

MEXICO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mexico is a multiparty federal republic with an elected president and bicameral legislature. Andres Manuel Lopez Obrador of the MORENA party coalition won the presidential election in generally free and fair multiparty elections in 2018. In the June midterm elections, citizens voted for all members of the Chamber of Deputies, 15 governors, state legislators, and mayors across the country. The elections were generally free and fair.

The National Guard and state and municipal police are responsible for enforcing the law and maintaining order. The National Guard, which began operations in 2019, is a civilian institution reporting to the Secretariat of Public Security and Civil Protection. In 2019 the Federal Police was disbanded, and in May 2020 all remaining assets and personnel transferred to the National Guard. A 2019 constitutional amendment grants the president the authority to use the armed forces to protect internal and national security through 2024. Most National Guard personnel are seconded from the army and navy and have the option to return to their services after five years. State preventive police report to state governors, while municipal police report to mayors. The Secretariat of National Defense and Secretariat of the Navy also play a role in domestic security, particularly in combating organized criminal groups. The National Migration Institute, under the authority of the Interior Secretariat, is responsible for enforcing migration law. Although authorities generally maintained effective control over the security forces, there were instances in which security force elements acted independently of civilian control. There were credible reports that members of security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by police, military, and other governmental officials; forced disappearance by government agents; torture and degrading treatment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; restrictions on free expression and media, including violence against journalists; acts of corruption; insufficient investigation of and accountability for gender-based

violence, including but not limited to domestic and intimate partner violence; crimes involving violence or threats of violence targeting persons with disabilities; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons.

Impunity and extremely low rates of prosecution remained a problem for all crimes, including human rights abuses and corruption. There were reports some government agents were complicit with international organized criminal gangs, and prosecution and conviction rates were low for these abuses.

Organized criminal elements, including local and transnational gangs, and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, bribery, intimidation, and other threats, resulting in high levels of violence and exploitation, particularly targeting vulnerable groups. The government investigated and prosecuted some of these crimes, but the vast majority remained uninvestigated and unprosecuted.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that government entities or their agents committed arbitrary or unlawful killings, often with impunity. The National Human Rights Commission (CNDH) is responsible for independently investigating security force abuses, including killings, and can issue nonbinding recommendations for prosecution. State human rights commissions investigate state and municipal police forces and can issue similar recommendations. State and federal prosecutors are independent of the executive branch and have the final authority to investigate and prosecute security force abuses.

In February authorities arrested 12 state police officers in Camargo, Tamaulipas, on homicide charges in connection with the massacre and burning of the bodies of three smugglers and 16 Guatemalan migrants en route to the United States. As of August 16, the suspects remained in detention awaiting trial. In March police

officers broke the neck of Salvadoran refugee Victoria Salazar. The Quintana Roo prosecutor general confirmed police officers used disproportionate force during the arrest. Authorities arrested four police officers and charged them with femicide (killing a woman because of her gender). As of August 27, the suspects were awaiting trial.

Human rights and environmental activists, many from indigenous communities, continued to be targets of violence. The CNDH reported that assailants killed 12 human rights defenders from January to July.

As of September 13, three municipal police officers from Ixtlahuacan de los Membrillos, Jalisco, remained in pretrial detention for the killing of Giovanni Lopez. The Jalisco government disarmed the municipal police force of Ixtlahuacan and turned over public security duties to the National Guard and the Jalisco Secretariat for Public Security.

In July the army provided reparations to two of the three families of persons killed in July 2020 by soldiers in Nuevo Laredo, Tamaulipas, during an encounter with suspected cartel members. On October 7, the army relieved Colonel Miguel Angel Ramirez Canchola, accused of ordering the killings, of his posting, but as of October prosecutors had not taken action against the soldiers.

On October 1, a judge sentenced Fidel Figueroa, mayor of Zacualpan, state of Mexico, to 236 years in prison for murder. Figueroa collaborated with criminal organizations to kidnap the prosecutor general of Ixtapan de la Sal, state of Mexico, and others in 2019, resulting in the death of one of the prosecutor general's bodyguards.

Organized criminal groups were implicated in numerous killings, acting with impunity and at times in collusion with corrupt federal, state, local, and security officials. On June 19, a dispute between factions of the Gulf cartel killed 15 persons in the state of Tamaulipas. Security forces responded by killing four suspects and arresting 25.

b. Disappearance

Disappearances remained a persistent problem throughout the country, especially

in areas with high levels of cartel or gang-related violence. There were reports of numerous forced disappearances by organized crime groups, sometimes with allegations of state collusion with authorities. Investigations, prosecutions, and convictions for the crime of forced disappearance were rare.

Federal and state databases were incomplete and had data-crossing problems; forensic systems were highly fragmented between the local, state, and federal levels; and the sheer volume of unsolved cases was far greater than the forensic systems were capable of handling. In its data collection, the government often merged statistics on forcibly disappeared persons with missing persons not suspected of being victims of forced disappearance, making it difficult to compile accurate statistics on the extent of the problem.

As of December 2020 the Prosecutor General's Office reported a total of 2,041 federal investigations underway into disappearances involving approximately 3,400 persons. Nongovernmental organizations (NGOs) and family members of disappeared persons alleged the prosecutors undercounted the actual number of cases.

Through a nationwide assessment process, the National Search Commission (CNB) revised the government's official number of missing or disappeared persons repeatedly as additional data became available. As of July the CNB reported that there were 89,572 missing or disappeared persons in the country. Some cases dated back to the 1960s, but the vast majority occurred since 2006. The year 2020 had the second-highest number of cases on record, with 8,626 reported missing or disappeared, down from 9,185 cases reported in 2019. The states of Guanajuato, Jalisco, Mexico, Michoacan, Nuevo Leon, Sinaloa, Sonora, Tamaulipas, and Zacatecas, plus Mexico City, accounted for 76 percent of reported disappearances from 2018 to June 30.

The federal government and states continued to implement the law on forced disappearances. On August 30, the Extraordinary Mechanism for Forensic Identification became fully operational. It was created in 2019 to bring together national and international forensic experts to help identify 37,000 unidentified remains held in government facilities, coordinate implementation of the general law on forced disappearances, and allocate resources to state search commissions.

In July 2020 the CNB launched a public version of the National Registry of Disappeared and Missing Persons. Between January 1 and August 4, it received 4,119 reports of missing persons and located 3,805 alive and 277 deceased.

In July the CNB reported it had recovered more than 1,100 pounds of charred human remains from La Bartolina, Tamaulipas, a clandestine cremation site found in 2017. Nationwide the CNB reported the exhumation of the remains of at least 3,025 persons in 1,749 clandestine graves between December 1, 2018, and June 30. The CNB reported that during that period, of the 3,025 bodies exhumed, authorities identified 1,153 and returned 822 to their families.

