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Mexico  
Six months after change of government  

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#MeTooMX  
The cry of women in a context of ever present violence  

SIPAZ ACTIVITIES:  
From mid-February to mid-May 2019  

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SIPAZ is an international observation program created in 1995, after the Zapatista uprising in 1994 to monitor the conflict in Chiapas, Mexico.

International Service for Peace (Servicio Internacional para la Paz or SIPAZ) is a response from the international community to the request of Mexican human rights organizations and religious leaders in Mexico, asking for a permanent international presence in Chiapas. In February 1995, a delegation of various international peace organizations came to Chiapas. They decided to create an organization encompassing a coalition of faith based and nonviolence based organizations in the United States, Europe and Latin America that shared a common concern regarding the situation in Chiapas.

Today SIPAZ supports the search for nonviolent solutions and aids in the construction of a culture of peace and dialogue between the actors involved in the conflict in Chiapas as well as, increasingly, in other areas in Mexico (Oaxaca and Guerrero). SIPAZ also serves as a bridge for communication and exchange between other organizations and networks that work to construct a just and lasting peace at a local, national, regional and international level.

The SIPAZ International Team in Chiapas:

- Maintains an international presence and accompanies processes that are working towards the construction of a culture of peace in Mexico.
- Provides trustworthy communication that integrates the voices of local actors and mobilizes the local, national and international community in the search for alternative solutions to the causes of violence in Mexico.
- Joins together with organizations, movements and networks in order to share and strengthen the processes that are leading towards building a just peace.
- Maintains contact and dialogue with the many different actors that are present in the conflict.

SIPAZ recognizes and respects the principles of non-intervention and sovereignty of the Mexican State and its citizens upon whom must depend the negotiation and initiative that are necessary in order to achieve an eventual solution to the conflict.

The coalition members of SIPAZ represent many years of experience in international non-governmental peacemaking and conflict resolution. Building on that experience, SIPAZ seeks to play a facilitative role enhancing the context in which Mexicans are working to solve largely Mexican problems.
Both during the electoral campaign and after his victory in 2018, President Andres Manuel Lopez Obrador (AMLO) promised a great transformation of Mexico. Six months into his term of office, he maintains an approval rating above 60%, largely due to cuts in spending by different state structures, some reforms and a wide range of programs for the poor, among other factors. However, some analysts have pointed out several elements of continuity with previous administrations, among other concerns. For example, a key element of his campaign was the fight against corruption but no prosecution has been initiated against public officials or businessmen on charges of corruption. Furthermore, according to Mexicans against Corruption and Impunity, more than 70% of the present government contracts were awarded without bidding.

As for security, the creation of the National Guard was approved, a police force that will have 150,000 members, after making important changes to the initial proposal. The military component of the proposal had raised strong questions both in Congress and from sectors of human rights organizations. Among the main changes, it was established that the National Guard will be of a civil nature, that if its members commit a crime, they will be judged by civil authorities, and that the military personnel currently deployed in public security tasks will remain in the streets for no more than five years, while the National Guard is being formed.

More than 50 civil organizations, academics and activists warned about the possibility that “the only civil thing about this guard will be its administrative disguise.” They asked AMLO to fulfill his campaign promises and “no longer insist on militarizing the country.” “It should already be clear that military structures have not served or will serve to address situations of public insecurity”, they said. However, AMLO confirmed that the command of the National Guard will be a military official, along with its staff. He stressed that the National Guard will go through a process of training in human rights and “moderate, regulated use of force.” By May, the first 61,000 soldiers of the National Guard (of the armed forces and the Federal Police) had already been deployed without the approval of secondary laws that define the overall functioning of the new body.

Human rights: levels of violence and human rights violations continue to worry multilateral organizations

At the conclusion of her visit to Mexico in April, the United Nations High Commissioner for Human Rights (UNHCHR), Michelle Bachelet, said she was surprised at what she found. “Without a doubt, the case of Ayotzinapa is well known by the press, but the 40,000 disappearances was not something that was so clear, the 26,000 unidentified bodies. Or that ten women are murdered every day. I knew very well about the violence, but I had no idea of the scale.” She pointed out that Mexico has a number of violent deaths similar to that of a country at war: 252,538 since 2006. She also signed a collaboration agreement on the National Guard and for the investigation of the forced disappearance of the 43 student teachers from Ayotzinapa (Guerrero, 2014). She stressed that the new authorities of the country “have recognized that Mexico has a human rights crisis” and that there is political will to move forward with the pending issues.

Many of these realities were inherited from previous administrations. Illustrative of this, in March, the Mexican government accepted 262 of the 264 recommendations issued by the UN Human Rights Council in the context of the Universal Periodic Review (UPR), in addition to announcing that it will create a platform to process more than 2,800 international recommendations that the country has received since 1994.

An endemic theme in the recommendations is that of torture. In April, the ‘Alternative Report of Civil
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Society Organizations of Mexico” was presented before the United Nations Committee Against Torture (CAT) to assist in reviewing the application of international agreements regarding the prevention, prohibition, and sanction of torture. The Mexican government questioned this diagnosis, which states that the practice of torture in the country is “generalized” considering that “it has decreased in the last two years.” However, it acknowledged that the problem remains “difficult and critical”, particularly at the state level.

The CAT issued 98 recommendations that the Mexican government agreed to work on (see Focus).

