines through which the State is coordinated at the three levels of government, in terms of prevention, care, punishment and eradication of violence against women. This Act was amended on **January 15, 2013**, with the following modifications: (i) in femicide section, the specific reference to the sanctions provided for in Article 325 of the Federal Penal Code was included; (ii) the time period to issue orders of protection was reduced from 24 to 8 hours, and the immediate implementation and execution of emergency protection orders was established; and (iii) the incorporation of the Secretariat of Labor and Social Welfare as a member of the National System.

249. In terms of legislative standardization at the local level, in relation to the provisions of General Law of Access and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, it is noted that the **32 Mexican states have a State Law on access of Women to a Life Free of Violence**. In addition, 29 of those states already have the relevant regulations. The states of Campeche, Michoacán and Tamaulipas are in the process of issuing it. According to the provisions of the relevant laws of Access of Women, each state is required to install a Local System to Prevent, Treat, Punish and Eradicate Domestic Violence Against Women. To date, **32 states already have their own State System**.

250. On April 30, 2014, the 2014-2018 Comprehensive Program to Prevent, Treat, Punish and Eradicate Violence against Women (Comprehensive Program) was published, whose monitoring corresponds to the Secretariat of the Interior. The Comprehensive Program through the National Commission to Prevent and Eradicate Violence against Women represents the result of an extensive exercise with citizens forums, spaces for communication and exchange of ideas and proposals.

251. Finally, it is important to note that significant improvements have been made to the **Gender Violence Alert Against Women (AVGM)** procedure, an administrative scrutiny mechanism by which contexts of extreme violence against women are identified in certain territories and consequently, government emergency actions (prevention, security and justice) to be undertaken to address the problem are determined. The current procedure for the declaration of Gender Violence Alert Against Women is as follows:

1. The application is filed with the National Institute for Women, in its capacity as Executive Secretariat of the National System, which verifies the eligibility criteria and, if they are met, the application is accepted.
2. Once the application is approved, a working group has 30 calendar days to analyze the situation of violence against women which exists in a given territory and report its findings and proposals to address the problem.
3. Following the publication of the report and its acceptance by the State Executive Branch, a six-month period is granted so it may design strategies and start implementing measures to comply with the proposals and address the problems detected in the report of the working group.
4. In case the State Executive Branch has not accepted the report or within six months does not show that the proposals of the working group are being addressed diligently, the Secretariat of the Interior will declare Gender Violence Alert Against Women and determines the actions of prevention, safety and justice to be implemented to address the problem.

252. Therefore, it can be determined that the minimum time period to declare Gender Violence Alert Against Women, according to the current regulations, (renewed in 2013), is 13 months. In view of the above, from the nine alert requests processed under this new regulation: one was declared appropriate 15 months after the application (Morelos); another was declared inadmissible due to the response of the state government to address the recommendations and proposals made by the working group (Guanajuato); and the remaining seven applications are being processed within the prescribed time limit.¹¹

253. The IACHR also states its concern about the use of sexual torture and gender torture by the State. In this regard, we underscore the creation of a **Monitoring Mechanism Regarding Cases of Sexual Torture** committed against women, which is the product of agreement between the Mexican State and the petitioning organizations regarding the hearing on sexual violence, under the 154th Period of Sessions of the Inter-American Commission on Human Rights. Stemming from it, on September 9, 2015, the Mechanism was formally installed, aimed at reviewing the cases of women denouncing sexual torture referred to in the "Breaking the Silence: All together against sexual torture" campaign, mainly cases of women who are in reclusion. Besides counting on the participation of civil society organizations, the mechanism is comprised of the Secretariat of the Interior, the Office of the Attorney General, Executive Commission to Attend to Victims, National Commission on Human Rights and the Secretariat of Foreign Relations. The main objectives of this mechanism are:

- Review of priority cases of women complaining of sexual torture as part of the campaign;
- Issue a joint report with recommendations on the cases reviewed, which will contain recommendations to the competent authorities, in order for them to act in strict compliance with the protection and respect of human rights of women.
- Monitor and follow up cases of women complaining of sexual torture, with special emphasis on cases of women prisoners, in order to safeguard their physical and psychological safety.
- To establish public policies aimed at preventing and combating sexual torture.

b) Indigenous Towns and Communities

Paragraphs 204 a 210

254. Paragraph 204 mentioned that serious human rights violations against indigenous peoples and communities in Mexico appear in two main areas, namely (i) violence in the context of mega-projects on ancestral lands and territories, authorized without due process of consultation and free, prior and informed consent; and (ii) under their land claim, and lack of due criminal proceeding.

255. Paragraph 205 concludes that when it comes to violence in indigenous territories or communities where large projects are located, the common denominator is the granting of permits or concessions without consultation and free, prior and informed consent. However, the report fails to mention the following:

¹¹ Michoacán (solicitada en diciembre 2014), Colima (solicitada en diciembre 2014), Baja California (solicitada en enero 2015); Sonora (solicitada en mayo 2015), Veracruz (solicitada en septiembre 2015), Querétaro (solicitada en octubre 2015) y San Luis Potosí (solicitada en noviembre 2015)

- In 1991, Convention 169 of the International Labour Organization on Indigenous and Tribal Peoples in Independent Countries is published in the Federal Gazette.
- The Secretariat of Energy initiated a process of regulatory standardization, the legislative conclusion of which culminated in August 2014 with the enactment of the **Laws of Hydrocarbons and of the Electricity Industry**. Such chapters included chapters entitled “Social Impact”, in which the obligation to respect, protect, promote and guarantee human rights of all people in developing energy projects, especially including indigenous communities, was established.
- The regulations of these laws provides that the **consultation** will be conducted with appropriate procedures through representative institutions of each indigenous people and community, observing the principles of good faith, freedom, accommodation and reasonability, among others.
- The Energy Department has undertaken the following **consultation procedures**:
 - o Consultation procedure of the Rarámuri Pueblo on the construction and operation of the El Encino - Topolobampo pipeline.
 - o Consultation procedure of the Zapotec communities of El Espinal and Juchitán de Zaragoza, in the State of Oaxaca.
 - o Consultation procedure of the Yaqui Tribe on Sonora Pipeline project.
- It should be noted, moreover, that to state that a significant number of mining concessions in the country are indigenous ancestral territories, a note published on January 24, 2014 by Edgar Sigler and Karla Rodriguez on the website of CNNExpansión is cited. In the article cited, it states that there are 29 mining concessions that are in trouble usually related to payments to *ejidos* (communal farming land) according to the Observatory of Conflict Mining in Latin America, of a total of 2,600 mining concessions in the country owners in Mexico. However, it does not specify whether these 29 mining concessions that are found or not found on ancestral territories of indigenous peoples.

256. Paragraph 207 mentions that when indigenous people are involved in legal proceedings as victims, defendants or witnesses, extrajudicial discrimination interferes regarding judicial guarantees to ensure full respect for their procedural rights. Also, citing the Special Rapporteur’s report on extrajudicial, summary or arbitrary executions, Christof Heyns, dated April 28, 2014, it states that “it is common in Mexico for traps to be tend on innocent people to incriminate them even if they are innocent, and this affects indigenous people and people living in poverty in a different manner”. However, the report fails to mention the following:

- The addition of a **special proceeding for indigenous peoples and communities** in Title X of the National Code of Criminal Proceedings, published in the Federal Gazette on March 5, 2014.
- On August 19, 2015, the National Conference on Law Enforcement adopted the “**Standardized Protocol for the Investigation of Crime of Torture**” and “**Standardized Protocol for the Search of Disappeared Persons and Investigation of the Crime of Forced Disappearance**”. Both include specific procedures for persons belonging to indigenous peoples and communities.
- Creation in 2003 of the **Special Unit for the Attention of Indigenous Affairs**, assigned to the current Deputy Attorney General for Human Rights, Crime Prevention and Community Services of the Mexican Attorney General’s Office.
- The creation of a **national register of translators and interpreters in indigenous languages managed** by the National Institute of Indigenous Languages
- Paragraph 51 of the Special Rapporteur report states: “**The Special Rapporteur was informed** that one of the manifestations of impunity in Mexico is the fact that traps are set to incriminate

innocent people. **He was informed of cases** in which, knowingly, the perpetrators were not punished rather an innocent individual was, usually a vulnerable person, for instance, a migrant, an indigenous individual or a poor person.” However, at no time is this stated as being common practice, as the IACHR does.

c) LGBTI Individuals

Paragraphs 211 a 215

257. In paragraph 211 the IACHR mentions that the Rapporteur on the rights of LGBTI persons of the Commission received information that in a period of 15 months between January 2013 and March 2014, there were a total of 42 homicides and 2 attacks integrity committed against transgender people; 4 attacks on personal integrity against lesbian women; 37 killings of gay men and 2 attacks on their personal integrity. To support that assertion it refers to footnote 317, which refers to a press release 153/14 issued by the Commission itself.

258. It is important to note that in the press release 153/14 the Commission does not mention Mexico. The annex to the statement stated that "in total, the Commission received information regarding 770 acts of violence against LGBT persons in 25 member states of the OAS (Argentina, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Ecuador, El Salvador, United States, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Uruguay and Venezuela)." The source of the information cited by the Commission appears to be the Register of violence against LGBT persons in America, prepared by the IACHR and the Rapporteur on the rights of LGBTI persons, which contains a record of attacks against life and integrity of LGBT persons between January 2013 and March 2014. However, in that document the sources of the figures quoted and the elements used to identify victims, as LGBTI persons are not reported.

259. In paragraph 213 the IACHR argues that Mexico ranks second worldwide only behind Brazil, with the largest number of killings because of prejudices against the identity or gender expression of persons. However, at the federal level, the PGR has clarified **that there are no specific disaggregated statistics relating to the LGBTI population** since the majority of the incidents of violence against this sector of the population fall into criminal types under the **local jurisdiction**.

260. It should be noted that the lines of action envisaged in the **National Program for Equality and Non-Discrimination 2014-2018**, related to the combat of homophobia include promoting the creation of a national registry of crimes motivated by sexual orientation, gender identity or ethnic-national origin (action line 4.1.7.). In June 2013, the Pew Research Center, placed Mexico within the countries with a **broad acceptance of homosexuality**, recognizing that 61% of respondents felt that homosexuality should be accepted by society. Also, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA for their figures in English) ranked Mexico, in May 2014, as a country **with a regulatory framework that protects and guarantees the rights of the population LGBTI**.

261. In paragraph 214 the IACHR mentions that the Commission received information from groups particularly vulnerable to arbitrary detention, torture and other cruel, degrading and inhuman cases at the hands of official agents. It refers particularly to the case of trans women engaged in

sex work in Chihuahua. Finally, in paragraph 215, it states that the Commission has received alarming information regarding impunity for attacks on life and personal integrity of LGBT people in Mexico. In this regard, the State informs that in the lines of action envisaged in the **National Program for Equality and Non-Discrimination 2014-2018**, related to combating homophobia it is included the generation of statistical information on crimes committed by security forces motivated by homophobia or racism (action line 4.1.8) and in June 2015, the PGR adopted and published the **Protocol for Actuation** for the personnel of the PGR for cases involving people from the community LGBTI..

d) Boys, Girls and Adolescents

Paragraphs 216 a 220

262. In paragraphs 216-219 the inform mentions that Mexico has no official systematic data on the total number of children and adolescents who are victims of violent deaths, nor on the victims of extrajudicial executions. Reference is also made to the violence suffered by children and adolescents at the hands of organized crime and authorities in the context of the "war against drugs".
263. In this regard, it is important to note that according to the General Law on the Rights of Children and Adolescents, the National Comprehensive Protection System, will feature a **National Information System** in order to have disaggregated data to monitor progress in fulfilling the rights of children and adolescents in the country, including qualitative and quantitative indicators. In Mexico actions are taken to reduce the risk factors that allow children and adolescents to live in situations of violence and crime. It emphasizes the promotion of actions in the family, educational and cultural environment to foster a culture free of violence.
264. In paragraph 219 of the report, the IACHR mentions that some specialized studies estimate that in Mexico at least 30,000 children and adolescents under 18 actively cooperate with organized crime. To support that assertion, it remits to footnote 337, which refers to the alternative report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict prepared by Valeria Geremia, published in January 2011. In the alternative report she mentions that there are "no official statistics on the number and type of offenses committed by children involved in organized crime. Nor are there any official figures on the number of children involved in various ways with organized crime. Academy figures speak of about 30,000 children who cooperate with criminal groups in various ways and are involved in the commission of some 22 types of crimes." However, the alternative report is silent in indicating the origin of the "Academy figures" cited, as well as how they were collected.
265. Paragraph 220 argues that in the cases of children and adolescents in some form of detention or imprisonment, disciplinary measures are implemented by corporal punishment and prolonged isolation. Regarding this allegation, it is important to note that Article 105 of the **General Law on the Rights of Children and Adolescents** establishes that federal laws and federal entities, should include measures to ensure that those who deal with children and adolescents refrain from exercising any kind of violence against them, particularly corporal punishment. Also

Articles 57 and 58 list different measures to prevent abuse, injury, damage, assault, abuse or any other form of violence against children and adolescents.