The government increased the CNB budget 8 percent over the 2020 budget. According to NGOs, however, the state search committees often lacked the capacity to fulfill their mandate. Civil society and families of the disappeared stated the government's actions to prevent and respond to disappearances were largely inadequate to address the scale of the problem.

The federal government created a National System for the Search of Missing Persons as required by law, but as of August it had not established the required National Forensic Data Bank. The Prosecutor General's Office owned a previous genetics database, which consisted of 63,000 profiles, and was responsible for the new database. The previous platform lacked interconnectivity between states and failed to connect family members effectively to the remains of their missing relatives.

In July the Supreme Court ruled that authorities at all levels must investigate enforced disappearances, search for disappeared persons, and inform victims of the process.

The government made efforts to prevent, investigate, and punish acts of disappearance involving government agents. From January to June, the CNDH received nine complaints accusing government agents of forced disappearances, including five against the army and four against the National Guard. In April authorities arrested 30 members of the navy and charged them with forced disappearances in Nuevo Laredo, Tamaulipas, in 2018. As of October the accused were in a military prison awaiting trial. In July the secretary of the navy publicly

apologized to families of the victims, marking the first time the armed forces apologized for committing forced disappearances.

Investigations continued into the 2014 disappearances of 43 students from the Ayotzinapa Rural Teachers' College in Iguala, Guerrero. Victims' relatives and civil society continued to criticize handling of the original investigation by the Attorney General's Office, noting there had been no convictions related to the disappearances of the 43 students. In June President Lopez Obrador announced that forensic scientists at the University of Innsbruck conclusively identified the remains of Jhosivani Guerrero, marking the third body identified of the 43 disappeared students.

As of October the Special Unit for the Investigation and Litigation of the Ayotzinapa case had arrested more than 80 suspects, including army captain Jose Martinez Crespo, an Iguala municipal police officer, and the Iguala municipal police chief. The government continued to pursue the extradition of Tomas Zeron from Israel. Zeron led the investigation of the case by the former criminal investigations unit in the Attorney General's Office at the time of the students' disappearances. In March 2020 a federal judge issued an arrest warrant for Zeron on charges related to his conduct of the investigation, including torturing alleged perpetrators to force confessions, conducting forced disappearances, altering the crime scene, manipulating evidence, and failing to perform his duties. He fled to Israel, and the government requested that the Israeli government issue an arrest warrant and extradite him.

In addition to the outstanding Zeron arrest warrant, the Special Unit for the Investigation and Litigation of the Ayotzinapa case issued 12 warrants and made 10 arrests for investigative irregularities, such as torture and obstruction of justice. As of September no alleged perpetrators of the disappearances had been convicted, and 78 of those initially accused were released due to lack of evidence, generally due to irregularities in their detention, including confessions obtained through torture. As of October the special unit had reissued arrest warrants for 11 of the 78 released detainees, including municipal police officers, but made no arrests.

State search collectives reported being victims, at times fatal, of attacks, threats, and other acts of harassment. In June unknown assailants killed Javier Barajas

Pina in the state of Guanajuato. He was a member of a search collective and the state search commission. The state search commission paused all search efforts between May and June due to increased levels of insecurity for family search collectives, according to civil society groups. As of August 16, authorities had not arrested any suspects.

In July unknown assailants abducted and killed Aranza Ramos in the state of Sonora. Ramos had been searching for her missing husband for the previous seven months as a member of two search collectives. As of August 16, authorities had not arrested any suspects. Following Ramos' killing, Cecilia Flores, the leader of one of the search collectives in which Ramos participated, received death threats. Flores received temporary protection from the Interior Secretariat protection mechanism.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Federal law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, as well as the admission of confessions obtained through illicit means as evidence in court. Despite these prohibitions, there were reports of security forces torturing suspects.

Between January and August, the CNDH registered 26 complaints of torture and 123 for arbitrary detention. Most of these complaints were against authorities in the Prosecutor General's Office, National Guard, Interior Secretariat, and the armed forces. As of August, 25 of 32 states had specialized prosecutor's offices for investigating torture, or specialized investigative units within the state attorney general's office as called for by law. Between January and May there were an additional 20 complaints of cruel, inhuman, or degrading treatment against the National Guard, 20 against the army, and 11 against the National Migration Institute. The CNDH did not report on the merits of the complaints.

In February the Attorney General's Office arrested former Puebla governor Mario Marin and charged him with torturing journalist Lydia Cacho, who exposed Marin and several business leaders' involvement in a child sex trafficking ring in 2005. As of August 23, Marin was awaiting trial. In June authorities sentenced Quintana

Roo police officer Miguel Mora Olvera to five years in prison for his role in torturing Cacho.

Impunity for torture was prevalent among the security forces. NGOs stated authorities failed to investigate torture allegations adequately. As of December 2020 the Prosecutor General's Office was investigating 3,703 torture-related inquiries under the previous inquisitorial legal system (initiated prior to the 2016 transition to an accusatorial system) and 565 investigations under the accusatorial system. According to the Mexican Commission for the Promotion of Human Rights, from 2006 to 2020, federal authorities issued 27 sentences for torture. There were accusations of sexual abuse against authorities during arrest and detention. There is no single independent oversight mechanism to review police actions, but many federal and state security and justice sector institutions have internal affairs units providing internal supervision and promoting best practices for transparency and accountability. The government's National Council of Norms and Labor Competencies certified law enforcement internal affairs investigators and created standard internal affairs training to promote transparency and accountability. Most internal affairs units, however, were insufficiently staffed and funded. The army and the navy have human rights units to create protocols and training. The armed forces operated a military justice system to hold human rights abusers accountable.

Prison and Detention Center Conditions

Conditions in prisons and detention centers were often harsh and life threatening.

Physical Conditions: According to the Federal Prison System, as of June there were 220,393 inmates in 288 state and federal facilities with a designed capacity for 217,064. Some prisons were undersubscribed, while others were overcrowded. The CNDH's 2020 *National Diagnostic of Penitentiary Supervision* reported that state prisons were understaffed and suffered from poor sanitary conditions as well as a lack of separation between those sentenced and those awaiting trial. The report noted 40 state prisons experienced overcrowding. The report singled out Hidalgo, Nayarit, Puebla, Sinaloa, Sonora, and Tamaulipas as the states with the worst prison conditions. The CNDH noted significant understaffing at all levels in federal prisons, which affected access to programs, activities, medical services, and

opportunities to report possible human rights abuses.

Organized criminal groups reportedly continued to oversee illicit activities from within penitentiary walls, and rival drug cartel members often fought in prison. In June media outlets reported that a fight between two rival groups of inmates left six inmates dead and nine wounded at a prison in Villahermosa, Tabasco.