Another issue that has marked the human rights agenda of the last two presidential terms of office is that of disappearances. In April, the National Human Rights Commission (CNDH in its Spanish acronym) acknowledged that, “the disappearance of people in Mexico has not stopped and on the contrary, continues to increase throughout the country, with about 30,000 missing persons, 1,306 clandestine graves found and 3,760 bodies or remains found to date.” The new government has announced that an initial budget of more than 500 million pesos will be available. Advocacy groups made up of victims’ relatives have insisted on the creation of a Special International Mechanism on Forensic Identification and for the UN Committee against Forced Disappearances (CED) to analyze individual cases, among other demands. The Undersecretary of Human Rights, Alejandro Encinas, believes that there is no need for a new mechanism of international assistance and announced actions such as updating the National Registry of Missing Persons and the integration of the National Registry of Graves.

A less visible issue but of increasing presence at the national level, in April, in the absence of a General Law of Internal Displacement, a motion was approved to categorize as a crime Internal Forced Displacement (IFD). The Inter-American Commission on Human Rights (IACHR) and the United Nations Special Rapporteur on the matter called for “recognizing the phenomenon of internal displacement, making a diagnosis and collecting data on the different types of this problem in Mexico.” They urged to “develop and implement a specific law and public policies, (...) that have sufficient resources.”

Increased vulnerability of human rights defenders and journalists

Some worrying tendencies have been emerging since the change of government. In February, 166 organizations called on AMLO to consider that “the assessment and generalization” that he has made about organized civil society, as well as comments attacking its ethics and commitment, is “wrong and unjust.” On more than one occasion, Lopez Obrador has expressed criticism in this regard and announced that no civil organization would receive money from the public budget.

Regarding freedom of expression, in March, the organization Reporters Without Borders (RSF) warned that Mexico continues to record numerous acts of violence against reporters, ranking 147th out of 180 countries in the World Press Freedom Index. In the first months of the AMLO government, ten reporters were killed. For its part, Articulo 19 noted that stigmatizing statements made to the press by the president can “legitimize and encourage attacks against journalists digitally, physically and affects the plurality of public debate. This increases the level of vulnerability and risk faced by journalists in the most dangerous country to exercise freedom of expression in the Americas.”

In March, AMLO and the undersecretary of human rights, Alejandro Encinas, presented their diagnosis of the protection mechanism for journalists and human rights defenders. Encinas recognized several deficiencies of the mechanism, among them, its bureaucratic and reactive nature. He also questioned why the body in charge of operating the mechanism is a private company. He said that its services will be maintained but “under a much more direct control and monitoring mechanism” until the State can assume this responsibility. SCO Space (Espacio OSC in Spanish) regretted that the “ineffectiveness” of the Mechanism was recognized “after 114 days of government”, and “after the murder of at least 15 human rights defenders and journalists.”
Megaprocesses and rights of indigenous peoples

In April, to mark the 100th year anniversary of the death of Emiliano Zapata, in Chiapas, approximately 3,000 members of the National Indigenous Congress (CNI in its Spanish acronym) marched in San Cristobal de las Casas. They denounced that the president’s development plan “brings dispossession and destruction of our territories”, with projects such as the Maya Train, which, they warned, “will not happen, whatever the cost (...) even if they are thinking of doing it with their National Guard.” They stated that the new authorities “are the same foremen who want to impose death plans with their lying and rigged consultations.”

In April, the National Fund for Tourism Promotion (FONATUR in its Spanish acronym) published the bidding rules for the basic engineering of the Maya Train, a project that will connect several tourist sites in the southeast of the country. It was opened without having carried out an environmental impact study or consultations with indigenous populations. AMLO affirmed that it is valid to begin this process, without taking into account these factors “because the citizens do want the train to be built” and that “in democracies it is the majority who decide, the minorities are respected, but it is the majority opinion that should have the possibility to decide in the end.”

Another controversial project is the Trans-Isthmus Corridor, which proposes, connecting the Pacific and Atlantic Oceans, similar to that of the Panama Canal. If carried out, it would include the rehabilitation of railways and refineries, the expansion of roads and the modernization of ports and airports, as well as the creation of “free zones” to attract private investments. Civil organizations questioned that “there have been no legally adequate mechanisms to guarantee self-determination, autonomy, environmental governance, and transparency in the decision-making of indigenous peoples over their territories. On the contrary, as the United Nations has pointed out in recent days, the consultations carried out by the federal government seemed to be rituals of political legitimacy, but not a legal act.” The CNI rejected: “the supposed consultation that the ‘bad governments’ intend to carry out in various communities of the Isthmus of Tehuantepec on March 30th and 31st. We denounce the corrupt practices that the ‘bad governments’ through the National Institute of Indigenous Peoples have been carrying out to seek to divide, deceive and intimidate our communities.”

Other organizations in Oaxaca also rejected these Assemblies and the haste with which they were held, rather than “the times, uses, customs and forms of decision making of the communities, as well as their representative bodies.”

On the government side, Adelfo Regino Montes, in charge of the National Institute of Indigenous Peoples (INPI in its Spanish acronym), affirmed that international standards were respected and that “in a second stage, specific consultation processes will be carried out in cases of direct effects to lands and other fundamental aspects of the life of indigenous communities.”