266. During the installation of the National System of Comprehensive Protection of Children and Adolescents, held on December 2, 2015, President Enrique Peña Nieto said that among the priorities of the Federal Government, the state governments and other branches of government, from 2016, in the formulation of the National Program for Protection of Children and Adolescents, and the creation of an information system at the national level, in order to have disaggregated data to monitor progress in complying with the rights of children and adolescents in the country. It is relevant to mention that on the same date, the Regulations of the General Law, which aims to regulate the provisions of the General Law on the Rights of Children and Adolescents was published. The 32 federal states have approved its legislation with the General Law..

e) Migrants and Forced Domestic Displacement

Paragraphs 221 a 243

267. The report notes the situation of serious and multiple violations of human rights suffered by migrants and other personas in the context of human mobility in Mexico. Abuses and human rights violations in their transit through Mexico, such as assault, kidnapping, sexual violence, various forms of trafficking, murders and disappearances are perpetrated by organized crime groups, but also allegedly by members of the National Migration Institute police and municipal, state and federal level. It is noted that in 2014, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns said that "The undocumented migrants who pass through Mexico put their lives in danger, although it is difficult to obtain reliable figures on the number of migrants killed.

268. It emphasizes that data of the Documentation Network of Migrant Defenders Organizations (REDODEM), of 2014, indicate that the largest group of irregular migrants aged 15 and more, was the one who suffered more crimes in its passage by Mexico (96%) organized crime was the main actor in the commission of crimes with 54.27%, followed by individuals with 25.56% and government officials with 20.16%, it also indicates that the main crime committed by authorities against migrants traffic was robbery, extortion, illegal deprivation of liberty and injuries..

269. The main source of reference on the subject of migrants is the Report on the situation of human rights of migrants and others in the context of human mobility in Mexico presented by the Rapporteur Felipe Gonzalez in 2013, Mexican State sent at the time, comments and clarifications regarding the actions and progress in protecting migrants in transit and to clarify and identify the victims of the events of 2010 and 2011..

270. The IACHR reiterates the importance of compliance with the recommendations in the report "Human rights of migrants and others in the context of human mobility in Mexico" however, the Commission does not consider some actions that Mexico has put in place to ensure respect for the human rights of migrants in transit, which were highlighted in the response that Mexico gave to the Commission and whose recommendations were included in the design of the **Special Migration Program 2014-2018**..

271. This report contains specific strategies that Mexico has put in place to address the recommendations, such as:

- the creation of a **Unique National Data System for the Search and Identification of Migrants Missing Persons** in national territory, considering the recommendations of civil society, the need for effective measures that contribute to eradicating kidnapping of migrants in Mexico and to be able to provide information for easy location of the victims of this crime.
- the continuous professionalization of migration agents;
- the development of the Guide of good practices for assistance and protection of migrants who are victims of kidnapping in Mexico: a perspective of inter-agency coordination, which served as a basis to develop and implement 15 training sessions that were conducted on July 2012 in the cities of Veracruz; Acayucan; Villahermosa; Tenosique; Ixtepec and Oaxaca, training more than 600 federal, state and local government officials on issues related to assistance and protection of migrant victims;
- the recognition of rights acquired by foreigners in the regularization process;;
- Circular 1/2013 issued by the Supreme Court of Justice and the Council of the Federal Judiciary on July 3, 2013, which contains the minimum standards of judicial proceedings involving migrants, in order to strengthen the right to consular assistance to nationals of other countries subject to legal proceedings in Mexico and to ensure that their right to a proper defense and due process are guarantee.
- The Government of Mexico, aware of the vulnerability of migrants who may be victims of various crimes along its route through Mexico, has designed a Comprehensive Model for Victims under the supervision of the Executive Committee Victims Assistance (CEAV), which recognizes that certain damages require specialized care that meets the characteristics and vulnerability of the victims.

272. In addition, programs have been implemented to strengthen the protection of migrants in transit, which is in addition to the national authorities, involve the participation of international organizations and civil society, such as the Joint Program. The actions that have been put in place to protect the rights of migrants in transit, include the following:

- The Migration Act lists for the first time the rights and services to which migrants have access, such as: health, education, civil registration, administration and enforcement of justice, family unity, information, among others. In this sense, the Migration Act states in Article 8 that [...] Migrants are entitled to receive any medical care provided by the public and private sectors, regardless of their immigration status, in accordance with applicable laws and regulations..
- The Ministry of Health, through the Commission for Health Care of Migrants in the Southern Border, which operates in the states of Campeche, Chiapas, Quintana Roo and Tabasco) and was established under the National Health Council (permanent coordination instance between the Federal Government and the governments of the federal states), has applied among other activities, a survey to Health Care Units belonging to the Ministry of Health of the State of Chiapas (was applied in the 11 municipalities that make up the three routes along use by migrants), to identify the needs of health services for migrants in transit and thus, design strategies to reduce the problems of access to health care.
- Another measure implemented by the Mexican government to ensure access to health care for migrants, specifically in transit, is the implementation of Article 42 of the Regulations of the General Health Law, regarding which states that if a persons interested in joining the system does not provide supporting documentation to comply with the requirements of the referred Act,

state regimes may provisionally register this person for up to a period of ninety calendar days (temporary Membership). With this option, migrants in transit may register for the (the People's Insurance - *Seguro Popular*).

- The National System for Integral Family Development (SNDIF), the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the UN High Commissioner for Refugees (UNHCR) developed the Protocol for the Attention of unaccompanied child and adolescent migrants who are housed in immigration shelters, which aims to strengthen procedures for the modules and shelters to assess permanently the best interests of migrant unaccompanied or separated children and guarantee their rights.
- The Mexican Commission for Refugees (COMAR) in conjunction with the UNHCR and the National Migration Institute, made the Protocol for the Detection of unaccompanied or separated child and adolescent migrants who need international protection who are housed in immigration shelters, with the aim of identifying the needs of international protection of unaccompanied or separated migrant children, in addition to providing information on the procedure of protection that is implemented when the refugee status is recognized or complementary protection is granted.
- The National Migration Institute's guidelines regarding migrant protection give legal support to the figure of the Beta Groups, strategically located in 9 states (Frontera Norte: Baja California, Chihuahua, Coahuila, Sonora, Tamaulipas; Southern Border: Chiapas, Oaxaca, Tabasco, Veracruz). The aim of these Protection Groups is the protection and defense of human rights of migrants during their transit through national territory, regardless of their nationality or immigration status, through actions supporting migrants, such as search and rescue; humanitarian aid; legal advice and guidance.
- Additionally, measures have been taken to prevent and combat all forms of xenophobia, racism and religious intolerance against migrants. The Ministry of the Interior, IOM and UN Women launched in November 2015, the campaign I'm migrant, which is the first national campaign developed under the British initiative I am an immigrant, conducted by the Movement Against Xenophobia (MAX), under the auspices of IOM.
- Regarding the smuggling of migrants, since April 2013, cooperative efforts between the Central American countries and Mexico to prevent and combat this crime are implemented. These efforts were derived from the International Conference on Smuggling of Migrants: International Conference on Migrant Smuggling: Challenges and progress in implementing the Protocol against the Smuggling of Migrants by Land, Sea and Air, which led the countries of the region to reflect the challenges they face to prevent and combat such crime. In February 2015, the Interagency Guidelines among government authorities, autonomous institutions for the promotion and defense of human rights and civil society were presented for the comprehensive approach to the crime of smuggling of migrants and the detection of smuggled migrants.

273. The report of the Commission fails to mention that the Special Rapporteur acknowledged progress as the Collaboration Agreement for the Creation of a Forensic Commission for the Identification of Remains, signed in 2013 between the PGR and various organizations of civil society; and the creation of the Special Prosecutor for Crimes against Migrants in the first half of 2016.

6. Situation of Persons deprived of liberty

a) *Arbitrary Forms of Abduction: preventive detention (arraigo), excessive use of preventive custody and equivalent to in flagrante delicto*

Paragraphs 260 a 270

274. The Commission reiterates its concern regarding the existence of arraigo (preventive arrest) and requests that the figure is eliminated, considering it incompatible with the American Convention on Human Rights. In this regard, it would be important to consider that preventive or pretrial detention is used in different countries, such as France, UK, Italy, etc. In this regard, the European Court of Human Rights (ECHR) has stated that the determination of arbitrary detention must be carried out with a suitable analysis to the context and circumstances surrounding the arrest, as is common in modern society people should allow certain restrictions to freedom in the interest of the common good.¹² For example, the ECHR determined in *Laumont v. France* that the continued detention of a person under an order of the Indictment Chamber to continue investigations without making a formal arrest warrant does not necessarily represent a violation of the right not to be deprived of liberty¹³

275. In that order, it should be noted that since a constitutional reform, **the preventive measure of arraigo applies only in cases of offenses related to organized crime**, with the modalities of place and time determined by the judicial authority, but may not exceed 40 days. This measure has an **exceptional nature** because it is only used in cases where it is necessary for the success of an investigation, for the protection of persons or property, or when there is a founded risk that the accused may escape the action of justice. In its application, Article 20 of the Constitution prohibits solitary confinement, intimidation or torture and establishes the obligation to inform the accused the facts attributed to him and his rights, guaranteeing access to an adequate defense, among other guarantees. The Constitution provides for the concept of a "**supervisory judge**" as a responsible independent and specialized federal judicial authority in charge of immediately resolving requests for a preventive arrest (arraigo). Among the functions of supervisory judges is to ensure that the rights of suspects and victims or aggrieved parties in the procedure are not violated, as well as verifying the legality of the actions of all those involved in it.

276. **La preventive measure of arraigo is only used de facto in exceptional cases.** This is clearly demonstrated by considering that in 2012, the PGR applied the preventive arrest measure (arraigo) on average 107 people per month, while in 2015 the average fell to 10 people against who the preventive arrest (arraigo) was applied monthly..

12 Corte Europea de Derechos Humanos, *Nada v. Switzerland*, Gran Sala, App. No 10593/08, párr. 226; *Austin and Others v. the United Kingdom*, Gran Sala, App. Nos. 39692/09, 40713/09 and 41008/09, párr. 59.

13 Corte Europea de Derechos Humanos, *Laumont v. France*, App. No. 43626/98, párr. 50.

PROCURADURÍA GENERAL DE LA REPÚBLICA
DIRECCIÓN GENERAL DE PLANEACIÓN Y PROYECTOS ESTRATÉGICOS
DIRECCIÓN DE ESTADÍSTICA

PERSONAS ARRAIGADAS PGR 2012 - AGOSTO 2015

PGR	2012	2013	2014	Ene - Ago 2015
SEIDO	861	534	264	80
SCRPPA	398	95	22	1
SEIDF	5	0	0	0
FEVIMTRA	22	1	0	0
VISITADURIA	1	0	0	0
Total	1,287	630	286	81
Promedio Mensual	107	53	24	10

* Cifras preliminares. Información al 31 de Agosto de 2015

Fuente: Procuraduría General de la República

277. With the entry into force of the National Code of Criminal Procedure in entities where the accusatory system of criminal procedure is in effect, the preventive arrest measure (arraigo) will no longer be applicable in the state level. The exceptional measure will only apply to organized crime cases, based on the constitutional mandate under Article 16 of the Mexican Constitution.