According to civil society groups, migrants at some detention centers faced abuse when commingled with gang members and other criminals.

As of July 13, a total of 3,501 prisoners had contracted COVID-19 and 75,162 had received vaccines, according to the CNDH. In response to a 2020 civil society organization lawsuit, a Mexico City court ruled authorities must implement COVID-19 detection and preventive health protocols for detainees and their families in prisons in Mexico City and psychiatric wards nationwide.

The CNDH in its report on COVID-19 measures in holding facilities found most detention facilities could not comply with social distancing measures or several other health recommendations due to lack of space, personnel, or equipment.

Administration: Authorities did not always conduct investigations into credible allegations of mistreatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, CNDH, and state human rights commissions.

d. Arbitrary Arrest or Detention

Federal law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court; however, the government sometimes failed to observe these requirements.

Arrest Procedures and Treatment of Detainees

The constitution allows any person to arrest another if the crime is committed in his or her presence. A warrant for arrest is not required if an official has direct evidence regarding a person's involvement in a crime, such as having witnessed

the commission of a crime; in a 2018 report, the domestic think tank Mexico Evalua determined that 90 percent of all arrests fell under this category. Bail is available for most crimes, except for those involving organized crime and a limited number of other offenses. In most cases the law requires detainees to appear before a judge for a custody hearing within 48 hours of arrest, during which authorities must produce sufficient evidence to justify continued detention. This requirement was not followed in all cases, particularly in remote areas of the country. In cases involving organized crime, the law allows authorities to hold suspects up to 96 hours before requiring them to seek judicial review.

The procedure known in Spanish as *arraigo* (a constitutionally permitted form of pretrial detention employed during the investigative phase of a criminal case before probable cause is fully established) allows, with a judge's approval, for certain suspects to be detained prior to filing formal charges. Following the introduction of the accusatorial justice system, however, there was a significant reduction in the number of persons detained in this manner, falling from more than 1,900 in 2011 to 21 in 2018.

Some detainees complained of a lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily without a warrant. Police occasionally failed to provide impoverished detainees access to counsel during arrests and investigations as provided for by law, although the right to public defense during trial was generally respected. Authorities held some detainees under house arrest.

Arbitrary Arrest: Allegations of arbitrary detentions persisted throughout the year. The Inter-American Commission on Human Rights (IACHR), the UN Working Group on Arbitrary Detention, and NGOs expressed concerns regarding arbitrary detention and the potential for it to lead to other human rights abuses. Between January and August the CNDH recorded 123 complaints of arbitrary detention.

On July 21, Merida, Yucatan, municipal police detained Jose Eduardo Ravelo Echeverria. According to the victim's mother, police detained and interrogated him without reasonable suspicion or probable cause. Media outlets reported authorities tortured and sexually abused Ravelo. A forensic doctor at the Yucatan

Prosecutor General's Office confirmed that he had suffered sexual abuse. On August 3, Ravelo died from his injuries. On August 7, Yucatan governor Mauricio Villa announced the arrest of four police officers, but on August 14, a judge set them free due to a lack of evidence.

Pretrial Detention: Lengthy pretrial detention was a problem, and authorities did not always promptly release those detained unlawfully. The law provides time limits and conditions on pretrial detention, but federal authorities sometimes failed to comply with them since caseloads far exceeded the capacity of the federal judicial system. Abuses of time limits on pretrial detention were endemic in state judicial systems. The UN Office for the High Commissioner for Human Rights (OHCHR) documented cases in the states of Mexico and Chiapas in which detainees remained in pretrial detention for more than 12 years. A 2019 constitutional reform increased the number of crimes for which pretrial detention is mandatory and bail is not available, including armed robbery, electoral crimes, fuel theft, and weapons possession. An additional February reform mandated pretrial detention for femicides, sexual violence against minors, forced disappearances, and corruption. As a result the number of pretrial detainees increased 25 percent since 2018, and pretrial detainees comprised 40 percent of all prisoners, according to government figures.

Reports indicated that women suffered disproportionately from pretrial detention. As of June, 58 percent of women in federal prison and 51 percent in municipal and state prisons were in pretrial detention, while 42 percent of men in the federal and local judicial system were in pretrial detention, according to a report from the Secretariat of Security and Civilian Protection. In October 2020 authorities announced they would release Brenda Quevedo Cruz, who had been in prison without trial since 2007. Nonetheless, Quevedo Cruz remained in detention as of September 11.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, as well as by transnational criminal organizations. Authorities sometimes failed to respect court orders, and arrest

warrants were sometimes ignored. Across the criminal justice system, many actors lacked the necessary training and capacity to carry out their duties fairly and consistently in line with the principle of equal justice.

Trial Procedures

In 2016 all civilian and military courts officially transitioned from an inquisitorial legal system based primarily upon judicial review of written documents to an accusatorial trial system reliant upon oral testimony presented in open court. In most states alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system.

Under the accusatorial system, judges conduct all hearings and trials and follow the principles of public access and cross-examination. Defendants have the right to a presumption of innocence and to a fair and public trial without undue delay. Defendants have the right to attend the hearings and to challenge the evidence or testimony presented. Defendants may not be compelled to testify or confess guilt. The law also provides for the rights of appeal and of bail in most categories of crimes. Defendants have the right to an attorney of their choice at all stages of criminal proceedings. By law attorneys are required to meet professional qualifications to represent a defendant. Not all public defenders were qualified, however, and often the state public defender system was understaffed. According to the Center for Economic Research and Teaching, most criminal suspects did not receive representation until after their first custody hearing, thus making individuals vulnerable to coercion to sign false statements prior to appearing before a judge.

Defendants have the right to free assistance of an interpreter, if needed, although interpretation and translation services for indigenous languages were not always available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were instructed to sign.

In July 2020 legislators approved a law making all judicial sentences public.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to an independent judiciary in civil matters to seek civil remedies for human rights abuses. For a plaintiff to secure damages against a defendant, authorities first must find the defendant guilty in a criminal case, a significant barrier due to the relatively low number of criminal convictions.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices and requires search warrants. There were some complaints of illegal searches or illegal destruction of private property. By law the government collected biometric data from migrants.

According to the NGO Freedom House, “Researchers continued to document cases of journalists, human rights lawyers, activists, and political figures targeted with Pegasus spy software. After denying they existed, in 2019 the Prosecutor General’s Office provided evidence of Pegasus licensing contracts in 2016 and 2017.” In July Public Safety Secretary Rosa Isela Rodriguez revealed that the Felipe Calderon and Enrique Pena Nieto administrations signed 31 contracts for \$61 million to buy Pegasus spy software. In July a joint investigation by media outlets reported a leaked Pegasus list of more than 15,000 individuals as possible targets for surveillance in 2016 and 2017. The list named at least 50 persons linked to President Andres Manuel Lopez Obrador, politicians from every party, as well as journalists, lawyers, activists, prosecutors, diplomats, judges, and academics.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press

and other media, and the government generally respected this right. Most newspapers, television stations, and radio stations were privately owned. The government had minimal presence in the ownership of news media but remained a significant source of advertising revenue for many media organizations, which at times influenced coverage. Media monopolies, especially in small markets, at times constrained freedom of expression.