International: Unprecedented immigration crisis

The flow of Central American migrants to the United States has multiplied since last year with the formation of caravans coming mainly from Central America. Since coming to power, the new government opted to provide one-year “humanitarian” visas that would allow its beneficiaries to work and live legally in Mexico. More than 15,000 were awarded. However, by February, the Mexican government decided to “order” the migratory flows and the number of visas fell from more than 11,000 in January to about 1,500 in March. It began to prioritize the delivery of “regional visitor cards”, which limit mobility to four states in the southeast of the country. The new type of visa aims to prevent more migrants from concentrating on the northern border, and also to obtain labor for the construction of megaprocesses in the southern part of the country.

Meanwhile, deportations of migrants from Mexico have skyrocketed. The number of expelled persons has almost tripled between December and April, according to the National Institute of Migration (INM), representing approximately 45,370 people and saturating the capacity of detention centers. Neither US President Donald Trump’s anti-immigrant speeches nor actions on the Mexican side have reduced pressure on the US border, where 98,977 people were arrested in April, the highest monthly figure since 2007.
In May, the Collective of Observation and Monitoring of Human Rights in Southeast Mexico said that the beginning of migrant caravans has substantially modified “the conventional migratory pattern of dispersed and invisible human mobility, individual or in small groups, transmuting it into a collective, public form”, which also “exposed the ineffectiveness of migration control policies.” They denounced that neither the previous nor the current government has been able to provide comprehensive responses to the needs. They mentioned the implementation of “short-term measures, with limited clarity and transparency.”

**Chiapas: human rights issues beyond the migration crisis**

A point of renewed concern in Chiapas has been militarization. In May, the Fray Bartolome de Las Casas Human Rights Center reported that the military carried out acts of espionage during a meeting of land rights activists in Chicomuselo. It also stated that it had “registered different acts of intimidation and harassment against defenders (...) who organize themselves in defense of Mother Earth given the reactivation of mining projects in the region” since January. Earlier this month, the Fray Bartolome de Las Casas Human Rights Center also reported that “since December 2018, the Mexican state increased the militarization to territories of Indigenous Peoples’ Support Bases of the Zapatista Army of National Liberation (BAEZLN in its Spanish acronym) especially in the Lacandon Jungle region as part of the continuation of the counterinsurgency strategy to erode autonomy projects in Chiapas.”

Another issue of concern continues to be the situation in several municipalities in the Highlands of Chiapas. In May, civil organizations expressed their concern at “the actions of armed paramilitary civilian groups, perpetrators of forced displacements, disappearances and killings in the region.” They recalled that since February 2018, “the population of the municipality of Aldama is experiencing a humanitarian crisis” due to the forced displacement of 2,036 people. They affirmed that, “the Mexican State has not implemented sufficient and adequate measures to stop the violence.”

As for Land and Territory, in February, in the municipality of Solosuchapa, thousands of people held a march to demand the cancellation of the “Santa Fe” Mine and that of all other mining concessions considering that “it will truncate the possibility of the development of social, cultural, spiritual and other alternative ways of life.” In April, the Movement in Defense of Life and Territory (MODEVITE in its Spanish acronym) ratified its opposition to the construction of the San Cristobal de Las Casas - Palenque super highway. Pueblo Creyente (People of Faith) of 11 municipalities of the diocese of San Cristobal de Las Casas denounced that “looting is disguised with the construction of a super highway, saying it is a benefit for the people, but it has a direct effect on our brothers and sisters who depend directly on Mother Earth.”

Also in April, Oxchuc chose its new municipal government through a vote by show of hands. It was the first time that a municipality of Chiapas legally elected its government through customary measures. Two other municipalities in Chiapas, Sitala and Chilon are in a similar process.

In March, six prisoners in different prisons in Chiapas began a hunger strike demanding “justice and their immediate and unconditional release.” Seven more inmates later joined in solidarity. The Working Group “No Estamos Todxs” denounced that “the legal
processes of these people are plagued by irregularities and serious violations of their human rights." Although a process of dialogue with the state government began (in which the strikers decided to eat every third day), by May, six prisoners resumed their strike in the absence of progress.

In March, the Popular Campaign Against Violence Against Women and Femicide in Chiapas announced its evaluation of the Gender Violence Alert (GVA) two years and three months after its launch. The campaign declared that the GVA has "turned out to be a simulation and a mockery for the women who were raped and murdered. We also denounce that the authorities (...) have generated impunity and have shown indifference, negligence, ignorance and even complicity with the perpetrators." They denounced that government actions "are so innocuous, superficial and insufficient that they have only vulgarized the concept of gender, showing not only the inability of the government to address the problem, but also the obtuse patriarchal character of the institutions."

**OAXACA: growing vulnerability for defenders and journalists**

National trends in the increase of vulnerability of human rights defenders and journalists have been particularly noticeable in Oaxaca. In May, the human rights defender of Indigenous Women by Ciarena A.C, Silvia Perez Yescas, was the victim of new attacks despite being in the Federal Protection Mechanism for Defenders and journalists. In April, Juan Quintanar Gomez, adviser to indigenous communities in various agrarian conflicts, was attacked in the city of Oaxaca.

The Council of Autonomous Oaxacan Organizations (COOA in its Spanish acronym) denounced that, "despite our multiple complaints, mobilizations and demands before the corresponding authorities, there is no substantial progress in the cases of the five assassinations against CODEDI compañeros and three other assassinations against OIDHO, UCIO-EZ and APIIDTT compañeros." It also noted that "arbitrary arrest is used and arrest warrants are issued to intimidate those who continue to have the courage to organize, social protest is criminalized and campaigns are financed to discredit the organized people in the media."