278. In addition, the Commission notes that there is an excessive use of preventive detention in Mexico. Similarly, the Commission notes that it has received information (without indicating the source or specific data) on cases where people remain in prison without trial, in the longer term as provided for in the Constitution.

b) Detention Conditions

279. In paragraphs 271 to 298, the Commission notes as major areas of concern: overcrowding in prisons, corruption, self-government, violence in prisons and lack of differentiated services for vulnerable groups.

280. It is important to note that the **National Conference of the Penitentiary System** was created in Mexico, the System aims to facilitate cooperation between prisons, with other public and private institutions, and serves as an organ of analysis, dissemination and implementation of public policy. Among the various technical committees that were created within the National Conference the following committees were created: "Combating Corruption", "Prison Overcrowding and Relapse", "Respect for Human Rights of Prisoners", "Gender Equality and Women reclusion" among others.

281. It should also be noted that between 2012 and 2015 **the installed capacity in federal penitentiaries has been increased** in more than 22% and nine Federal Centers for Social Rehabilitation are under construction to help improve the conditions of detention, social reintegration and depressurization capacity in the state systems. Additionally a permanent

transfer program has been implemented in order to achieve a better distribution of the prison population.

282. Comprehensive health brigades are continuously carried out in all Federal Social Rehabilitation Centres to ensure the human right to health, providing dental, radiographic, psychiatric, optometric and neurological services, endoscopy, gastroenterology, otolaryngology, analysis clinical, services of general medicine, general surgery, obesity control, prevention and health promotion campaigns and immunizations.

283. In the Federal Detention Centers part of the Federal Penitentiary System, authorities seek to ensure respect for the human rights of persons deprived of their freedom, always acting under the guiding principles of legality, efficiency, professionalism and honesty. It is actively verify that the personnel working in these units refrain from physical and psychologically abuse against prisoners as well as from acts that cause any injury or undermine the dignity of persons. It is prohibited any punishment, torture or cruel and inhuman treatment and the use of violence to the detriment of persons deprived of their liberty. Legal and administrative provisions applicable to the federal prison system establish penalties for persons who do not comply with their content.

7. Situation of Defenders of Human Rights and Journalists and Freedom of Speech

a) Defenders of Human Rights

Paragraphs 299 a 319

284. The Commission points out that despite the official recognition of the work done by defenders, they continue to face serious violations of human rights. The Commission emphasizes that the most effective means to protect defenders is the investigation of acts of violence and the punishment of those responsible.

285. It is important to remember that the Agreement establishing the basis for the creation of **the Mechanism to Protect Defenders of Human Rights and Journalists** was published in July 2011. That agreement led to the subsequent publication in June 2012 of the Act for the Protection of **Defenders of Human Rights and Journalists**, which created the Mechanism.

286. Since its establishment until 30 November 2015, the Mechanism has received 346 requests, of which 283 were admitted, and 63 were not incorporated. Protective measures are granted from a technical risk assessment process that irrefutably proves that the person requires specific protective measures because of their activities. Until October 31, 2015, the Facility provides protection to 283 people.

287. The Secretariat of the Interior is in charge the operation of the Mechanism and it consists of three organs:

- *Governing Board.* Highest authority of the Mechanism and the main decision-making body, composed of one representative from: **Ministry of the Interior, Ministry of Foreign Affairs, PGR, Federal Police, National Human Rights Commission and four representatives of civil society (Consultative Council);**
- *Advisory Board.* Consultative body of the Governing Board. It is entirely composed of representatives of civil society, experts in the promotion and defense of human rights and freedom of expression.

- *National Executive Coordination.* Body responsible for coordinating protection efforts among federal authorities, federal entities and autonomous public bodies. The Coordination is in charge of the Unit for the Promotion and Defense of Human Rights of the Ministry of the Interior.

288. The Mechanism provides urgent measures to protect human rights defenders and journalists who, because of their work, are in a situation of risk that might arise in a short time and cause serious damage. In this context, the protection is carried out under two types of procedure:

a) Extraordinary Procedure

In this case, the type of protective measures that should be granted is determined in a period of three (3) hours and in a period of 9 hours security measures are implemented; these measures are determined through an evaluation study of immediate action.

Protective measures are decided in agreement with the beneficiary and its implementation should be noted that they are appropriate, relevant, timely and effective, they may include: I) Evacuation; II) Temporary Relocation; III) Bodyguards specialized bodies; IV) Protection of property, among others. The beneficiary and his family, if it is the case, receive from the moment the protective measures are in effect, contact numbers both office and emergency number that are enabled 24 hours 365 days a year.

b) Ordinary Procedure

On the other hand and in the case where the situation does not endanger the lives and safety of the applicant, their incorporation will be determined under an ordinary procedure. Similarly, a first interview will take place and their incorporation is determined within 24 to 48 hours.

It is important to mention that the staff of the National Executive Coordination part of the Mechanism has the capacity to identify the types of risks the beneficiaries may face because of their work, to identify possible causes, and to determine the prevention and protection measures that can be taken to minimize and / or avoid consequences, allowing anticipation to prevent the consummation of aggressions and otherwise contribute so that the the defender or journalist can continue to work.

289. In both cases (ordinary and extraordinary procedures) cases passed to the Risk Assessment Unit of the Protection Mechanism, area responsible for carrying out, in the field, risk assessment studies, all in accordance with best practices and high international standards. This with the purpose that the members of the Governing Board modify, expand or ratify the protective measures implemented.

290. To carry out risk studies, the Mechanism developed a protection measures model which incorporates in their criteria and procedures, the highest international standards on human rights, such as analysis variables for risk assessments: intentionality, Context, Vulnerability and imminence and three criteria for determining preventive and protective measures: Timeliness, Adequacy and Opportunity..

291. In order to provide resources to the Mechanism, and in accordance with the Law for the Protection of Defenders of Human Rights and Journalists, the Fund for the Protection of Persons Human Rights Defenders and Journalists was created with the purpose of allocating economic

resources exclusively to the implementation and operation of preventive measures, protective measures and urgent protection measures and other acts established by law for the operation of the Mechanism. The Fund operates through a public trust established in October 2012 and has a Technical Committee chaired by the Secretary of the Interior and composed of a representative of the PGR, the Ministry of Foreign Affairs and National Security Commissioner.

292. Since its creation, the Mexican State has annually provided resources for the Fund, through its contemplation in the Expenditure Budget of the Federation as follows:

PROVISIONS OF FISCAL RESOURCES	Mexican Pesos	USD
INITIAL PROVISION - NOVEMBER 2012	\$ 40,880,650.00	3,161 million
FEDERAL EXPENDITURE BUDGET 2013	\$ 127,500,000.00	9,740 million
FEDERAL EXPENDITURE BUDGET 2014	\$ 118,000,000.00	8,805 million
FEDERAL EXPENDITURE BUDGET 2015	\$ 102,000,000.00	6,181 million

293. Through the Fund's resources, protection measures have been granted to over 400 beneficiaries. The measures consist of cellular and satellite immediate reaction systems (phones and panic buttons), radio communication equipment, closed-circuit television, audible alarms, detection sensors, portable radios, fire extinguishers, bulletproof vests, steel guards, high security locks, video intercom, lights and reflectors, armored doors, telephone and Internet connections, standard vehicles, SUVs and armored vehicles, gasoline, electronic toll collection, security guards and bodyguards, even in case of extremely serious and urgent cases, the temporary relocation of people providing them with food and dwellings such as security shelters, ensure them of their safety.

294. In the implementation and operation of protective measures, up to June 2015, disbursed resources represented a total amount of 68,928,868.71 Mexican pesos (USD 4,162 million) charged to the Fund's assets. On November 30, the Fund had an equity balance of 331,811,161.30 Mexican pesos (USD 20,036 million).

295. After three years of operation of the Mechanism and the Fund, its performance is deemed to be remarkable and the goal to increase its performance every year is used as a baseline, addressing the need to continue the protective measures implemented to beneficiaries incorporated into the mechanism, as well as the need to incorporate new petitioners in a situation of vulnerability, and whose number has recently increased considerably.

296. It should be noted that the Secretariat of the Interior keeps the operating and determination mechanisms for the beneficiaries – the Fund’s objective, under its responsibility - under a constant process of review and improvement, noticing that said mechanisms conform precisely to criteria which will allow it to thus comply with its goals and which change the living conditions of people at risk. Likewise, it is also a priority to achieve greater transparency to ensure that resources are channeled exclusively to the Fund’s target population and ensure that the operation and management mechanism facilitates the assessment of the social benefits of its allocation and application.

297. **Significant efforts** have been made with the support of the *Freedom House* organization to **improve the operation of the Mechanism to Protect Defenders of Human Rights and Journalists**:

- i) **First Strengthening Phase.** In plenary session on April 29, 2014, numerous actions to improve the methodology and procedures of the Mechanism were improved. It was able to overcome falling behind in the case assessments. Specifically, the measures carried out were as follows:
 - The effectiveness of the National Executive Coordination Office (CEN) for the Mechanism was increased to overcome the backlog of risk assessment studies. “Seminar for Strengthening the Mechanism Capabilities for the Protection of Defenders of Human Rights and Journalists”, May 26-30, 2014.
 - The methodological risk assessment tools used by the National Executive Coordination Office were strengthened.
 - Through training courses the technical knowledge of the members of the Governing Board, the Advisory Board and National Executive Coordination Office staff increased.
 - Support in the strategic redirection mechanism (mission, vision and strategies) to build consensus among its organs on its mandate and scope.
 - Manual processes and procedures and a proposal for new places to strengthen the organizational structure of CEN and was designed Governing Board.
 - In order to overcome the lag in the case analysis and development of risk analysis, on 5 regular sessions the Mechanism Governing Board analyzed and approved 156 cases in the period extending from July to December 2014.
- ii) **Second Strengthening Phase.** The effectiveness of protective measures increased and the perspective of gender has been incorporated in the risk analysis, as well as the possibility of conducting an analysis of collective cases. The following stand out:
 - On April 6, 7, 9 and 10, 2015, *Freedom House* consultants taught members of the Governing Board and staff members from the Reception Unit of Chaos and Rapid Reaction and Risk Assessment the “Working and Training Plan in Perspective of Gender for Risk Analysis Methodology”.
 - In addition to this, consideration was given to the elaboration of a methodology in order to carry out risk assessment studies for groups and gender cases; the development of an Annual Operating Plan; creating the Manual on Self-Protection Measures and the Manual for the Implementation of Protection Measures of Protection; training social organizations in the operation and access to the Mechanism. These aspects were adopted at the Sixth Extraordinary Session by the members of the Governing Board on September 10, 2015.
 - The *Freedom House* international organization conducted accompaniments in the field and virtual ones with the Risk Assessment Unit analysts.
 - A Self-Protection Workshop for Defenders of Human Rights and Journalists was held on August 5, 6, 12 and 13, 2015. Four self-protection measure workshops were conducted in

August 2015, in the cities of Saltillo, Coahuila (August 1 and 2); Villahermosa, Tabasco (August 8 and 9), the Federal District (August 10 and 11) and in Aguascalientes (August 14, 15 and 16). The *Freedom House* international organization, Secretariat of the Interior and members of several NGOs representing various cases of defenders of human rights and journalists participated.

- iii) ***Third Strengthening Phase.*** Currently, the mechanism is in its third phase, focused on prevention and strengthening its activities. Among the actions to be carried out are:
- Creating a Prevention Unit within the Mechanism's framework, in order to boost the preventive capability of said instrument.
 - The strengthening of processes and procedures of the Receiving Unit and the monitoring and implementation of protective measures, as well as risk analysis with a gender perspective and collective character.
 - The definition of guideline criteria for the operation of the Mechanism, to help define manifestations of risk and a better context analysis.
 - Design of a training process and training for strengthening the skills of the mechanism's staff.