Freedom of Expression for Members of the Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction but often self-censored due to fear of reprisal. Journalists could criticize the government and discuss matters of general interest with no restrictions. Politicians publicly discredited and criticized such journalists, however.

On August 7, several journalist organizations, including the Puebla Network of Journalists, National Network of Journalists, Communication, and Information on Women, and International Network of Journalists with a Gender Vision, issued a statement denouncing increased levels of violence against female journalists in Puebla from security forces and criminal organizations. The group reported 16 acts of aggression against female journalists between January and July and called on the Puebla governor to guarantee the adoption of public policies to respect, protect, and guarantee the exercise of journalism.

Violence and Harassment: Journalists were killed or subjected to physical and cyberattacks, harassment, and intimidation (especially by state agents and transnational criminal organizations) in response to their reporting. This limited media's ability to investigate and report, since many of the reporters who were killed covered crime, corruption, and local politics. High levels of impunity, including for killings or attacks on journalists, resulted in self-censorship and reduced freedom of expression and the press.

According to NGO Article 19, lethal attacks occurred against journalists in Sonora, including the killings of Benjamin Morales on May 3 and Ricardo Lopez Dominguez on July 22 and the disappearance of Jorge Molontzin on March 16.

The Interior Secretariat registered 224 verbal and physical attacks against

journalists in 2020 and a total of 1,052 between 2015 and 2020, 41 percent of which the secretariat attributed to public servants. The most common aggressions were intimidation and harassment, followed by threats and physical attacks, according to civil society groups. In the first six months of the year, Article 19 registered 362 attacks against journalists and accused public officials of committing 134 of them.

Between 2017 and August the Office of the Special Prosecutor for Crimes against Journalists, a unit in the Prosecutor General's Office, charged 136 public servants for crimes against journalists. For example, the office issued three arrest warrants in the case of the August 2020 killing of Juan Nelcio Espinosa, an independent journalist in Piedras Negras, Coahuila, who died while in police custody. The investigation continued as of August 30.

Censorship or Content Restrictions: Human rights groups reported that some state and local governments censored media. Journalists reported altering their coverage due to a lack of protection from the government, attacks against members of media and newsrooms, and threats or retributions against their families, among other reasons. There were reports of journalists practicing self-censorship due to threats from criminal groups and government officials.

Freedom of expression advocacy groups reported the government, despite reductions in its advertising budgets, continued to have a strong financial impact and influence on the largest media companies. According to advocacy groups, no information was available concerning the criteria through which the government chooses media outlets for public advertising.

Libel/Slander Laws: There are no federal criminal laws against defamation, libel, or slander; however, eight states have criminal laws on these acts. In Baja California Sur, Guanajuato, Michoacan, Nayarit, Nuevo Leon, and Yucatan, the crimes of defamation and libel are prosecuted, with penalties ranging from three days to five years in prison and fines for committing defamation or slander, both considered "crimes against honor." Slander is punishable under the criminal laws of the states of Campeche, Nuevo Leon, Sonora, Yucatan, and Zacatecas, with sentences ranging from three months to six years in prison and fines. Five states have laws that restrict the publishing of political caricatures or "memes." These

laws were seldom applied.

In addition to criminal libel and defamation laws, civil law defines “moral damage” as similar to defamation concerning harm to a person’s “feelings, affections, beliefs, dignity, honor, reputation, and privacy,” according to the NGO Committee to Protect Journalists. A 2016 ruling by the Supreme Court removed the cap on fines for moral damages, leaving journalists vulnerable to exorbitant fines. In 2019 a Mexico City court ordered academic Sergio Aguayo, a columnist of the daily newspaper *Reforma*, to pay a fine of 10 million pesos (\$530,000) in moral damages to former Coahuila governor Humberto Moreira. In July 2020 the Supreme Court agreed to analyze the case but as of August 23 had not issued a ruling.

According to civil society, libel and defamation proceedings tripled from 11 cases in 2019 to 33 cases in 2020. The Puebla state government sued the news outlet *E-Consulta* seven times due to its reporting.

Nongovernmental Impact: Organized criminal groups exercised a grave influence over media outlets and reporters, threatening individuals who published critical views of crime groups. Concerns persisted regarding organized criminal groups’ use of physical violence in retaliation for information posted online, which exposed journalists, bloggers, and social media users to the same level of violence faced by traditional journalists. For example, journalists in Nogales, Sonora, said they were aware of unspoken red lines in covering organized crime and that crossing lines, such as mentioning the name of an alleged assailant, could result in personal harm.

The government’s National Protection Mechanism to Protect Journalists and Human Rights Defenders provided panic buttons, bodyguards, and temporary relocation to journalists and human rights defenders. According to the Interior Secretariat, between 2018 and July assailants killed seven journalists and two defenders under protection of the mechanism.

On June 17, while journalist Gustavo Sanchez Cabrera was riding his motorcycle, two unidentified individuals in a car crashed into him, exited the car, and fatally shot him. Sanchez was a reporter for Facebook-based *Panorama Pacifico* and was

in the protection mechanism after suffering an attempt on his life in July 2020. According to civil society, the protections the mechanism provided after the attempt to his life were lacking. As of August 27, there were no updates in this investigation.

On August 8, self-proclaimed members of Cartel Jalisco New Generation released a video showing a group of armed men threatening to kill journalist Azucena Uresti for reporting on self-defense groups fighting the cartel in Michoacan. As of August 18, authorities had not confirmed whether the threatening video was genuine. President Lopez Obrador condemned the threats, and the Interior Secretariat confirmed that authorities would grant Uresti protection measures.

The threat against journalists by organized crime was particularly high in the state of Guerrero. Journalists in Iguala, Guerrero, received anonymous messages through social networks, such as Facebook and WhatsApp, threatening them and their families, according to civil society. Following the August 2020 killing of Pablo Morrugaes, *El Diario de Iguala* newspaper published a note blaming organized crime and Governor Hector Astudillo Flores' administration for violence against journalists and impunity. In August 2020 attackers fired multiple shots at the building housing the printing facilities of *El Diario de Iguala*.