In May, a year after the disappearance of human rights defender Ernesto Sernas Garcia, his relatives and militants of the Red Sun People’s Current (Corriente del Pueblo Sol Rojo) reported that the law enforcement agencies have been dedicated to "delaying and obstructing the search process." Human rights experts from the United Nations also condemned the lack of progress. They considered that Red Sun continues to be the target of intimidation and attacks, an illustration of which is the murder of defender Luis Armando Fuentes in San Francisco de Ixhuatan in April. They urged "the Mexican authorities to address the underlying causes of violence against human rights defenders, in particular the adverse environmental and human rights impacts of megaprojects."

The situation of the press is not much better. In March, journalist Jesus Hiram Moreno was wounded in Salina Cruz. He said he was convinced that it was not merely an assault, as one of his lines of investigation was corruption in Petroleos Mexicanos (PEMEX in its Spanish acronym). In April, he began a hunger strike when the investigation into the attack was closed without progress. In April, the reporter Ana Luisa Cantoral received death threats. She said she fears that the threats could "be related to her coverage of events that would show alleged irregularities within the Public Security Secretariat." In May, Telesforo Santiago Enriquez, from the community radio station “El Cafetal” was also murdered.

**GUERRERO: Endless crisis**

In May, during a protest over the 43 students who disappeared from the Normal Rural School of Ayotzinapa in Iguala in 2014, it was reported that in “five months of the government of President Andres Manuel Lopez Obrador, the Ayotzinapa case is still stuck because the FGR and SEDENA have no interest in resolving it.” The Office of the Attorney General of the Republic (FGR in its Spanish acronym) was urged to appoint a special prosecutor for the case and the Secretariat of National Defense (SEDENA in its Spanish acronym) to deliver the information about the attack it has in its possession.

If the most emblematic case of the state shows little progress, it is not surprising that other indicators continue to mark a highly critical context. Three defenders were killed in Guerrero between February and May: in April, Julian Cortes Flores of the Regional Coordinator of Community Authorities-Community Police (CRAC-PC in its Spanish acronym) of San Luis Acatlan, was murdered, "an attack against the system of security and communi-
ty justice of the peoples of the Coastal-Mountain region”, the Tlachinollan Human Rights Center concluded. In May, the CNI denounced the kidnapping and murder of councilor Jose Lucio Bartolo Faustino and of the delegate Modesto Verales Sebastian “by narco-paramilitary groups that operate in the region with the complicity and protection of the three levels of the bad government.”

Another illustration of the extreme vulnerability of defenders in the state, in March, the ex-political prisoner and founder of the CRAC-PC in Tixtla, Gonzalo Molina Gonzalez, “suffered three kidnapping attempts despite having the protection mechanism for defenders and journalists granted by the Mexican State”, while participating in a march in Mexico City.

Another indication of aggression and control towards defenders in the state is the use of the justice system. Since December, meetings have been held between social and civil organizations and the state government to review the cases of several prisoners, as well as to demand the end of harassment against members of the Council of Ejidos and Communities Opposed to La Parota Dam (CECOP in its Spanish acronym). The authorities have said that the legal route will be given preference. Tlachinollan believes that “the public prosecution obtained through torture, arbitrary arrest and isolation, several pieces of evidence with which they have been brought to trial. The real reason for their arrest is to stop their historic fight against the construction of La Parota hydroelectric dam.”

Another issue that gained greater attention is that of internal forced displacement. For 39 days around 350 people, representing a little more than a third of the families that were displaced from a Zitlala community and eight from Leonardo Bravo since last November, due to the presence and threats of an organized crime group, held a protest in front of the National Palace in Mexico City to demand attention to their demands. They decided to return to Guerrero after signing an agreement with the government.
n May 17, the United Nations Organization Committee against Torture (CAT) gave its verdict after an evaluation in April. It issued 98 recommendations that the Mexican government agreed to analyze and work on: "Mexico will continue to be open to international scrutiny and will place special emphasis on the cooperation that the various organizations, agencies, and countries have offered, to make the existing legal framework effective to ensure the full enjoyment of human rights in Mexico, as well as to perfect it, when required." The Mexican authorities will have a year to present new developments regarding compliance.

The Committee against Torture (CAT) consists of ten independent experts, who monitor the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (TCIDTP) by the States parties. This convention entered into force in 1987. All signatory countries must submit periodic reports to the Committee on the manner in which the rights contemplated in it are complied with. Initially, States must report one
FOCUS

Press conference of relatives and solidarity of prisoners on hunger strike © SIPAZ

since only 7% of the crimes were reported and only 4.6% of the crimes investigated resulted in convictions. For its part, the Special Investigation Unit for the Crime of Torture of the Office of the Attorney General of the Republic, created in 2015, reported in February 2018 that it had opened 8,335 investigations for this crime, but had only brought criminal proceedings in 17 cases6.