298. To date none of the people who received protection from the Mechanism has been the victim of a homicide or disappearance. However, it is important to strengthen its ability to create long-term public policies in order to achieve that, eventually, the respective authorities responsible for law enforcement will effectively prevent crimes committed against this population and effectively investigate them.

b) Situation of Journalists and Attacks against the Freedom of Speech

Paragraphs 320 a 404

299. The IACHR states that, over the last decade, Mexico has become one of the most dangerous countries for journalism, and it expresses its concern about the rapid surge of assaults on this guild, especially in those states where there is a presence of organized crime.

300. Additionally, the IACHR recognizes efforts made by Mexico on this issue, such as the reform on the Federal Penal Code in order to include penalties for intentional crimes committed against individuals or facilities, so as to undermine the right to the freedom of speech; the creation of the Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE); and the creation of the Mechanism for the Protection of Defenders of Human Rights and Journalists, along with the corresponding law. Despite these efforts, it expresses its concern about the prevailing impunity and the gap between the legal framework and its implementation.

301. It must be reaffirmed that Mexico is **fully committed to respecting the right to the freedom of speech and ensure its full exercise.** To that end, it has launched a series of constitutional and legislative reforms to standardize the national legal framework regarding the protection of freedom of speech with international treaties, and it has bolstered the institutions designed to protect journalists and communicators.

302. The right to the **freedom of speech** is enshrined in **Article 6 and Article 7 of the Mexican Constitution**. In June 2013, a constitutional reform was enacted in the fields of telecommunications and economic competition. In 2014, **the Federal Telecommunications and Radio Broadcasting Act** was published, which fosters competition among media outlets. Concerning community radio broadcasting, in 2013, Mexico approved a constitutional reform which, along with the ruling by the Mexican Supreme Court on Unconstitutional Action 26/2006, paved the way for fair regulation on the matter. In July 2014, the Law on the Public Radio Broadcasting System of the Mexican State was issued, which created the Public Radio Broadcasting System, is a decentralized entity which has legal personality and its own assets, as well as technical, decision-making, operational and management autonomy. On May 6, 2015, the new **General Law of Transparency and Access to Public Information** was enacted, with which policy frameworks were standardized regarding access to public information at the federal, state and Federal District levels. The number of required individuals was expanded regarding the judicial and legislative branches, autonomous entities, political parties, trusts and public funds and trade unions; and the **National Transparency System** was created.
303. For its part, the 2014-2018 **National Program on Human Rights (NHDP)**, establishes a series of lines of action for the effective implementation of the 2011 constitutional reform on human rights. Among them is the one “to ensure the exercise of freedom of speech as one of the bases forming a democratic state of law”.
304. On July 5, 2010, the **Office of the Special Prosecutor for Crimes against Freedom of Expression** was created with the power to direct, coordinate and supervise the investigations and, where appropriate, the prosecution of crimes against who practice journalism. Its holder has the quality of the Public Prosecutor of the Federation. On June 25, 2012, the reform was published to Article 73 of the Constitution to the PGR, through the Office of the Special Prosecutor for Crimes against Freedom of Expression, can meet ordinary crimes when they have any relation to crimes journalists or anyone or facilities in which any attack on freedom of expression noted. It was from this reform it became clear that the exercise of freedom of expression refers not only to the journalistic profession, but any related activity.
305. Since its creation date to November 30, 2015, in terms of measurement indicator, early determinations against the Office of the Special Prosecutor for Crimes against Freedom of Expression presented as the results of effectiveness 79.22% in preliminary investigations and 90.95 % in Proceedings circumstantial; it is noteworthy that 2015 was the year in which the Office of the Special Prosecutor for Crimes against Freedom of Expression has the highest number of cases were brought before the judicial authorities. Also, from the entry into force of the Law Reform High, STATUTORY the section XXI of Article 73 of the Constitution, published in the Official Journal of the Federation on May 3, 2013; the Special Prosecutor has exercised the power of attraction of 43 investigations that led to the exercise of criminal action of 20 preliminary investigations. These results stem from the actions of strengthening its three strategic areas: i) the ministerial function; ii) advice and support to journalists in vulnerable situations; and iii) implementation of public policies for crime prevention.

306. Among the actions to strengthen the substantive area of the Office of the Special Prosecutor for Crimes against Freedom of Expression highlights the establishment of a register control and monitoring of criminal proceedings, rooted from their date of creation, which will allow the Office of the Special Prosecutor for Crimes against Freedom of Expression identify the number of cases filed and the court where are you file, the procedural status that saved; the number of arrest warrants pending execution or appearance, the number of cars linking to existing process and the number of judgments in the matter. This record also allow you to build effective communication channels with the prosecutors assigned to the respective courts (federal and local) in which criminal cases in order to provide technical and legal support if necessary substantiate respectively.

307. With regard to actions to protect journalists in vulnerable situations , from 1 December 2012 to 30 November 2015 the Office of the Special Prosecutor for Crimes against Freedom of Expression using the Early Warning System / Office of the Special Prosecutor for Crimes against Freedom of expression (SAT / FEADLE) , implemented mechanisms to ensure timely response , agile and suitable for the care of victims who practice journalism as a form of expression way , through the immediate implementation of prevention and protection measures in order to avoid the possible consummation of a threat and avoid the evidence remains that prevent identify the author of it is lost, the following results were obtained:

- We followed up 230 requests for precautionary measures issued by officials of the Public Prosecutor's Office attached to the Office of the Special Prosecutor for Crimes against Freedom of Expression, of which 106 are various authorities and 124 measures the Mechanism for Protection People Defenders and Journalists Human Rights. In addition , the application 154 requests addition to this.
- As a member of the Governing Board of the Mechanism, the Office of the Special Prosecutor for Crimes against Freedom of Expression participated in the resolution of 576 risk studies issued by the Unit for Risk Assessment Mechanism for the Protection of Persons Defenders Human rights activists and journalists, which were reviewed in 30 ordinary and 6 extraordinary Governing Board meetings.

308. In addition and in relation to the actions of implementation of public policies for crime prevention , from December 1, 2012 to November 30, 2015 the Office of the Special Prosecutor for Crimes against Freedom of Expression taught 2,016 journalists the 'Crime Prevention Manual for Crimes Committed against the Freedom of Speech' and 1,477 assigned to various prosecutors 'offices and Attorneys General offices in the country, the "Protocol on and Preventive Protection Measures and Urgent Protection Measures " course.

309. In addition, as part of the protection mechanism Defenders and Journalists, to the threats and attacks on journalists that have taken place in the state of Veracruz, the Governing Board of the Mechanism presented both state authorities and a group of journalists, a diagnosis of the situation of the journalists in the state of Veracruz. Following this diagnosis, an agreement between the National Executive Coordinator of the Mechanism, the Governor of Veracruz, the Attorney General and the Executive Secretary of the Executive Committee to Protect Journalists to implement the "Partnership Program was signed on mechanism and the State of Veracruz". The program aims to implement protection measures and devise contingency plans to prevent future attacks on journalists. On 1 December the worktable, in which the guidelines and work

plan, which includes, among other actions, tables follow up with the Office of the Special Prosecutor for Crimes against Freedom of Expression approved was installed and the Local prosecutors on the investigations that have been initiated because of attacks on journalists

310. The efforts of the Mexican government will not only focused on the protection of journalists, but are much broader in the sense of seeking the effective enjoyment of the right to freedom of expression of all people. It is therefore surprising the decision of the Commission to structure its report on specific issues, which certainly talk about major challenges for Mexico , not in sections designed to reflect a true assessment of the situation of all human rights in the country

311. Finally, it should be noted that the Special Rapporteur on Extrajudicial Executions Christof Heyns, in his report A/HRC/26/36/Add.1, noted with satisfaction the adoption of the Law for the Protection of Defenders of Human Rights and Journalists, the creation of the special Prosecutor for crimes against Freedom of Expression and the constitutional and legislative reforms that special powers are granted to the federal authorities to investigate, prosecute and judge crimes committed against journalist (para . 77).

VI. REMARKS ON THE RECOMMENDATIONS AND CONCLUSIONS

Paragraphs 479 to 482

312. The IACHR concludes that the Mexican States main challenge is the break the cycle of impunity and performs a series of recommendations concerning public security, forced disappearances, torture, extrajudicial extraditions, access to justice, individuals in a situation of vulnerability and freedom of speech.

313. Special attention is paid to the recommendations issued by the Commission which are quite general, which makes its use difficult to improve and strengthen the legislative and public policy processes which Mexico has launched in order to address the human rights situation in Mexico. Some recommendations are repeated in different sections.

314. Moreover, there are a large number of recommendations which Mexico already attends to, due to the fact that they had been previously issued by other international human rights organizations and regarding which information was shared with the IACHR within the framework of its visit.

VII. ANNEX

IACHR Recommendation	Progress
Public Security	
<p>Develop a specific plan for the gradual withdrawal of the Armed Forces from public security tasks and for civilian police forces to be restored to them.</p>	<p>The presence of the armed forces in Mexico is not generalized rather it obeys to the specific needs of certain areas. This is to say that this is not a static figure and deployment rather that it has been adapting, indeed, with substantial reductions and relevant success stories (such as the case of Ciudad Juárez).</p>
<p>Bolster the capability of the police to perform public security tasks in accordance with international standards on human rights.</p>	<p>The Federal Police, within the framework of the Police Development System (SIDEPOL) and jointly with the International Red Cross Committee, has taught the ‘Training of Human Rights Instructors and Humanitarian Principles Applicable to Police Work’ course. Moreover, it has several action protocols in which it strictly follows the basic principles of human rights and the use of force, namely, the protocols of: search; detention; ways to drive the defendant to the trial; and transfer. Ruling A/080/2012 establishes the guidelines which the Police from the Federal Prosecutor’s Office must follow regarding the legitimate use of force and legal detention.</p>
<p>Adopt a General Law regarding the Use of Force, in compliance with international standard son human rights.</p>	<p>In order to ensure the full protection of human rights exercising its public security tasks, the Federal Government is preparing a draft bill to Regulate the Use of Public Force, with the aid of technical experts from the Red Cross International Committee, scholars and members of civil society. On behalf of the Government, the Secretariat of the Interior and the National Security Commission, the Secretariat of National Defense, the Secretariat of the Navy, the Mexican Navy and the Office of the Attorney General of Mexico are taking part in this process.</p>
<p>Undertake measures for federal and state officials to refrain from issuing public statements on the legality on the action of security forces in cases which may constitute an undue use before getting the results of the investigation.</p>	<p>Article 5 of the General Law of Victims states the principles which are to be observed in the creation and implementation of the mechanisms, measures and procedures established in the Law. Numerous principles, among them that regarding the ‘non-criminalization’, states that</p>