In June a federal judge sentenced Juan Francisco Picos Barrueto to 32 years in prison for the 2017 murder of journalist Javier Valdez Cardenas. Also in June a federal judge sentenced the former mayor of Chinipas, Chihuahua, Hugo Amed Schultz Alcaraz, to eight years in prison for his role in the 2017 murder of Miroslava Breach, a prominent *La Jornada* newspaper correspondent who reported on organized crime and corruption. In August 2020 a federal judge sentenced Juan Carlos "El Larry" Moreno Ochoa to 50 years in prison for killing Breach.

Internet Freedom

The government did not restrict or disrupt access to the internet or block or filter online content. Freedom House's 2021 *Freedom on the Net* report categorized the country's internet as partly free, noting concerns regarding online manipulation tactics, potential for politicized content removals, high levels of violence against digital reporters, and investigations surrounding abusive surveillance practices.

In June the Federal Telecommunications Institute, an autonomous agency created to increase the transparency of media regulation, released internet neutrality guidelines for internet service providers. The guidelines allow internet service providers to deny access to certain applications, content, and services based on commercial criteria, in breach of their obligations to protect neutrality. Some public officials blocked critical journalists and media from following their social media accounts.

According to Google Report, Google received 24 requests from authorities in 2020 to remove content – 13 from police, eight from government officials, and three from unspecified sources. The most common reason to remove content was defamation, followed by privacy and security. Google received more removal requests from government agents in 2020 than in any other year except 2014. Digital media journalists covering stories such as crime, corruption, and human rights violations experienced physical violence and online abuse. Online discrimination, harassment, and threats were problems particularly for women journalists and politicians, as well as any individuals and organizations advocating for women's rights.

NGOs alleged that provisions in laws threatened the privacy of internet users by forcing telecommunication companies to retain data for two years, providing real-time geolocation data to police, and allowing authorities to obtain metadata from private communications companies without a court order. While the Supreme Court upheld the provisions, it noted the need for authorities to obtain a judicial warrant to access user metadata.

Twitter users posted threats against journalists. Journalists who asked difficult questions of government officials during press engagements received attacks via Twitter. Tweets disseminated their identities and their media outlets and also made veiled threats.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions. There were reports of security forces using excessive force against demonstrators. Twelve states have laws restricting public demonstrations. Government failures to investigate and prosecute attacks on protesters and human rights defenders resulted in impunity for these crimes, consistent with high impunity rates for all crimes. NGOs reported that acts of excessive use of force and arbitrary detention occurred against female protesters, especially those protesting gender-based violence.

In May in Chicoloapan, state of Mexico, municipal police beat and detained supporters of feminist groups as they led a protest against gender-based violence and political parties. Municipal police arrested eight women and one man, later releasing all detainees.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

Federal law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including by threats and acts of kidnapping, extortion, and homicide. Organized criminal groups dominated migrant smuggling operations and often kidnapped, threatened, and extorted migrants to pay a fee for facilitating northbound travel.

e. Status and Treatment of Internally Displaced Persons

The NGO Mexican Commission for the Defense and Promotion of Human Rights identified 15 incidents between January and July of mass forced internal displacement (defined as the displacement of at least 10 families or 50 individuals)

due to violence. Violence by organized criminal groups often prompted the incidents, which took place in 10 states and displaced 11,560 persons as of August. Land conflicts, social and ethnic violence, or local political disputes caused other incidents. Forced internal displacement disproportionately affected indigenous communities. There was a lack of comprehensive data on internally displaced persons (IDPs). The COVID-19 pandemic generated additional risks and exacerbated vulnerabilities for IDPs, including overcrowding in shelters and difficulty accessing food, basic health care, and education. The government, in conjunction with international organizations, made efforts to promote the safe, voluntary return, resettlement, or local integration of IDPs.

According to civil society organizations, up to 3,250 persons, mostly women and children from indigenous communities, were forcibly displaced in July in Chenalho and Pantelho, Chiapas, due to territorial disputes between armed groups. This mass displacement elevated the group's risk of malnutrition and health maladies. Three states have state-level IDP laws, but the country does not have a federal internal displacement law, which created challenges in resource allocation and interagency governmental coordination.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: Federal law provides for granting asylum, refugee status, or complementary protection to those fleeing persecution or facing possible threats to their life, security, or liberty in their country of origin; this right was generally respected. The government has an established procedure for determining refugee status and providing protections. The government worked with UNHCR to improve access to refugee status and the procedure to determine refugee status, reception conditions for vulnerable migrants and refugee applicants, and integration in local communities (including access to school, work, and other social services) for those approved for refugee and complementary protection status.

Abuse of Migrants and Refugees: The press, international organizations, and NGOs reported targeting and victimization of migrants by criminal groups and in some cases by police, immigration officers, and customs officials, including at land borders and airports. There were numerous instances of criminal armed groups extorting, threatening, or kidnapping asylum seekers and other migrants. In many parts of the country, human smuggling organizations wielded significant power, and media alleged frequent collusion among local authorities. There were credible reports of sexual assaults against migrants, particularly women, while migrating in and through the country.

On January 11, the government ended migratory detention for children. The government generally exempted accompanying adults from detention to preserve family unity. Children constituted 19 percent of irregular migrant flows identified by authorities; 30 percent of them were unaccompanied. Child protection authorities lacked sufficient capacity to shelter and process migrant children and families, and the government made modest headway to increase that capacity.

In a June International Organization for Migration survey, 20 percent of citizens and 35 percent of third-country migrants reported using a smuggler to arrive to the U.S.-Mexico border. The government increased efforts to target human smuggling organizations. In July the Prosecutor General's Office arrested seven members, including the leader, of the Tamayo human smuggling organization. Authorities accused the suspects of smuggling 20 to 80 migrants per day through Baja California into the United States for more than a decade.

Obstacles to accessing international protection related most closely to capacity limitations and lack of coordination between the relevant agencies, as opposed to government policy. The Interior Secretariat reaffirmed its commitment to protect refugee applicants even as the country experienced an unprecedented number of applicants. From January to August the Mexican Commission to Assist Refugees (COMAR) received 77,559 applications for refugee status, a 41 percent increase from the same period in 2019, and anticipated that it would receive up to 120,000 applications in total by the end of the year. Between January and July COMAR processed approximately 25,000 cases. COMAR's budget increased modestly in recent years but was not commensurate with the growth in refugee claims in the country.

Between August 23 and August 27, hundreds of migrants from Haiti, Cuba, and Central America protested in front of the National Migration Institute offices in Tapachula, Chiapas, to demand expedited refugee proceedings that would allow them to move freely throughout the country. Unprecedented numbers of migrants arriving at the country's southern border and requesting refugee status stretched the refugee agency's capacity to process requests.

On August 28, approximately 500 migrants, the majority from Haiti, started a caravan from Tapachula to Mexico City to obtain expedited asylum processing. The government deployed hundreds of security forces to contain the caravan. Various news outlets showed a video of two National Migration Institute agents with riot gear and shields grabbing one migrant, knocking him to the ground, and kicking him. On August 31, the government suspended the two agents for inappropriate conduct.