In the most recent evaluation before the CAT, Marta Delgado Peralta, Under-Secretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico, stressed that with the change of government in December 2018, there is a new context in the country that coincides with “a new vision of the country, with full respect for human rights as a fundamental pillar.” She affirmed that the problem has diminished in the last two years. Regarding progress, she reported that in June of 2017 the General Law to Prevent, Investigate and Punish Torture and Other Cruel, Inhuman and Degrading Treatment (GLPTCIDT) was enacted. The purpose of this law is to distribute the powers of the different authorities to investigate, prosecute and punish torture, correctly typify this crime, and establish measures of attention, aid, assistance, protection and reparation for the surviving victims. However, to date, the fifth provision of the General Law that states that “the Attorney General of the Republic will have a period of one hundred and eighty days following the date on which this Decree comes into force, to issue the National Program to Prevent and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” has not been complied with. Delgado Peralta acknowledged that the problem remains “difficult and critical”, particularly at the state level, and reiterated Mexico’s firm commitment to eradicate impunity and ensure that its institutions are free from torture.

Among the most vulnerable: the indigenous of the country

In an interview with SIPAZ, the lawyer of the Fray Bartolome de Las Casas Center for Human Rights (Frayba), Gilberto Hernandez said that breaking with corruption will be the biggest challenge to ensure that institutions are free from torture. Frayba documented that almost always the investigations against perpetrators of torture - mostly public prosecutors, prosecutors or ministerial police officers - are investigated by people from the same institutions. Among other points of concern, he mentioned that in November 2018, more than 100 civil organizations denounced the appointment of Jorge Luis Llaven Abarca by the former Governor of Chiapas, Manuel Velasco Coello, as new state prosecutor after holding the position of Secretariat of Security and Citizen Protection, despite several complaints against him, including some for torture. Both the National Commission for Human Rights (CNDH in its Spanish ac-

1 United Nations: Seventh periodic report that Mexico was to submit in 2016 under article 19 of the Convention
2 National Survey of the Private Population of Liberty (ENPOL 2016), Main Results.
3 Idem, P. 25-26
4 Idem, P. 35
5 Idem, P. 36
6 ProDH Center: Ten Key Questions about the General Law against Torture
ronym) and the State Human Rights Commission issued recommendations that link him to these complaints.

“In Chiapas, despite the government’s messages that mention political will, we do not believe that the situation will improve in the coming years,” said Frayba. Since March 15, indigenous prisoners from five prisons of the state, and their relatives accompanied by civil organizations, began a series of serious actions to highlight their situation in an organized manner. Through a hunger strike, these prisoners demand their freedom, better prison conditions, and justice for acts of torture committed against them. Some of them have been imprisoned for 15 years without receiving a sentence.

Gilberto Hernandez explained that he has reviewed the files of the organized inmates, in which there is evidence of arbitrary detentions and torture as a method to force them to declare themselves guilty of crimes that they may not have committed. In response to the demands of the prisoners, the state government reviewed some investigation files and informed Frayba that it did not find information that showed that there was torture. The lawyer Hernandez noted that this is not the only case, but it is a problem at the (inter) national level. He stated that he did not know if this response is due to lack of political will, incapacity or as part of a strategy to wear down victims, relatives and lawyers in order to stop demanding that their human rights be respected. Both international bodies and civil society organizations agree that a structural factor that perpetuates impunity is the lack of independence, impartiality and effectiveness of the professionals in charge of carrying out the documentation and investigation of allegations of torture.

Many indigenous people deprived of their freedom do not report due to lack of knowledge or fear of retaliation against them or their families. The majority of those who decide to do so are criminalized or pressured into refraining from further action. Additionally, the documentation and investigation are carried out without observing international standards in the matter.

**Limits to the implementation of protection mechanisms**

One of these standards is the Istanbul Protocol, which was the first set of international standards to document torture and its consequences. The protocol is a manual that has been prepared to help states implement one of the most fundamental aspects of protecting individuals against torture: effective documentation. This documentation brings to light evidence of torture and ill-treatment so that torturers may be brought to justice. According to experts, this mechanism was “Mexicanized” through misuse “by the authorities that have transformed it into an instrument of impunity.”

According to the latest CAT report, a “specific mechanism that blocks the investigation and punishment of acts of torture and TCIDTP, invoked by the investigative authorities (ministerial), judicial and even by public human rights bodies (the Ombudsman system), are medical-psychological experts. The authorities often reduce the investigation of torture to the result of these internal expert opinions - erroneously called “Istanbul Protocols” - which are usually carried out belatedly by non-independent personnel and without adherence to the true Istanbul Protocol. This creates a vicious cycle: without expert opinion, the authorities usually consider that torture cannot be proven, but when subjected to a flawed appraisal, the foreseeable result is a negative opinion, which is also considered as an indicator that there is no torture.

This has resulted in people being frequently found guilty on the basis of confessions obtained under torture or ill-treatment admitted by judges on the grounds that the victim had not proven torture.

All this occurs despite the fact that international law establishes that, once an allegation of torture or ill-treatment has been presented, it is up to the State to prove that it did not occur, and to the judges to order the immediate elimination of the evidence.

One example of these irregularities is the case of the prisoners of the Council of Ejidos and Communities Opposed to La Parota Dam (CECOP in its Spanish acronym), defenders of human rights of the State of Guerrero, of whom at least eight were tortured after a huge operation in January 2018. The Tlachinollan Human Rights Center considered that “the public prosecutor’s office obtained evidence which has been taken to trial through torture, arbitrary detentions and incommunicado detention.” The aggression suffered by the detained and tortured persons included beatings, death threats, simulation of extrajudicial execution, sexual torture and physical torture. Although torture was alleged since the beginning of the trial, there has been no progress in the investigation.
The use of the judicial apparatus in the criminalization of human rights defenders

Another major concern also present in the case of CECOP prisoners is the criminalization of social protest, which has led to the imprisonment of dozens of human rights defenders in recent years.