	<p>the authorities must not compound the suffering of the victim nor treat him, in any case, as a suspect or perpetrator of committing the events being reported. No authority or individual can publically speculate on the victims belonging to organized crime or their link to any criminal activity.</p> <p>Moreover, the Mexican Attorney General's Office has issued several instruments to prevent the use of recreations or speculations by its public servants.</p>
<p>Adopt and implement accountability measures by an independent entity of all of the security forces regarding stings and public security tasks where a killing has occurred.</p>	
<p>Ensure that, in the cases of forced disappearances, extrajudicial executions and torture, the lines of investigation do not only respond to the perpetrator but that it include the responsibility of the chain of command.</p>	<p>The General Laws on Enforce Disappearance and Torture will seek to address this concern, following international standards on this issue.</p>
<p>Create information systems, gathering and analysis of information systems, gathering and analysis of data on violence affecting the different groups which are being dealt with in this report, such a women, Young boys and girls and adolescents migrants, defenders of human rights, administrators of justice, LGBT individuals, indigenous population and abducted individuals.</p>	<p>The Mexican Attorney General's Office uses the Institutional Statistical Information System (SIIE), in which it classifies information from complaints by gender, age and nationality and is currently in a renovation stage to update the search fields so as to make the LBGTTI groups visible when complaints regarding violence are registered, and so forth.</p>
<p>Refocusing the approach regarding the issue of drugs in Mexico from a militarization and head-to-head combat approach using public forces to one with a comprehensive perspective, of human rights and public health on addictions and consumption without purpose to distribute.</p>	<p>Mexico has expressed its commitment to fostering drug consumption treatment as a public health matter and not from a criminalization perspective. It is our priority to foster fairer and more humane drug policies which draw from basic principles of peace, security and health, and the promotion of the development and defense of human rights, consistent with the corresponding compliance with the goals established in the National Development Plan to achieve a 'Mexico in Peace', an 'Inclusive Mexico', a 'Prosperous Mexico' and a 'Mexico with a Global Responsibility'. We acknowledge that it is necessary to undertake a series of actions to deal with the social damage caused both by the production and trafficking of drugs as well as its consumption. Thus, we firmly act against the</p>

	delinquents while we avoid criminalizing those who are more vulnerable and stigmatize consumers.
Disappearances and Forced Disappearances	
Adopt a General Law on Disappearances and Forced Disappearances, and adopt all of the means necessary to ensure, both at a federal and state level, that the legislation and practices get adjusted to the international standards in that manner..	On July 10, 2015, the reform of Article 73, Section XXI, Paragraph a) of the Constitution of the United Mexican States was published. The reform empowers the Mexican Congress to enact general laws establishing, at the least, criminal offenses and sentences regarding, <i>inter alia</i> , the forced disappearance of individuals. On December 10, 2015, President Enrique Peña Nieto sent the draft bill ' General Law on Forced Disappearance ' to Congress. The preparation of this bill was conducted through a three-phase process of consultations in which there was the participation of citizens, civil society organizations, federal agencies and it was accompanied by the International Committee of the Red Cross. This draft bill will allow for the establishment of a new public policy centered on the search and localization of missing persons.
Establish immediate search mechanisms, in the entire Mexican territory, for individuals who have disappeared.	On August 19, within the framework of the 23rd National Law Enforcement Conference, the standardized protocol of investigation by prosecutors, experts and police officials regarding the crime of forced disappearance was approved. It will be applied by the Offices of the Attorneys General and Prosecutors' Offices all over Mexico and standardizes the investigation criteria in accordance with national and international standards and recommendations, In this protocol, search actions by prosecutors, experts and the police are established which will allow to take advantage of the first 72 hours after a disappearance in order to bolster the possibilities of locating the individual: searches in penitentiaries, hospitals, migrant detention centers, coroner's offices, asylums, shelters and rehabilitation centers. It will obtain records from telephone companies about incoming and outgoing calls which will allow for geolocalization of the person with the victim's telephone. It will request financial entities for bank transactions, withdrawals at ATMs, purchases with bank cards, and it will clearly

	<p>devise actions based on the prevailing characteristics at the time of the individual's disappearance.</p> <p>On October 10, 2015, acting on an order by the President of Mexico, the Agreement by which the <i>Special Prosecutor's Office for the Search of Missing Individuals</i> was created. This unit will be ascribed to the Office of the Deputy Attorney General for Human Rights, Crime Prevention and Community Services at the Mexican Attorney General's Office, and will be in charge of directing, coordinating and supervising the investigations for the search of missing individuals.</p>
<p>Improve the National Registry of Missing Individuals as a single registry of disappearances and which will also allow a person who was a victim of an forced disappearance to be registered. A data base must have personal information on the disappeared individuals, the necessary information, mainly genetics and cell samples, of the family members of the disappeared individuals, with their consent, and the genetic information and cell samples of the bodies of any non-identified person who was killed. Said personal information must be protected in the portal of the Registry in accordance with international standards regarding Access to information.</p>	<p>In 2014, a fact sheet to classify data from the National Registry of Missing Individuals was created and published at the federal level, in order to tell the difference between people on whom there may be evidence in the preliminary investigation that may be victims of forced disappearances.</p> <p>The National Registry of Missing Individuals database, under federal jurisdiction, was published with open data, which from January 2014 until June 2015 gets updates and cases of forced disappearances investigated under federal jurisdiction (Article 215, Federal Criminal Code) can be differentiated, the cases of individuals simply reported as missing, people found alive or dead, and so forth. This information is broken down by a person's gender and the Mexican state in which the events occurred. In addition, the methodology used for building and purging the registry was clarified.</p> <p>On August 20, during the 32nd Plenary Assembly of the National Conference on Law Enforcement, within the framework of applicable regulations, information on the crime of forced disappearance of people for the National Registry of Missing Individuals database was presented and an agreement was reached to towards seeking how feasible it might be to obtain organized information. In addition, the Office of the Attorney General of Mexico approved the</p>

<p>Bolster the existing early alert and urgent search mechanisms in the cases of disappearances of women and children, to ensure its effective level at the federal, state and municipal level. Additionally, strengthen the National Data Registry of Missing or Disappeared Individuals so it provides precise and trustworthy information on women and children who are disappeared or forced disappeared.</p>	<p>consolidation of statistical information.</p> <p>In July 2012, the launching of the <i>Protocol of Support, Reaction and Coordination among Federal, State and Municipal Authorities in Cases of the Abduction of Women and Girls</i> was signed in the municipality of Ciudad Juárez, one of the most important protocols in the search of missing individuals, known as the ALBA Protocol. The ALBA Protocol is an operational research mechanism research with immediate reaction and coordination between federal, state and municipal authorities in case of abducted women and girls. In addition, the Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons is empowered to investigate and prosecute crimes of violence against women, trafficking, and crimes committed against children and adolescents through electronic means, and the operation of the <i>AMBER Alert-Mexico</i>, focused on the search and swift location of missing children and adolescents.</p>
<p>Follow the recommendations of the Interdisciplinary Group of Experts in accordance to the attributions conferred in its mandate, in particular its reiterated request to meet with the members of the Army, as well as to visit Battalion 27, and continue with the investigations in the case. Consider the use of similar mechanisms for other cases of serious violations of human rights.</p>	<p>The State has expressed its commitment to fulfill the recommendations made by the Interdisciplinary Group of Experts and it has conducted several measures for its implementation.</p> <p>Regarding interviews of Battalion 27, on more than one occasion, the Mexican Government has stated that the means of enforcing the request made by the Interdisciplinary Group of Experts is through the Public Prosecutor's Office and that the means to enforce it will be assessed. The Office of the Attorney General of Mexico that it cannot retake the depositions by the members of the Army unless elements requiring further investigation arise. Also, the Interdisciplinary Group of Experts may suggest investigation guidelines to the Attorney General's Office. However, it is the Federal Public Prosecutor's Office which has the authority to assess and decide if they are to be conducted. In this regard, investigations into the case will define the relevance of conducting such interviews.</p>
<p>Tortura</p>	

<p>Adopt a General Law on Torture and other treatments or cruel, inhuman or degrading punishments, and to adopt the means necessary to ensure that, both at a federal and state level, legislation and practices adjust to the international standards on the matter, in particular, in the Inter-American Convention to Prevent and Punish Torture.</p>	<p>On July 10, 2015, the reform of Article 73, Section XXI, Paragraph a) of the Constitution of the United Mexican States was published. The reform empowers the Mexican Congress to enact general laws establishing, at the least, criminal offenses and sentences regarding, <i>inter alia</i>, torture and other cruel, inhuman or degrading treatment or punishment. Currently, the Executive Branch, through an inter-institutional group, is working on a draft regarding the General Law on Torture and other Cruel, Inhuman and Degrading Treatments which meet international standards, through an inclusive process which has had phases of consultations with the participation of citizens, civil society organizations, federal agencies and it was accompanied by the International Committee of the Red Cross.</p> <p>On September 9, 2015, the Monitoring Mechanism regarding Cases of Sexual Torture committed against women was formally established. It is aimed at reviewing the cases of women lodging complaints regarding sexual torture, referred to in the campaign “Breaking Silence: All Together against Sexual Torture” most urgently those cases of women who are incarcerated. Besides the participation of civil society organizations, the mechanism is comprised of the Secretariat of the Interior, the Office of the Attorney General, the Executive Commission Supporting Victims, the National Human Rights Commission and the Secretariat of Foreign Relations.</p>
<p>In particular, ensure that the General Law on Torture excludes ‘evidence’ and ‘confessions’ obtained through torture during the criminal investigation of the tortured person and of other individuals implicated in said confessions. Clearly state in the law that the prosecution holds the burden of proof to demonstrate the admissibility of any evidence contested.</p>	<p>The draft General Law shall include, <i>inter alia</i>, important aspects regarding prevention as well as how to prevent the use of torture in arrests.</p>
<p>Create a Single National Registry of detained individuals and ensure that these people are placed at the immediate disposal of a judge under penalty of law.</p>	<p>Within the framework of its commitments on open government, Mexico made the Detainee Consultation System (SIREN) - https://www.consultadetenidos.pgr.gob.mx/ - available to the population.</p>

	<p>The Detainee Consultation System is a real-time public registry of people who are available to an official from the Federal Public Prosecutor's Office so as to prevent random or forced apprehensions. This public system displays where the detained person is on a georeferenced map, with the address, telephone number, the name of the authority who made the arrest and the authority who was made available.</p> <p>In the 33rd Plenary Assembly of the National Conference on Law Enforcement (August 20) this commitment was presented and an agreement was reached to link the local Detainee Consultation Systems in order to "provide citizens with the use of these systems and to ensure that the performance is in line with the presumption of innocence established in the constitutional reform on the Mexican Criminal Justice System."</p>
<p>Investigate cases in which the judges have not ordered an investigation when there were complaints or indications regarding torture or mistreatment. Ensure that the Istanbul Protocol is applied at the national level by competent and independent authorities, swiftly and under penalty of law.</p>	<p>In 2014, the Mexican Supreme Court drafted a <i>Protocol for Action for Those Who Enforce the Law in Matters Involving Acts Constituting Torture and Abuse</i>. It provides important inputs for judicial authorities to comply with their constitutional and treaty obligations to foster, protect, respect and guarantee the human rights of torture and abuse victims.</p>
<p>Establish the compulsory use of cameras and other security protocols during interrogations and on patrol officers, as a means to prevent torture and other cruel, in human and degrading treatment.</p>	<p>The Standardized Protocol for the Investigation of Crime of Torture was published in the Mexican Federal Gazette, on September 23, 2015. It was established that in the event that an interview is conducted, it will be performed with strict respect for human dignity, respecting each of the rights international treaties recognize in favor of the interviewee, as long as the interviewee accepts him. He may capture the information collected through audio or video recording systems.</p>
<p>Establish federal and state application guidelines regarding the collection of uniform statistics on serious human rights violations. In particular, the State must improve the information collection system, with a consistent and transparent methodology.</p>	<p>Mexico is working on strengthening the National Data Registry of Missing or Disappeared Individual and the Detainee Consultation System.</p>

<p>Eliminate preventive arrest (arraigo) and crimes equivalent to <i>in flagrante delicto</i> from Mexican law.</p>	<p>The preventive measure of preventive arrest (arraigo) is only used in exceptional cases and its use has been declining. With the entry into force of the National Code of Criminal Proceedings in states where the accusatory system of criminal proceedings is in effect, preventive arrest (arraigo) will no longer be applicable. This will only be applied through a constitutional mandate under Article 16 of the Constitution of the United Mexican States to organized crime cases.</p>
<p>Extrajudicial Executions</p>	
<p>In any act where members of security forces have killed a person, perform a thorough inquiry and investigation based on international standards.</p>	
<p>Ensure that the Armed Forces register the numbers of deaths and wounded regarding its operations and, when applicable, open the corresponding investigations.</p>	
<p>Establish a national registry regarding the localization of unidentified buried remains in graveyards throughout Mexico, whose death was due to violent causes. Additionally, the search for clandestine mass graves in states registering high levels of violence.</p>	<p>The Ante Mortem/Post Mortem Database draws upon useful information for the identification of deceased people.</p>
<p>Create a national autonomous institution of forensic science with sufficient infrastructure, sufficient human and financial resources, and standardized protocols applicable at a national level.</p>	<p>During the 33rd National Conference on Law Enforcement, the Protocol on Forensic Treatment and Identification was approved to be published in the Mexican Federal Gazette, for mandatory enforcement in all coroner's services in Mexico. According to the September 23, 2015 publication in the Mexican Federal Gazette, Standardized Protocol for the Investigation of Crime of Torture established the creation of an autonomous national institution of forensic services which has suitable infrastructure, adequate human and financial resources, and standardized protocols applicable nationwide. Currently, in the Senate, there is an initiative to create the National Institute of Forensic Services, proposed by Senator Maria del Pilar Ortega. The purpose of this institute is for it to have federal and local jurisdiction and it has been turned over to the appropriate committee to be studied.</p>
<p>Perform all of the disinterment and identification procedures of human remains in strict</p>	<p>Although the department at the Attorney General's Office in charge of the exhumation and</p>