Section 3. Freedom to Participate in the Political Process

Federal law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: International observers considered the midterm elections (legislative, gubernatorial, and local) to be generally free and fair, with only minor reports of irregularities. Local commentators pointed to the electoral authorities' quick and transparent publishing of results as increasing citizen trust in the electoral and democratic system. The midterm elections, the largest in the country's history due to the record number of more than 20,000 offices up for election, had a 52 percent turnout, a record for a nonpresidential election.

In May voting in prisons occurred for the first time in the country's modern history after the Federal Electoral Tribunal ruled prisoners in pretrial detention had the right to vote.

Political Parties and Political Participation: For the electoral process, the National Electoral Institute (INE) established the *Three Out of Three Against*

Violence initiative, which required candidates to declare any history of domestic violence, sexual offenses, or failure to pay alimony. The INE requested information from all 32 states, reviewed a sample of 1,177 of the 6,962 federal deputy candidates, and canceled the registration of three candidates for filing false reports. In October 2020 the Electoral Tribunal granted registration to three new political parties: Solidary Encounter Party, Progressive Social Networks, and Social Force for Mexico. The same tribunal rejected registration challenges from four other parties, including former president Felipe Calderon’s Free Mexico Party, which the INE argued did not produce sufficient evidence of the origin of some funding it received. Authorities declared 10 political parties eligible to participate in the midterm elections.

During the electoral season (September 2020 to June), assailants killed 36 candidates and 64 politicians. The rate of aggression against political figures during the election cycle was on par with the 2018 election, one of the most violent political periods in recent history. The states where the most political violence occurred were Veracruz, followed by Guerrero and Guanajuato. Municipal candidates and challengers seeking to oust incumbents were the most common victims of political violence, with victims spread across the political spectrum. Security experts said government candidate protection programs, which did not cover all those eligible, had a negligible impact on curbing political violence.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. The law provides for the right of indigenous persons to elect representatives to local office according to “uses and customs” law (see section 6, Indigenous Peoples) rather than federal and state electoral law.

The law establishes a requirement to observe parity in the designation of public officials at every level (federal, state, local) in all three branches of government. The law states that the principle of gender parity should be observed in the designation of cabinet members, selection of candidates for public office by every political party, and designation of members of the judiciary. The presidential cabinet had 19 secretariats, and as of August women headed seven.

Political parties nominated more female candidates for public office in the midterm

elections than ever before, including half of their candidates for governor in the 15 races up for election. The midterms marked a large increase in female candidates. There were 46 female candidates for governor; from 2012 to 2018, there cumulatively only 42. From 1979 to 2020 only eight women had become governors. Six female candidates became governors, the largest number in the history of the country. Of the 500 legislators in the Chamber of Deputies, 250 were women, 1 percent more than after the 2018 elections.

Additionally, the INE introduced quotas to promote minority representation, requiring political parties to nominate a certain number of candidates belonging to minority groups, including from indigenous, Afro-Mexican, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) communities, as well as persons with disabilities. As a result the new Chamber of Deputies had 37 indigenous deputies, six Afro-Mexican deputies, four LGBTQI+ deputies (including two transgender deputies), and eight deputies with disabilities.

Between January and April the Office of the Special Prosecutor for Electoral Crimes in the Attorney General's Office initiated 14 investigations related to gender-based political violence against women. During the electoral process the INE received 147 complaints of gender-based political violence, a significant increase from the 47 complaints it received during the 2017-2018 electoral process. The INE sanctioned 107 persons for gender-based political violence. Penalties ranged from monetary fines to the cancellation of candidacies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government took steps to increase its legal authority to pursue these crimes. On February 19, a constitutional reform eliminated presidential immunity for corruption and other crimes. On March 11, an anticorruption and antinepotism constitutional reform granted the Federal Judiciary Council – the administrative organ of the federal court system – more oversight over district and appeals courts and limited hiring authorities of individual judges.

Corruption: There were numerous reports of government corruption during the

year. On June 6, authorities arrested former Nayarit governor Roberto Sandoval and his daughter Lidy Alejandra Sandoval Lopez for corruption and money laundering. Sandoval remained in pretrial detention as of August.

As of August 25, former governor of Chihuahua Cesar Duarte was awaiting an extradition decision. In July 2020 he was arrested in another country pursuant to a Mexican extradition request on charges that he diverted millions of dollars in public funds.

As of November authorities held Emilio Lozoya in pretrial detention. In July 2020 authorities extradited Lozoya, former director of PEMEX, the state-owned petroleum company, from Spain. In 2019 the Prosecutor General's Office opened a corruption investigation against Lozoya for receiving up to \$10 million in bribes from the Brazilian construction firm Odebrecht. The Prosecutor General's Office also obtained an arrest warrant against Lozoya's mother for money laundering, and in 2019 Interpol agents arrested her in Germany. Lozoya accused high-level politicians representing multiple parties of complicity in his corrupt acts and was acting as a state's witness in trials against them.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive, with the president and cabinet officials meeting with human rights organizations, such as OHCHR, IACHR, and CNDH. Some NGOs alleged individuals who organized campaigns to discredit human rights defenders at times acted with tacit support from government officials.

Government Human Rights Bodies: The CNDH is a semiautonomous federal agency created by the government and funded by the legislature to monitor and act on human rights abuses.

The CNDH may call on government authorities to impose administrative sanctions

or pursue criminal charges against officials, but it is not authorized to impose penalties or legal sanctions. If the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to verify that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly. It may exercise its power to call before the Senate government authorities who refuse to accept or enforce its recommendations.

All states have their own human rights commissions. The state commissions are funded by state legislatures and are semiautonomous. Some civil society groups, however, asserted that state commissions were subservient to the state executive branch. State commissions do not have uniform reporting requirements, making it difficult to compare state data and therefore compile nationwide statistics. The CNDH may take on cases from state-level commissions if it receives a complaint that the state commission has not adequately investigated the case.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Federal law criminalizes the rape of men and women, including spousal rape, and conviction carries penalties of up to 20 years' imprisonment. Spousal rape is criminalized in 26 of the 32 states. Between January and June, state authorities opened 10,458 new rape investigations. There were high rates of impunity for these crimes, consistent with high impunity rates for all crimes.

Federal law prohibits domestic violence and stipulates penalties for conviction of between six months' and four years' imprisonment. Of the 32 states, 29 stipulate similar penalties, although sentences were often more lenient. Federal law criminalizes spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced. In June the government amended the General Law on Women's Access to a Life Free of Violence to include media and digital violence as a form

of violence against women.