In the state of Oaxaca, which is characterized by a long history of criminalization of social movements, in 2017 and 2018, at least 141 defenders were arbitrarily detained, according to the Feminist Civil Association for Parliamentary Dialogue and Oaxaca Consortium for Equity. This same source registered a total of 93 attacks against defenders and journalists in the first quarter of 2019.

The UN Working Group on Arbitrary Detentions (WGAD) has issued eight Opinions on human rights defenders in Mexico\(^1\), of which six cases are from Oaxaca. “In its Opinion 56/2015\(^2\), the WG recognizes a pattern of arbitrary detentions against defenders in Mexico, mostly indigenous, systematically documenting incommunicado detention, torture and serious violations of due process”\(^3\).

Civil society organizations and different international institutions are also concerned about the issue of public security, as, “the federal government and the Congress of the Union have advanced two proposals that would increase the risk of torture and other human rights violations: the creation of a militarized National Guard” and the increase in the list of crimes that merit informal preventive detention: “This initiative is particularly alarming because it is contrary to the presumption of innocence and due process, and because of the foreseeable negative impact it will have on populations already vulnerable to arbitrary detention.”

Different effects for women and members of the LGBTIQ community in prison situations

In Mexico, seven out of ten women in the country have suffered some kind of sexual violence. Women have begun to face another kind of violence from the “war on drugs”: homicides in public spaces with firearms. The war on drugs also has resulted in an increase of the number of drug crimes, or crimes “of production, possession, trafficking, proselytizing and other acts in the matter of narcotics”, which has resulted in more income for the prisons. Both detention and imprisonment are scenarios that constantly enable acts of torture and CIDTP\(^4\).

According to what has been documented by civil organizations when representing, accompanying or studying the situation of women deprived of their liberty, the Mexican penitentiary system fails to apply the gender perspective, leaving women in a situation of vulnerability that includes the absence of services adapted to the needs of their gender\(^5\), the former being CIDTP that generates potentially torturous situations\(^6\).

In relation to the medical-psychological expertise for women, the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) has identified the absence of expert opinions that incorporate a gender perspective.

The Office of the Rapporteur on Torture has expressed alarm due to the large number of complaints of torture and ill-treatment of women, including sexual violence, adding that, in most cases, there is no investigation or cases are minimized by the authorities, and survivors are re-victimized when they report or undergo medical examinations\(^7\).

The community of lesbian, gay, bisexual, transgender, intersex and queer people (LGBTIQ) continues to face ho-
mophobia and harmful stereotypes. “Within the Mexican prisons they are constant victims of violence (...) the State Commission of the Federal District noted the urgent need for protection actions and protocols for LGBTI persons in prison to prevent aggression and discrimination against them.”

One example and exception to the impunity rule are the cases of Ines Fernandez Ortega and Valentina Rosendo Cantu, two indigenous Me’phaa women from Guerrero, sexually tortured by members of the armed forces in 2002. The Mexican State was sentenced by the International Court of Human Rights on the case and there are lawsuits against the torturers, and a historic sentence was issued in June 2018, by holding members of the military responsible for acts of sexual torture for the first time. However, after the sentence, the accused have resorted to an injunction; that is, the sentence can still be reversed. In any case, civil society organizations noted that international pressure was fundamental in order to issue a ruling with a gender and intercultural perspective.

The long road to eradicating torture and the importance of the participation of victims, family members and civil society

In April of this year, with the objective of “discussing common challenges, improving, strengthening and overcoming obstacles in the fight against torture”, 16 lawyers from ten organizations from Guatemala, El Salvador, Honduras, Colombia, Venezuela, Peru, Paraguay, Chile, Argentina and Mexico formed the Group of Litigants against Torture in Latin America. The group has the support and advice of the World Organization against Torture (WOAT), based in Geneva, Switzerland.

They confirmed that the practice of torture is endemic, that it occurs in many forms in all nations, so they united to be able to “carry out common actions, as a single group (…) what we are doing is something unique, since we know it has never happened on the continent, which is the starting point of what will be a group of litigants or lawyers who fight against torture and impunity at a regional level in Latin America.”

The Frayba lawyer Gilberto Hernandez, who coordinates the group, pointed out in an interview that the expert lawyers will accompany the cases of this crime before national and international courts in a coordinated manner, and that different strategies will be shared in the fight against torture. One that is considered positive is access to the United Nations so that they can pronounce on specific cases as a form of pressure on the Mexican State, since the process through the Inter-American Court of Human Rights is long and slow (for example, the case Ines Fernandez Ortega and Valentina Rosendo Cantu).

Organization among victims, survivors, their families and civil society is also important in the process towards greater respect for human rights. This organization was evident in the creation of a General Law of Torture, which currently establishes that civil society will participate in the National Program to Prevent and Punish Torture, providing its diagnoses and perspectives (Article 69). Currently a large group of organizations that walk hand in hand with the victims collaborates in the construction of a proposal from civil society for the National Program to Prevent and Punish Torture. It is important to remember that legal changes only permeate in reality if there is a context demanding this over time and in a constant and pointed manner.