<p>compliance with decent treatment of the victim's family members by the authorities at all levels of government involved in the process.</p>	<p>identification of remains is the General Coordination Office of Expert Services, the Deputy Attorney General for Human Rights, Crime Prevention and Community Services offers comprehensive attention to the victims participated in the return of mortal remains to their families once they have been fully identified.</p> <p>During the accompaniment, dignified treatment regarding the families of the victims is monitored before, during and after notification.</p>
<p>Continue and elaborate the work of the Forensic Commission for the Identification of Remains in the cases which are found on migrant routes. Adopt the necessary means for the creation of the Transnational Mechanism of Access to Justice for Migrants and their Families, in addition to the creation of the Special Prosecutor's Office for Violent Crimes against Migrant Individuals, at a federal level.</p>	<p>The Foreign Support Mechanism is covered in the Draft Agreement creating the Migrant Persons Unit, pending approval and publication.</p>
<p>Implement a national mechanism which would facilitate the Exchange of forensic information of non-identified Mexican and Central American individuals who have disappeared in Mexico, with forensic databanks of disappeared migrants which have been developed in the region.</p>	<p>The Regional Cooperation Initiative with Attorneys General of El Salvador, the United States of America, Guatemala, and Honduras, fostered by the Office of the Attorney General of Mexico addresses the problem of crimes committed against migrants from a perspective of shared responsibility, with a humanitarian vision. This has been done through close cooperation, the creation of topic-specific groups regarding international judicial aid, standardization of regulations and investigation of crimes of trafficking in minors, as well as the fight against organized crime when it involves the trafficking of undocumented migrants, as stated in our legal system.</p> <p>Additionally, the Mexican Government is moving forward with implementing the Ante Mortem/Post Mortem database, designed and donated by the International Committee of the Red Cross to the Office of the Attorney General in September 2013.</p> <p>The Ante Mortem/Post Mortem database is a software tool for managing information on missing persons and human remains, the circumstances surrounding the disappearance and recovery of bodies (or body parts), and the places where they are found.</p>

	<p>The database enables for the identification process through files, standardization, preparing reports, search and analysis of automatic basic comparison of Ante Mortem and Post Mortem data. It also provides and promotes good practices in data management and use of appropriate methods.</p> <p>The above will be strengthened with the Foreign Support Mechanism which will facilitate and strengthen the exchange of information between authorities.</p>
Access to Justice	
Bolster the Attorney General's Offices in Mexico regarding technical training and Independence, in order to guarantee a proper investigation.	Within the framework of the Program for the Fostering of Human Rights, from January 2011 to July 2014, 347 training events were conducted on issues related to the legitimate use of force in the process of arrest and detention, on site and remotely, which was attended by 31,437 federal police officers, among which were Commanders and operational officers from different divisions of the Federal Police.
Establish a coherent plan on cooperation between the federal and state law enforcement authorities in the investigation of serious human rights violations, with a comprehensive vision, specific protocols and the adoption of technical and professional criteria and not political criteria, in attracting investigations by Mexico.	The National Conference on Law Enforcement has approved a series of protocols on torture and forced disappearance, among other things, in order to strengthen access to justice at all levels.
Adopt specific protection measures for victims, their family members, their representatives, witnesses, experts and defenders who participated in the investigation or the seeking of justice when they are at risk. Guarantee Access to files of the family members and legal representatives. Impose appropriate fines in cases of retaliation against any of these people.	The General Law of Victims recognizes and guarantees the rights of crime victims and human rights violations, in particular, their right to assistance, protection, truth, justice and compensation. It also requires that the three branches and orders of government ensure their protection and provide the required assistance.
Adopt specific protection measures for justice officials in accordance with their particular needs and in consultation with them.	
Ensure the implementation of the General Law of Victims and the functioning of the Executive Commission of Support to Victims, at a federal and state level. Assess and tackle, specifically, the barriers which prevent its effective implementation and eliminate them, in consultation with civil society organizations and with the victims.	The implementation of the General Law of Victims, at the federal level, has been in force since 2013, the year of publication. As for Mexican states, to date, three Executive Commissions installed which are compatible with the Executive Commission of Support to Victims plans, which meets the requirements of technical and managerial autonomy and its own

	<p>legal personality: Morelos, Nuevo León and Coahuila. It should be noted that the laws for the states of Guerrero and Michoacán are 100% standardized with the General Law of Victims. However, they have not yet launched their State Commission. Concerning the States of Jalisco, Tlaxcala, Durango and Veracruz, although they have a State Commission, it depends on the State Government. In other states, the legislative standardization process continues.</p>
<p>Assume the historic responsibility of accountability regarding serious human rights violations. Investigate, clarify and penalize the actions committed during the so-called Dirty War.</p>	<p>The Mexican State has acknowledged responsibility for the events which occurred in the 1960s and 1970s in some states and, in that sense, it has launched investigations regarding crimes committed in this context and properly compensate the victims. It underscores that, in response to IACHR Recommendation 26/2011, the Mexican State has launched a comprehensive program of comprehensive compensation for victims, regarding which 87 victims out of the 275 cases proven have benefitted from it.</p>
<p>Bolster the protection mechanism for defenders of human rights and journalists, guaranteeing their long-term financial sustainability, providing it with a greater degree of administrative autonomy and urging federal entities to collaborate with this. In the meantime, the mechanism is recommended to perform the assessment and adoption of different protection measures, bearing in mind gender, indigenous leaders and environmental defenders, perform measurements on the effectiveness of the implemented measures, promote the institutional coordination and cooperation with the Attorney General's Office, as well as increasing the transparency of everything done to increase the trustworthiness of the beneficiaries. The above should be accompanied by the development of a policy of prevention and objective participation of the population.</p>	<p>In accordance with the Law for the Protection of Defenders of Human Rights and Journalists, the Fund for the Protection of Defenders of Human Rights and Journalists was created to earmark financial resources exclusively to the implementation and operation of preventive measures, protection measures and urgent protection measures and other acts established by law for the operation of the Mechanism.</p> <p>Also, important efforts have been made to improve the operation of the Protection Mechanism in conjunction with <i>Freedom House</i>, particularly to avoid the falling behind case analysis; incorporate the gender perspective and the possibility of conducting collective risk analysis. Currently, it is focused on prevention.</p>
<p>Reform the Military Justice Code in order to make available that when a member of the armed forces commits acts which could constitute a violation of human rights, said actions are to be tried by civil jurisdiction courts, regardless of the fact if the victim was a civilian or military</p>	<p>In June 2014, the Military Justice Code was reformed, extracting the cases of civilian victims of human rights violations from military jurisdiction, which recovers the emerging practice of declining jurisdiction which military courts were implementing, in accordance with</p>

personnel.	the criteria of the Mexican Supreme Court.
Monitor the entering into force of the new criminal justice system, as well as training effectiveness; include public defenders in the trainings.	In October 2008, in order to implement the reform, the Coordinating Council was established for the Implementation of the Criminal Justice System at the three levels of government, under the terms provided in the Constitution of the United Mexican States. Since then, the Coordination Council has a Technical Secretariat (SETEC) created to operate and implement the Council's agreements and determinations and assist and support local and federal authorities in the matter.
Evaluate the effective implementation of the new criminal justice system as well as the areas requiring a closer accompaniment, with appropriate training and necessary resources. Include permanent training to justice officials and public defenders regarding reviewing laws for compliance.	More than 85% of national total of judges, public prosecutors, defenders, conciliators and mediators, experts, prison staff, legal advisors for victims, chamber administrators and personnel from the Special Anti-Kidnapping Units have received indispensable tools to exercise its powers within the criminal proceedings, and their training at a specialized level still continues. In particular, it has strengthened police force training. In 2015, a Criminal Justice Training Plan and Basic Police Training was approved and which consists of an array of skills and resources from the three levels of government to make 333,865 local police officers acquire basic skills in the accusatory criminal proceedings.
People in a Particularly Vulnerable Situation	
Adopt the necessary measures to investigate, sanction and repair acts of violence against LGBT individuals, in accordance with due diligence standards. The investigations and must include the determination as to free of stereotypical notions of LGBT people and must include the determination as to if these acts were committed due to sexual orientation or gender identity of the victims.	Along the lines of action envisaged in the 2014-2018 National Program for Equality and Non-Discrimination regarding combating homophobia, included is fostering the creation of a national register of crimes motivated due to sexual orientation, gender identity or ethnic-national origin (action line 4.1.7.), and generate statistical information on crimes committed by security forces motivated by homophobia or racism (action line 4.1.8) . In June 2015, the Office of the Attorney General (PGR) adopted and published the Action Protocol for PGR personnel regarding cases involving people from the LGBTTTI community. The document establishes the provisions which must be followed in the procedures being heard before the Public Prosecutor in the investigation and

	prosecution of federal crimes involving them.
Adopt necessary measures to prevent violence, including legislative measures and in public policy with a view towards eradicating social discrimination which exists towards LGBT persons, which empowers and reinforces violence based on prejudice.	Article 1 of the Constitution of the United Mexican States establishes the prohibition based on sexual preference discrimination, stemming from the reform regarding the same Article performed in June 2011. Since 2003, the ban on discrimination based on grounds of sexual preferences is envisaged in the Federal Law to Prevent and Eliminate Discrimination. In June 2010, the Intra-Governmental Group on Sexual Diversity in Mexico was created. This is a working group comprised of representatives from various Federal Public Administration institutions aiming to generate proposals which will translate into a public policy agenda on sexual diversity.
Implement and bolster measures, incorporating the perspective of gender, in order to comply with duty to act with due diligence to prevent, penalize and eradicate violence and discrimination against women, including specific efforts to comply with the obligations of prevention, investigation, sanction and reparation of women’s human rights violations. This covers training and monitoring of the authorities in charge from the investigation, including health services and services in the field of justice.	The Decentralized Administrative Agency of the Federal Police, through the Police Development Coordination System, developed the “Comprehensive Training Program of Education, Training and Human Rights Matters for Federal Police Officers”. It has personally trained 4,295 officers and remotely trained 29,713 public servants. In the Decentralized Administrative Agency for Prevention and Social Rehabilitation, 2,246 public servants took the Internal Instructors Training Program on Human Rights and Gender Perspective, and the Decentralized Administrative Agency for Federal Protection has trained 4,362 public servants.
Adopt the necessary measures to prevent, punish and eradicate acts of sexual violence and other forms of violence, torture and cruel treatment, inhuman or degrading by security forces against women, especially those abducted.	On September 9, 2015 the Monitoring Mechanism regarding Cases of Sexual Torture committed against women was formally established. It is aimed at reviewing the cases of women lodging complaints regarding sexual torture, referred to in the campaign “Breaking Silente: All Together against Sexual Torture” most urgently those cases of women who are incarcerated. Besides the participation of civil society organizations, the mechanism is comprised of the Secretariat of the Interior, the Office of the Attorney General, the Executive Commission Supporting Victims, the National Human Rights Commission and the Secretariat of Foreign Relations.