According to the National Institute of Statistics and Geography (INEGI) 2016 survey, 18 percent of women ages 15 and older reported having experienced physical violence at the hands of their current or most recent partner, and 6.5 percent reported having experienced sexual violence. The increase in domestic violence cases that began during the start of the COVID-19 pandemic continued. The Executive Secretariat of the National Public Security System reported 23,907 domestic violence cases in May, an all-time monthly record. Between January and June, state authorities opened 129,020 new domestic violence investigations.

In March authorities in Mexico City opened an investigation based on allegations of rape against Andres Roemer, a prominent writer, producer, consular officer, and former UNESCO goodwill ambassador. Since 2019 more than 60 women accused Roemer of sexual abuse, assault, and rape. In July the Mexico City Prosecutor General's Office issued the fourth arrest warrant for Roemer. Authorities were attempting to extradite Roemer from Israel.

The Executive Secretariat of the National Public Security System reported more than 1,889 killings of women, including 672 femicides, from January to September. September had the highest incident rate, with an average of 84 women killed in each month. The 911 hotline received 139,554 calls reporting incidents of violence against women from January to June, an increase of 6 percent over the same months in 2020. The 27,751 calls to the hotline in May were the most since the creation of the hotline. Calls included reports of relationship aggression, sexual assault, sexual harassment, rape, and intrafamily violence. The National Shelter Network reported that the network assisted 12,000 women and children between January and August.

Femicide is a federal offense punishable by 40 to 70 years in prison. It is also a criminal offense in all states. The law describes femicide as a gender-based murder under any of the following seven circumstances: signs of sexual violence, previous violence, emotional connection to the perpetrator, previous threats, harassment history, victim held incommunicado prior to deprivation of life, or victim's body exposure in a public place. According to National Security Secretariat statistics, between January and June, state-level prosecutors and

attorneys general opened 495 femicide investigations throughout the country, exceeding the 477 state-level femicide investigations opened in the first half of 2020 (statistics from state-level reports often conflated femicides with all killings of women).

The National Commission to Prevent and Eradicate Violence against Women is responsible for leading government programs to combat domestic violence. Reforms to the Prosecutor General's Office split the Office for Combating Violence Against Women and the Trafficking in Persons offices in an effort to elevate these issues by giving each its own special prosecutor general. Between January and June, the commission registered that 115,534 women received attention in Justice Centers for Women throughout the country, a 19 percent increase over the same period in 2020.

In addition to shelters, women's justice centers provided services including legal, psychological, and protective; however, the number of cases far surpassed institutional capacity. According to multiple NGOs, due to COVID-19's impact on the economy, funding sources for women's shelters, including for indigenous women, were insufficient. Federal government funding for women's shelters for the year was the same as in 2020. Federal funding assisted the operation of more than 69 shelters, external attention centers, emergency houses, and transition houses. NGOs operated 85 percent of the facilities, and government organizations operated the remaining 15 percent.

Sexual Harassment: Federal law prohibits sexual harassment and provides for fines from 250 to 5,000 times the minimum daily wage, but the law was not effectively enforced. Of the 32 states, 24 criminalize sexual harassment, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute, the federal institution charged with directing national policy on equal opportunity for men and women, sexual harassment in the workplace was a significant problem.

On February 6, the federal Law Against Digital Harassment took effect. The law criminalizes sharing, distributing, and publishing intimate sexual content (including photographs, audio, and videos) featuring individuals who have not explicitly given their consent, with penalties of up to six years in prison. Women's

rights activists supported the law as critical to combat the increasingly prevalent problem of online sexual harassment. In April authorities arrested and prosecuted Alexis Rafael Valadez Vazquez under the new law for publishing intimate photographs of women online, without their consent, to extort them.

Reproductive Rights: There were no confirmed reports of coerced abortion or involuntary sterilization on the part of government authorities.

Federal authorities supported access to contraceptive methods, but states' efforts varied widely. Barriers to accessing contraceptives stemmed from lack of knowledge, poverty, lack of access to health services, and sexual violence from family members, strangers, or friends. An Institute for Health Metrics and Evaluation study on the use of contraceptives in Chiapas (the poorest state) found that older women were less likely to use family planning methods (13 percent of women ages 35 and older, versus 18 percent of women ages 20-34), while 23 percent of indigenous women opposed birth control for religious, cultural, or social reasons. The National Population Council estimated that in 2020 and 2021, a total of 1,172,000 women had limited access to contraceptives due to COVID-19. The National Population Council reported that in 2020 there were 373,661 pregnancies in women younger than age 19 (30 percent above 2019), of which 8,876 were in girls ages 14 or younger. The states with the most teenage pregnancies were Chiapas, Coahuila, and Guerrero, and Tabasco. Sometimes family members arranged marriages for girls younger than 18. INEGI found that 53 percent of women of reproductive age used modern contraception in 2018 (the most recent study).

By law government health providers are obliged to offer sexual and reproductive emergency health services for survivors of sexual violence within 120 hours of the sexual assault. Emergency contraception was available, including for survivors of sexual assault. Nevertheless, women nationwide faced obstacles to accessing emergency services due to health providers' personal objections to emergency contraception or misunderstanding of their legal obligations to provide services.

Factors associated with maternal deaths included parents with lower levels of education, poor hospital infrastructure and human capacity, and lack of access to maternity care, especially for pregnant women living in rural areas. Southern

states reported the lowest access to skilled health care during pregnancy due to geographic, financial, and cultural barriers. In rural areas in 2019, the cause of most maternal deaths was obstetric hemorrhage.

Discrimination: The law provides women the same legal status and rights as men and “equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency.” The law establishes penalties for discrimination based on gender, race, ethnicity, color, religion, language, pregnancy, political belief, or any other nature that violates human dignity. The government did not enforce the law effectively. Women tended to earn substantially less than men did for the same work. Women were more likely to experience discrimination in wages, working hours, and benefits.

According to the Organization for Economic Cooperation and Development, the median salary for full-time female employees was 19 percent less than that of full-time male employees. Only 7.5 percent of the members of the executive boards of publicly traded domestic companies were female, and men held 64 percent of managerial positions throughout the country. According to INEGI’s 2016 *National Survey on the Dynamics of Household Relationships*, 22 percent of working women reported experiencing labor discrimination within the previous 12 months.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on ethnicity, and a federal law prohibits all forms of discrimination. Nonetheless, discrimination was common against racial and ethnic minorities, including Black, Afro-Mexican, and indigenous groups. All states have additional laws against discrimination. In 2019 legislators passed a constitutional reform recognizing Afro-Mexicans as an ethnic group.