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20 In said judgment the district judge recognizes that the simple violation committed by military elements constitutes an act of torture since it seeks to inflict and humiliate the woman irreparably. In addition, the environment of coercion generated by the armed forces is recognized, which produced an evident power asymmetry between the military elements and Valentina, who was in a vulnerable state as she was a woman, indigenous and because she was a minor, to armed military elements.

21 10 Key Questions about the General Law against Torture, ProDH Center
March 22nd, 2019, not only marks the beginning of a new discussion on gender violence in Mexico, but also a new way of addressing this discussion. With the public denunciation of the political reporter Ana G. Gonzalez, in her Twitter account against the writer Herson Barona, the Mexican #MeToo movement resurfaced.

This movement has its origin in the United States. In 2017, The New York Times published an article detailing the sexual harassment of models, actresses and producers by film producer Harvey Weinstein for 30 years. Soon after, more than 40 women publicly added their experiences to the list of accusations. In the heat of the discussion, actress Alyssa Milano tweeted “if all women who have been harassed or sexually assaulted made a tweet with the words “Me too” we could show people the magnitude of the problem”, culminating with 14 million tweets integrating the hashtag. In this way, several Hollywood personalities were accused, and the accusations were extended to other sectors such as politics, art, finance, media, sports and technology.

In parallel with the accusations against Weinstein and in the course of the following months, similar complaints were filed in Mexico, many arising from interviews. Some of the most shocking and controversial complaints were presented in a series of reports by Carmen Aristegui on CNN in February 2018 with actresses Karla Souza, Paola Nuñez, Stephanie Sigman, playwright Sabina Berman, comedian Sofía Niño de Rivera, the diver Azul Almazan, and fashion editor Lucy Lara.

Denouncing Herson Barona on March 22nd this year for having beaten, manipulated, impregnated and threatened more than ten women, Ana G. Gonzalez raised a wave of complaints, as well as the creation of #metoeescritoresmexicanos and the opening of the account @metoeescritores. After one day, 134 writers were mentioned, eight of them by more than five people. Then, 28 more accounts and

“I just wonder how much has violence against women grown and how great is the incompetence of the Judiciary that these platforms are, for many women, the only way of denouncing?”

Lorena Villavicencio, MORENA deputy
hashtags were created for other professions and sectors, such as journalism, music, medicine and politics.

#MeTooMX is not the first attempt to highlight violence against women through a hashtag or a campaign on Twitter (#Niunamenos, #ropasucia, #SiMeMatan, #MiPrimerAcoso), but without a doubt it has been the most successful, with more than 424,000 denouncements by 230,578 users in two weeks and a heated public debate. The strongest criticisms of the movement focused mainly on the lack of verification of the accusations and the absence of legal actions.

In instances after the series of interviews of Carmen Aristegui, criticisms arose as one of the women involved decided not to publish the name of the abuser, as well as not to denounce him legally. In 2019, however, the criticisms have focused more on anonymous accusations by women. Certain Twitter accounts publish women’s accusations without sharing the name of the alleged victim. Although there is a legitimate concern, that this type of complaint can open a door to some false allegations, we must bear in mind the context in which they are made. The women who participated in the Aristegui interviews faced attacks, defamations and public harassment on social networks. Indicating their name or making a criminal complaint, not only implies a vulnerability in social networks but also a vulnerability by the level of exposure and the risk of falling victim to stigmatization, as well as a continuous re-victimization. These repercussions also manifest themselves in the private lives of women, and are reflected in the justice system, specifically in the attention to women victims and the persecution and punishment of the perpetrators.

The most recent INEGI data on sentences in cases of sexual violence are from 2012. The lack of statistics and knowledge makes it difficult to have an accurate estimate of the magnitude of the problem and this directly affects the attention of the cases. However, this data shows that the sentences were far below the complaints, with 95% of the crimes going unpunished.

As well as these specific factors, there is the omnipresent fear that emerges from the generalized violence against women and prevents progress. “We know that the root of this problem is structural, and that among the main causes is the inequality of opportunities that women face, which puts them at a social disadvantage, but governments are not taking action to counteract it,” says Angelica Ayala, the president of the Rosario Castellanos Group of Studies on Women (GESMujer). This systemic violence is reflected in the nine murders of women every day in Mexico, and in the fact that six out of ten women have suffered a violent incident - twice the world average.

Nevertheless, critics argue that a complaint online is not equivalent to a complaint to the authorities, and despite the legitimacy of reporting and justified fear, there are two elements to consider: the presumption of innocence and the fact that a complaint does not legitimize harassment of an alleged harasser.

The controversial discussion on Twitter, criticized by some for having turned into a “witch hunt,” was aggravated by the absence of a reaction and clarifications from the government. Instead of presenting a strategy for moving forward, authorities, including President Andres Manuel Lopez Obrador, the Attorney General, the Federal Women’s Institute, and members of Congress have condemned the movement and blamed the public. In the #MeToo forum on April 11, Nashiel Ramirez, president of the Human Rights Commission of the Federal District, announced that her commission will allow criminal, administrative or civil complaints, opening a legal space for “Me too”.