<p>Implement protocols standardized by law enforcement authorities regarding crimes related to violence against women, as well as proper supervision regarding its implementation.</p>	<p>The 2013-2018 Proigualdad policy, aligned to the National Development Plan, considered among its strategies, effective justice, sensitive to gender, with due diligence, without discrimination to women and girls. Among its lines of action, it establishes the fostering of the standardization of police research protocols regarding the homicides of women and the development of impact indicators and application protocols, manuals, ministerial criteria, expert and law enforcement services with gender perspective, in addition to Strategy 2.3 regarding strengthening care services to women and girls under all types and forms of violence.</p> <p>The protocols published by the Mexican Supreme Court to regarding judging with gender perspective must be underscored, as well as the protocol published by the Attorney General's Office, on femicide and sexual violence, which serve as action guidelines regarding women's rights and law enforcement with gender perspective for personnel throughout Mexico it may be generally applied at a national level.</p>
<p>Adopt public policies aiming to restructure stereotypes on women's roles in society and foster the eradication of discriminating social and cultural patterns preventing their access to justice, including training programs and comprehensive policies for the prevention of violence against women.</p>	<p>The Mexican State, through the National Council for the Prevention and Eradication of Violence against Women disseminates messages to promote the respect of women's human rights and builds a culture of non-violence regarding gender. It does so through dissemination campaigns aimed at creating communication channels which allow for attitudes, individual behavior and social practices which accept and tolerate violence against women to be questioned.</p>
<p>Design and implement culturally appropriate policies, with the participation of indigenous women, and applying a comprehensive and holistic approach with the aim of the prevention, investigation, sanction and reparation of acts of violence and discrimination committed against them.</p>	<p>Among the actions within the framework of the Actions for Gender Equality with Indigenous People Program, we must underscore the creation and expansion of the Houses of Indigenous Women (CAMI), which are spaces built specifically to prevent and address cases of violence and are managed by indigenous women. Additionally, in 2013, with the aim to foster the fact that all indigenous girls and women in Mexico are made aware of their rights, the National Indigenous Languages Institute, in coordination with the National Women's Institute, translated the Convention on the</p>

	Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belém do Pará” to 13 indigenous languages.
Create protocols of police action regarding interventions with boys, girls and adolescents, in order to ensure their rights are protected.	In Article 47, the General Law on the Rights of Children and Adolescents states that the federal, state, municipal authorities and those of the territorial demarcations of the Federal District, within their respective jurisdictions, will take measures to prevent, address and sanction the cases in which girls, boys and adolescents are affected by, among others: I. carelessness, neglect, abandonment or physical, psychological or sexual abuse; II. the corruption of persons under eighteen years of age; III. Trafficking in persons under 18 years of age, child sexual abuse, child sexual exploitation, with or without commercial purposes, or any other exploitation , and other punishable acts set forth in the applicable provisions; IV. Child trafficking.
Implement and strengthen measures to comply with the duty to act with due diligence to prevent, sanction and eradicate violence against boys, girls and adolescents, including specific efforts to comply with the obligations to prevent, investigate, sanction and repair human rights violations and consider the corresponding aggravating factors due to the victim’s age.	At the federal, state and local level, tThe General Law on the Rights of Girls, Boys and Adolescents created Prosecutor’s Offices for the Protection of Children and Adolescents, as administrative units of the National Comprehensive Family Development System (federal prosecutor’s offices) and their counterparts in the states (local) procurators. Their purpose is to effectively protect of the rights enshrined in the Constitution, international treaties and the law. The Prosecutor’s Offices must request the competent Public Prosecutor to perform ideal urgent special protection measures when there is an imminent risk against life, security or freedom of girls, boys and adolescents. With these measures, a National Protection System is created in charge of combining institutional efforts of the various levels of government for comprehensive protection of children and adolescents.
Adopt measures to use a culturally appropriate perspective and take into consideration the collective character of the indigenous communities and people when they or their members become victims of human rights violations.	Mechanisms to foster access to justice for indigenous peoples have been developed, such as the Protocol of action for those who enforce the law in cases involving the rights of individuals, communities and indigenous peoples (Supreme Court); Release Program of Indigenous Inmates,

	the Program for the Promotion of Justice Agreements (CDI), and the training of interpreters and judges to integrate cultural and linguistic aspects of indigenous peoples into judicial proceedings (Supreme Court and National Institute of Indigenous Languages).
Guarantee the availability of interpreters in all of Mexico and at all levels of government so that indigenous people and their members may have access to justice when they require it.	To date there is a national register of translators and interpreters regarding indigenous languages managed by the National Institute of Indigenous Languages.
Adopt the necessary measures to make free, preliminary and informed consultations regarding projects affecting their territories.	During the current federal administration, 150 processes are being conducted of free, previous and informed, consultations in accordance with the provisions of Article 7.3 of Convention 169 of the International Labor Organization, as well as standards which, for that purpose, the IACHR has set in sentences, dated August 12, 2008 and June 27, 2012, respectively, regarding the cases of the Saramaka People v. Suriname (sentence interpretation) and the Kichwa Sarayaku Indigenous People v. Ecuador, concerning works and activities subject to the procedure of environmental impact assessment. This, in order to ensure that members of indigenous peoples and communities are aware of all possible risks. Each of the 150 processes of Indigenous Consultation on Environmental Matters, are developed with an ad hoc protocol, with the international standards referred.
Correct the excessive application of preventive incarceration and exceptionally apply it, using other non-imprisoning precautionary measures. Within this framework, guarantee that a judge be placed at the immediate disposal of the detained individuals, in order to restrict arrests without warrants in the cases of assumed <i>in flagrante delicto</i> and equivalent to <i>in flagrante delicto</i> .	Article 18 of the Constitution of the United Mexican States establishes that alternative forms of justice must be observed in the application of sentences, as long as they are applicable, especially within the framework of the juvenile justice system.
Adopt all of the necessary measures to guarantee a social reintegration strategy. In this sense, guarantee that the financial resources be directed towards humanizing and implementing measures allowing for the reintegration of inmates. Specifically, regarding people with disabilities, identify a social reintegration strategy through	

the implementation of community services.	
Publically disclose information on the standards of the American Correctional Association to certify correctional facilities.	
Implement rule-making measures and any other one in order to guarantee detention conditions suitable for the particular needs of groups in a special situation of vulnerability. Concerning abducted women, the State must guarantee that the adoption of respective measures covers a gender approach. Regarding incarcerated individuals with disabilities, the Mexican State must guarantee the elimination of barriers hindering the exercise of his rights, by means of reasonable adjustments.	
Adopt measures to deal with preventive custody and the high levels of overpopulation. The measures to be adopted may consist of, among other measures, increasing the number of criminal enforcement judges and the establishment of periodic review brigades which will allow cases of excessive duration in preventive custody to be identified.	
Ensure that the National Law of Criminal Enforcement includes the international standards guaranteeing the rights of incarcerated individuals, both those being tried as well as those sentenced, with emphasis on a due criminal trial and social reintegration.	
Comply with the set of recommendations posed in the Report on the Human Rights of Migrants and Other Individuals within the context of human mobility in Mexico.	Mexico has implemented various measures to ensure the respect for the human rights of migrants in transit, which were highlighted in Mexico's response to Human Rights Report of Migrants and Other Persons in the Context of Human Mobility in Mexico and whose recommendations were included in the creation of the 2014-2018 Special Migration Program.
Elaborate a national diagnostic to 'characterize' domestic displacement in Mexico and, thus, adopt a national policy and the measures tending to provide an answer based on international standards on this matter, in particular the Guiding Principles of Domestic Displacement.	
Adopt specific federal and state legislation to	

deal with domestic displacement, in accordance with the Guiding Principles of Domestic Displacement.	
Ensure that there is a federal institution in charge of the protections of individuals against forced displacement.	
Bolster the entities in charge of protecting individuals protecting human rights and journalists, so they may appropriately guarantee their lives and personal safety. At the same time, the Mexican State is urged to incorporate the gender and multicultural perspectives within the creation and adoption of measures to protect defenders and journalists.	Steps have been taken to strengthen the Office of the Special Prosecutor for Crimes against Freedom of Expression. Also, important efforts have been made to improve the operation of the Protection Mechanism in conjunction with <i>Freedom House</i> , particularly to avoid the falling behind case analysis; incorporate the gender perspective and the possibility of conducting collective risk analysis. Currently, it is focused on prevention..
Freedom of Speech	
Recognize, from the highest level of the State, the legitimacy and value of journalistic work and condemn the attacks committed as retaliation in the exercise of freedom of speech.	Mexico has always reiterated its unconditional commitment about the respect of freedom of speech. The implementation of a judicial framework protecting this right to ensure its full enforcement, and the cooperation it has with several international mechanisms on that matter, are unequivocal signs of willingness to strengthen the right to freedom of speech as a fundamental pillar of the State. In this sense, Mexico is deeply committed to the adoption of measures which will allow defenders and journalist to perform their tasks and, in particular, to attend to the cases which are presented in which protection is required to be granted.
Define a singular methodology to generate and publish detailed and disaggregated statistics on violence against journalists and investigations on the attacks, as well as regarding the protection measures adopted.	Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE) performs an organization of the information contained in the complaints and preliminary investigations regarding crimes against freedom of speech and it issues monthly statistical reports in this regard.
Remove all the obstacles for the Special Prosecutor's Office for Dealing with Freedom of Speech Attacks to be able to attract the investigation of crimes against journalists and freedom of speech. In this manner, make effective the enforcement of federal jurisdiction regarding crimes within its competence and guarantee that the most serious crimes against	Due to the entry into effect of the reform of the Secondary Statutory Legislation of Article 73, Section XXI, of the Mexican Constitution, dated May 4, 2013, as well as the power granted by the Mexican Code on Criminal Proceedings, so that in cases of ordinary crimes committed against a journalist, an individual or a facility, which willfully affects, limits or damages the right to

<p>freedom of speech will always be investigated by this prosecutor's office.</p>	<p>information or freedom of speech or press, the Mexican Federal Prosecutor's Office may enforce the power of summons to acquaint themselves with the perpetrators and pursue them. The Office of the Special Prosecutor for Crimes against Freedom of Expression has enforced the power of summons regarding inquiries initiated in several federal entities.</p>
<p>Maintain the nature of specialized prosecutor's office of the Special Prosecutor's Office for Dealing with Freedom of Speech Attacks and provide it with sufficient financial and human resources so it may carry out its task.</p>	<p>The Federal Executive Branch, through its internal regulation, will perform the suitable adjustments to the Organic Act of the Mexican Attorney General's Office, in order to grant it the rank of Special Prosecutor's Office and bestowing it with greater stability, autonomy and resources (financial, material and human) in the enforcement of its functions.</p>
<p>Adopt special investigation protocols based on which the theory of homicide of or attack against being a journalist must be completely and sufficiently exhausted.</p>	<p>The Office of the Special Prosecutor for Crimes against Freedom of Expression has developed several protocols of action which are in the review, publication and authorization status for their respective implementation at a national level. The protocols are the following: Protocol of Action along the First Lines of Investigation in Journalism Cases, through which the goal is to establish the regulations for basic and necessary investigations which must be performed by personnel from the prosecutor's office in the investigation of crimes committed against freedom of speech, under international standards; the Protocol of Escorting Journalists, which attempts to standardize the actions of officers from the Federal Prosecutor's Office in the guidance, support and legal support to individuals and their families exercising the right to free speech. Additionally, it will monitor the precautionary measures to guarantee the physical and psychological safety of people exercising freedom of speech, of their direct family members, co-workers or media facilities; the Manual to Prevent Crimes Committed against Freedom of Speech, an instrument by which it seeks to establish preventive actions which journalists must observe when exercising their profession; the Basic Guide on the Investigation of the Homicide of Journalists, a document by which it seeks to regulate actions by the Federal</p>