#MeTooMX is the beginning of a necessary debate, taking shape as a political tool of visibility. Although it is not a legal or official mechanism, it was never intended to be. This conversation must continue to combat gender violence, to focus more attention on women who have suffered any type of violence, to transform the justice system, to create effective ways of reporting outside the authorities, to eradicate re-victimization and to involve 48.5% of women who do not have Internet access and do not live in urban areas. #MeTooMX places violence against women on the public agenda. Now concrete measures must be adopted, mainly by the authorities, but also by society itself. Exposing and challenging the problem of sexual violence against women is not limited to the legal system, but requires a profound cultural change.
From mid-February to mid-May 2019

INTERNATIONAL PRESENCE AND ACCOMPANIMENT

CHIAPAS

- On March 8, as part of International Women’s Day we accompanied a pilgrimage organized by women in the county town of Chenalhó. On the same day we met with the board of directors of the Civil Society of Las Abejas de Acteal.
- In April we visited the displaced families of Colonia Puebla, municipality of Chenalhó, who are currently sheltered in San Cristóbal de Las Casas to continue advocating for their rights in the context of changing government authorities.

NORTHERN JUNGLE

- In April we attended and observed the election of the new municipal government of Oxcuch through traditional methods, which took place by a show of hands.

BORDER REGION

- In March we participated in an analysis meeting with various civil and religious actors in the area to discuss the prevailing political context in the region.

CARACOLES/EZLN/CNI

- In the period covered by this report, we visited 4 of the 5 Zapatista Caracoles.

WOMEN

- In February we attended the quarterly Assembly of the Diocesan Coordination of Women (CODIMUJ) that took place in San Cristóbal de Las Casas.
- On March 7, we were present at the press conference of the Popular Congress (CNI) and the Indigenous Government Council (CIG) participated in San Cristóbal de Las Casas.

OAXACA

- In May we made a week-long visit to Oaxaca where we met with several partner organizations in Oaxaca City: Uniter, Consortium for Parliamentary Dialogue and Gender Equality (Consortio), Tequio Jurídico, EDUCAR, BARCA-DH, and International Peace Brigades (PBI).
- We also met with members of Espacio Cruz de San Juan Chilateca, and with Rosalina Dionicio Sánchez, originally from the community of San José del Progreso, and spokesperson for the Coordinadora de Pueblos Unidos del Valle de Ocotlán (COPUVO), an anti-mining organization.

Prisoners

- In March, April, and May, we visited prisoners in the San Cristóbal de Las Casas prison who are members of the organizations “Solidarios de la Voz del Amate” and “La Voz de Indígenas en Resistencia”, both adherents to the Sixth Declaration of the Lacandon Jungle of the Zapatista Army of National Liberation (EZLN).
- We were also present at public events convened by the Network “We are not all here” (No estamos todxs) to make visible the hunger strike undertaken by 13 prisoners in the state so that their cases can be reviewed in these same months.

Events

- In February we participated in the Assembly of Believing Peoples (Pueblo Creyente) of the Diocese of San Cristóbal de Las Casas.
- In March, on the day of their 30th anniversary, we attended an event in which the Fray Bartolomé of las Casas Human Rights Center presented the report “Frente a la violencia, la espiral de luchas y resistencias” (Facing violence, the spiral of struggles and resistances).
- Also in March, commemorating the 30 year anniversary of the Fray Bartolomé Human Rights Center (Frayba) and the 10 year anniversary of Voces Mesoamericañas, we attended in San Cristóbal de Las Casas the event “For the Life and Memory of our Peoples: Festival of the Word.” We facilitated a space on the theme of solidarity.
- On April 10, as part of Emiliano Zapata’s 100th anniversary, we were present as observers at the rally that culminated in a march in which approximately 3,000 members of the National Indigenous Congress (CNI) and the Indigenous Government Council (CIG) participated in San Cristóbal de Las Casas.

INFORMATION AND TRAINING TOWARDS ACTION

Pronouncements and Urgent Actions

- In April, the “Alternative Report of Civil Society Organizations in Mexico” presented to the Human Rights Council of the United Nations (UN) in Geneva, Switzerland.

Visits, Delegations and Tours

- Between April and May, we toured Europe. In Holland, we met with members of the parish of Hoog Karspel and presented our work during Missionary Week in Utrecht. In Berlin, Germany, we participated in some public events held as part of the commemoration of the end of the Second World War. We also had meetings with organizations such as Peace Brigades International (PBI), CAR-EA, and Bread for the World.

Public Relations

- In Mexico City in April, we met with members of the U.S. embassy. We also had a meeting with Alejandro Encinas, Subsecretary of Human Rights in the Ministry of the Interior, and with Aaron Mastache Mondragón, who is in charge of the Federal Protection Mechanism for human rights defenders and journalists.

Peace Education

- In February, as part of the Mother Earth Pastoral Accompaniment Network, we co-facilitated a two-day workshop with representatives from several parishes in the Tositol area of the Diocese of San Cristóbal on basic security and defense strategies.
- In March, we facilitated a workshop with a group of young peacebuilders convened by the Withaker Foundation. The theme was negotiation.
- In March, we facilitated a space for analysis of reality with leaders of evangelical churches in the highlands of Chiapas at the invitation of the Mayan Intercultural Seminary (SIM).
- In April, as part of the Mother Earth Pastoral Accompaniment Network, we co-facilitated a space for reflection and planning after jointly mapping out the mega-projects and environmental activists in Chiapas.
- In April, we facilitated a workshop with a group of young peacebuilders convened by the Withaker Foundation. The theme of the workshop was mediation.

Articulation

- In March, we co-convened and co-organized the meeting of International Accompaniment Organizations that on this occasion took place in San Cristóbal de Las Casas, Chiapas, where analyses and work experiences were shared from Mexico, Guatemala, Honduras, and Colombia.