	<p>and Local Prosecutor's Office in the investigation of crimes related to the freedom of speech, with the purpose of once they are aware of the alleged criminal events, they launch, <i>ex officio</i> and without delay, expression, an investigation leading to obtaining the truth and the persecution, capture, trial and eventual sentencing of the alleged perpetrators; the Practical Manual of Prosecution Investigation, an instrument by which the Office of the Special Prosecutor for Crimes against Freedom of Expression aims to provide a methodological tool regarding crime investigation, and its main purpose is to aid in the investigations, establishing scientific techniques which guarantee, at all times, the respect of human rights and the updating of the existing protocols towards substantive actions; the Protocol of High-Impact Crimes, a publication through which it seeks to organize, assess and classify information on crimes considered to be high impact ones, such as those related with disappeared individuals and the murder of journalists, which, additionally, pretends to establish the victim's profile, identification of the alleged perpetrator, the <i>modus operandi</i>, and determine if these crimes were committed as a consequence of the free exercise of freedom of speech, in addition to classifying the information which will allow cross-referencing information on homicides and disappeared individuals (DNA, physical features and so forth), in particular, journalists, throughout Mexico.</p> <p>The Office of the Special Prosecutor for Crimes against Freedom of Expression created and disseminated through its national training program freedom of speech, the early alert system, how to act in case of being a crime victim and the booklet on the rights of journalists.</p>
<p>Improve the existing relationship between the federal and state jurisdiction in order to prevent conflicts of jurisdiction to hinder or delay investigations.</p>	<p>The 'Protocol of Preventive Measures and Urgent Measures of Protection' training course is applied throughout Mexico. Through these measures, they attempt to unify the prosecutor's office's criteria of action in the proper application of the laws protecting journalists, in addition to raising awareness of the importance</p>

	<p>of the first contact with the victim, to determine the precautionary measures.</p> <p>Likewise, assessments are continually being provided by state, at a national level, under statistics regarding threat status and attacks which journalists face, in order to evaluate the possibility of establishing formal agreements, so as to implement protection measures and create specific contingency plans, to avoid future assaults on journalists.</p> <p>Forums or round tables are continued to be held, leading to the make the Mexican Judicial Branch aware of the relevance of the freedom of speech and the press, as democratic values of free societies and which are being judged.</p>
<p>Allow victims, their family members and, whenever possible, their aids to be able to participate in the criminal proceedings, with full guarantees, both regarding the search for the truth and the clarification of the facts as well as when compensation is demanded.</p>	<p>Within the framework of the General Law on Victims, the participation of victims and family members in the judicial proceedings is expected.</p>
<p>Regarding the attribution granted by the Law to Access Information from the Legal Counsel of the President of Mexico, it is recommended that said power be regulated in accordance with the international principles regarding access to public information and national security.</p>	
<p>Bolster the laws, policies and practices ensuring that the judicial authorities have complete Access to the relevant information when they investigate and try cases of human rights violations attributed to members of the security forces.</p>	<p>On May 6, 2015, the new General Law of Transparency and Access to Public Information was enacted. It standardizes the regulatory frameworks on Access to federal public information, public information from the states and the Federal District. It expanded the number of individuals bound by the judicial and legislative branches, the autonomous agencies, political parties, trusteeships and public funds, as well as the trade unions, and the National Transparency System was also created.</p>
<p>Adopt the relevant measures so the security forces can collect, organize and periodically publish information referring to infringements on life and safety as a consequence of the fight against organized crime. The information regarding such infringements should describe where it took place, the date, the information on</p>	

<p>the security sector unit which should have been present when it occurred, information about its command and control. Also, what caused the infringements and the inability to prevent them.</p>	
<p>Require the competent authorities to take into consideration the international protection parameters, especially the considerations developed in the ‘Second Report on the Situation of Human Rights Defenders in the Americas’ and the ‘Violence against Journalists and Media Workers of the Special Rapporteurship on the Freedom of Speech of the IACHR’ report.</p>	<p>As of 2012, there is a Mechanism for the Protection of Persons Defending Human Rights and Journalists (hereinafter, Mechanism), in charge of protecting the lives, the safety and freedom of the defenders and journalists who, in the field of their work, are in a situation of risk, in compliance with the nation and international judicial instruments which the Mexican State has signed regarding human rights matters. The Law regulating said Mechanism establishes, in Article 1, that this authority is created so that the State may attend to its responsibility of protecting, fostering and guaranteeing human rights.</p> <p>The Law and Regulations governing how the Mechanism for the Protection of Persons Defending Human Rights and Journalists works establishes as one of the means of prevention and protection public and social acknowledgement of the important work by the defenders of human rights and journalist, for the strengthening of the Democratic Rule of Law, as well as the condemnation, investigation and punishment of the aggressions.</p> <p>The IACHR and the Inter-American Court have established that protection is based on prevention, as a duty guaranteed by the States to defenders of human rights and journalists. The obligation to prevent requires the authorities to be aware, or should have been aware, of the existence of a real and immediate threat. To face this, the mandate of the recently-created Prevention, Monitoring and Assessment Unit (UPSA) is to nationally monitor assaults on defenders of human rights and journalists in order to collect, organize and assess information to identify patters and create risk maps. In Q4 2015, the UPSA has been developing the methodology to seek and assess information. It created the database for data organization and it has launches a pilot program for web searching.</p>

<p>Encourage the State to provide all sorts of necessary political support for the proper functioning of the protection mechanism, which includes the necessary financial resources to be able to effectively develop their competences regarding protection and that is may be sustainable over time.</p>	<p>As it has been reiterated on different occasions, the Mechanism for the Protection of Persons Defending Human Rights and Journalists has the full support of the Mexican State and it is a sample of the commitment which exists regarding the protection of these groups.</p> <p>Likewise, the Mexican Federal Gazette published the Law for the Protection of Persons Defending Human Rights and Journalists, by which the Fund for the Protection of Persons Defending Human Rights and Journalists (hereinafter, Fund) was created. The Fund's financial resources are managed through a Semi-Public Sector Public Trusteeship for management and payment, which will allow the Mechanism to purchase what it needs to implement and enforce the Prevention Measures, Preventive Measures, Protection Measures and Urgent Protection Measures, which guarantee the lives, safety and freedom of the people who are in a risk scenario as a consequence of defending or fostering human rights and the exercise of the freedom of speech and journalism. In the implementation and enforcement of the protection measures, up to June 2015, funds have been outlaid in the total amount of 68,928,868.71 Mexican pesos (US\$4,162 million) charged to the Fund's assets. On November 30, the Fund has an asset balance of 331,811,161.30 Mexican pesos (US\$20,036 million).</p>
<p>Adopt all the necessary measures to assign and train all necessary personnel for its proper operation.</p>	<p>The Mechanism has carried out several training courses to strengthen the Mechanism for the Protection of Persons Defending Human Rights and Journalists. On September 30, 2013, a collaboration agreement was signed with the <i>Freedom House</i> international organization, in order to conduct the necessary actions to strengthen the Mechanism and its institutional capabilities, which was carried out in three stages.</p>
<p>Guarantee that the risk studies and the implementation of prevention and protection measures be carried out in an appropriate manner and urgently attending to these matters. Thus</p>	<p>Within the framework of the first stage to strengthen the Mechanism, which was carried out with the support of the <i>Freedom House</i> organization, the effectiveness of the National</p>

<p>that regarding the procedures of risk assessment, the assigning of plans for the protection and review of their suitability, an appropriate participation, communication and agreement with the people covered by the protection mechanism is guaranteed, as well as the beneficiaries of precautionary measures requested by the IACHR.</p>	<p>Executive Coordination Agency (CEN) of the Mechanism was increased to overcome the lag regarding the risk assessment studies. The Mechanism granted urgent protection measures to the defenders and journalists who, due to their work, were in a risk scenario which could become a reality in a brief period of time and cause serious damage. Two types of procedures could be conducted – in an extraordinary scenario, the kind of protection measures to be granted is determined through a swift action assessment study, within a three-hour period, and within a nine-hour period they are implemented. In the assumption that they are non-life-threatening or non-harm-causing events for the requesting individual, an ordinary procedure will determine his inclusion. Likewise, a first-contact interview will be needed and, within a 24-to-48-hour period, his inclusion will be determined.</p>
<p>Perform the assessment and adoption of distinct protection measures for women, indigenous leaders and environmental defenders.</p>	<p>Since July 2015, there is a specific instrument and methodology for risk assessment with a focus on gender, and for collective cases regarding organizations and communities who are activists in favor of the defense of human rights. Said instruments and methodology have been created by <i>Freedom House</i> at the same time as a training and escort plan, attending to the need of complying with international standards on the matter.</p>
<p>Encourage the State to implement strategies so that the different institutions, at the different federal and state levels, may work jointly to provide a comprehensive response in all of the matters related with the protection of human rights defenders as well as the defenders of journalists.</p>	<p>Regarding prevention, a strategic action which has begun to bear fruit concerning the coordination of federal and state authorities is the signing of a Collaboration Agreement between the Mechanism, the Government of Veracruz, through the Secretariat of Public Security, the State’s Attorney General’s Office and the State Commission for the Care and Protection of Journalists. Its signing stems from the approval of the White Paper on the Situation of Journalists in Veracruz. SecEarly Alert and Contingency Plan by the Mechanism’s Board of Government.</p> <p>Another of the actions which will take place in 2016 by the Mechanism to strengthen the inter-institutional coordination are regional meetings with authorities from all of the states in order to reach agreements on working criteria and</p>

	<p>procedures in order to protect the defenders of human rights and journalists. There will be five regional meetings throughout the year in which there will be a call to attend them for representatives from the Secretariat of the Interior and the Secretariat of Public Security, in addition to the Attorney Generals' Offices or Prosecutors' Offices from the 32 Mexican States.</p>
<p>Urge the protection mechanism to implement a dissemination strategy regarding its competences, the requirements to enter the program, among other necessary information, with the purpose that the defenders of human rights and of journalists are made aware of the protection the mechanism can provide. Likewise and in accordance with international standards, provide access to the necessary information about the protection mechanism, so as to provide greater transparency on the work they are conducting.</p>	<p>In 2016, the three Technical Units of the Mechanism (Case Reception and Rapid Response Unit; Risk Assessment Unit; and Prevention, Monitoring and Assessment Unit) will create materials for dissemination regarding responsibilities of the Mechanism, the requirements for participation and basic information which will allow defenders and journalists to be clearer on their authority.</p> <p>Concerning the information the Mechanism can provide, in November 2015, the first phase of construction of the Case File Registration and Control System was completed, in which information on the files will be organized, which will be collected in December 2015 and, in January 2016, the second phase will launch in order to increase the variables to be collected and the reports which this system is able to produce.</p>
<p>Encourage the protection mechanism to adopt a procedure allowing it to order protection measures <i>ex officio</i> in those cases which due to its serious nature and urgency require it immediately.</p>	<p>The task of the Mechanism's Prevention, Monitoring and Assessment Unit is to assess the protection measures implemented. Thus, in Q4 2015, the development of the methodology was initiated. In January 2016, the first assessment will be conducted on the emergency buttons, which have been repeatedly mentioned to have some working problems. The assessment will be presented before the Board of Government, along with a proposal for the solution to the problems detected. Throughout 2016, the assessment of the main measures used by the Mechanism (night watchmen, cameras, emergency telephones, bodyguards, vehicles) will be conducted.</p> <p>The methodology takes into account information gathering from several sources, such as: the beneficiaries themselves, implementation</p>

	timeframes, reports from the Company installing the infrastructure, on-site remarks, and the indicators formed in October 2015 with the U.N. Office of the High Commissioner on Human Rights.
Urge the State to double down on its efforts to investigate the events which led to the detention and incarceration of the people covered by the protection mechanism, with the purpose of establishing, as a State policy, investigations as a means of prevention.	Currently, the Mechanism is in Phase Three, focused on the prevention and bolstering of its activities. A highlight is the creation of the Prevention Unit within the Mechanism's framework, in order to Foster the preventive capability of said instrument and work is being performed towards the implementation of the Annual Operation Plan with strategic vision.
Encourage the mechanism to adopt tools allowing it to perform measurements on the effectiveness of the implemented measures, as well as increasing the transparency of everything performed to increase the trust of the beneficiaries. The above must be accompanied in the development of a policy of prevention and participation of the target population.	Among the actions which are to take place within the framework to strengthen the Mechanism, there is: <ul style="list-style-type: none"> • The strengthening of processes and procedures of the Receiving Unit and the monitoring and implementation of protection measures, as well as the risk assessment with a focus on gender and which is of a collective nature. • The definition of guideline criteria for the operation of the Mechanism, in order to help define expressions of risk and a better context analysis.