INEGI reported that 2 percent of the population (2.5 million) self-identified as Afro-Mexican. The National Council to Prevent Discrimination’s 2017 national survey on discrimination found 58 percent of Afro-Mexicans and 65 percent of indigenous persons considered their rights were respected “little or not at all.” The survey also reported 22 percent of persons said they would not share a household with an Afro-Mexican. The survey also reported that persons with darker skin

completed 6.5 years of schooling, while those with white skin completed 10 years. A report from the Black Alliance for Just Immigration found black migrants faced widespread racial discrimination from individuals and authorities, particularly in accessing employment and services. Black migrants reported migration authorities detained Black migrants for longer periods than other migrants.

Indigenous Peoples

The constitution provides indigenous persons the right to self-determination, autonomy, and education. Most indigenous persons lived in marginalized communities, and the COVID-19 pandemic disproportionately affected these communities, according to the OHCHR. Conflicts arose from the interpretation of indigenous communities' self-governing "normative systems." Uses and customs laws apply traditional practices to resolve disputes, choose local officials, and collect taxes, with limited federal or state government involvement. Communities and NGOs representing indigenous groups criticized the government for failing to consult indigenous communities adequately when making decisions regarding extractive industry and natural resource development projects on indigenous lands. The CNDH maintained a human rights program to inform and assist members of indigenous communities.

The CNDH reported indigenous women were among the most vulnerable groups in society. They often experienced racism and discrimination and were frequently victims of violence. Indigenous persons generally had limited access to health care and education services.

During the COVID-19 pandemic, indigenous persons faced additional hardships in accessing educational services. Due to low internet penetration and television ownership in indigenous communities, distance learning was often inaccessible. Additionally, some indigenous students did not receive the breakfasts and lunches normally included in the full-time school meal program, according to a UNESCO study.

Several indigenous communities denounced the government's plan to build the Mayan Train, an estimated \$7.5 billion dual cargo-passenger railroad to cross the Yucatan Peninsula through indigenous lands. Several indigenous communities

brought legal actions to oppose the construction, many of which were dismissed or denied. As in 2020, NGOs in Campeche and Yucatan submitted multiple civil injunctions against the project citing a lack of transparency regarding environmental impact assessments and adverse effects on indigenous cultural heritage. Members of the Mayan community in Campeche reported the National Tourism Board pressured them to cease protesting and agree to leave their lands. The board identified 3,286 homes in five states for relocation before completion of the construction project.

On July 14, 10 indigenous men from the Yaqui tribe living in Sonora disappeared while transporting cattle in Bacum. Their abduction followed the killings of two Yaqui activists and leaders: Thomas Rojo in May and Luis Urbano in June. In July the Sonora State Prosecutor General's Office detained Rojo's alleged killer.

In Chiapas in July an unidentified perpetrator killed Simon Pedro Perez Lopez, a human rights activist and member of the Las Abejas de Acteal civil society organization. Lopez had filed a complaint with the Interior Secretariat asking for greater government intervention in the indigenous Tsotsil regions following increased drug trafficking-related violence.

As of September authorities made no arrests regarding the 2020 killing of prominent indigenous and environmental rights defender Homero Gomez. Gomez had advocated against illegal logging and the destruction of the Michoacan monarch butterfly habitat.

Children

Birth Registration: Children derive citizenship both by birth within the country's territory and from their parents. Citizens generally registered the births of newborns with local authorities. Failure to register births could result in the denial of public services such as education or health care.

Child Abuse: There were numerous reports of child abuse. The National Program for the Integral Protection of Children and Adolescents, mandated by law, is responsible for coordinating the protection of children's rights at all levels of government.

As of August there were no developments in the case regarding the abduction and killing of seven-year-old Fatima Aldrighetti Anton. Authorities arrested Mario Reyes and Gladis Cruz in connection with the killing. In November 2020 a judge suspended five officials from the Mexico City Prosecutor General's Office for failing to search for Fatima within 72 hours after she went missing.

Child, Early, and Forced Marriage: The legal minimum marriage age is 18. Enforcement, however, was inconsistent across the states. All states prohibit marriage of persons younger than age 18. With a judge's consent, children may marry at younger ages.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities generally enforced the law. Nonetheless, NGOs and media reported on sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas. Government authorities also reported an increase of 73 percent in online child pornography distribution during the pandemic. In April the government passed a penal code reform eliminating the statute of limitations for sexual crimes against minors, including child pornography distribution, child sex tourism, corruption of minors, pederasty, sexual abuse, and rape.

Institutionalized Children: Civil society groups expressed concern regarding abuse of children with mental and physical disabilities in orphanages, migrant centers, and care facilities. The NGO Disability Rights International reported various instances of abuse, including the use of prolonged restraints and isolation rooms for children with disabilities in both public and private institutions. According to the NGO, institutional staff in Baja California reported that four children with disabilities died within days of each other with no known investigations. The NGO also reported the existence of multiple unregistered private institutions without licenses operating as orphanages.

In May 2020 the CNDH reported that children were subjected to abuses such as torture, sexual violence, and cruel, inhuman, or degrading treatment at Ciudad de los Niños, a private institution in Salamanca, Guanajuato. Despite a 2017 injunction issued by a state district judge to prevent further grave abuses at the institution, the CNDH reported state authorities failed to supervise the conditions

at Ciudad de los Ninos.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

Anti-Semitism

The 45,000-person Jewish community experienced low levels of anti-Semitism. On May 18, an exhibit in Mexico City on Israeli innovation was vandalized with anti-Semitic and anti-Israel messages. Jewish community representatives reported good cooperation with the government and other religious and civil society organizations in addressing rare instances of such acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Federal law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not effectively enforce the law. The law requires the Secretariat of Health to promote the creation of long-term institutions for persons with disabilities in distress, and the Secretariat of Social Development must establish specialized institutions to care for, protect, and house poor, neglected, or marginalized persons with disabilities. NGOs reported authorities had not implemented programs for community integration. Public buildings and facilities often did not comply with the law requiring access for persons with disabilities.

In 2019 the federal government introduced pensions for persons with disabilities in a state of poverty. In May 2020 a constitutional amendment established the disability pension as a constitutional right, prioritizing children, indigenous, and Afro-Mexican persons with disabilities younger than age 64 who lived in poverty.

The pension was 2,550 pesos (\$125) every two months. In August the federal government signed a public-private partnership agreement with the Teleton Institute for it to provide rehabilitation services to 20,000 pension-receiving children.

The education system provided education for students with disabilities nationwide. Nevertheless, only 2 percent of schoolteachers in the country were trained to teach children with disabilities, according to the civil society organization Yo Tambien. Children with disabilities attended school at a lower rate than those without disabilities. Enrollment of children with disabilities decreased by 40 percent during the COVID-19 pandemic, according to Yo Tambien.

Abuses occurred in institutions and care facilities housing persons with mental disabilities, including those for children. Abuses of persons with disabilities included the use of physical and chemical restraints; physical and sexual abuse; human trafficking, including forced labor; disappearance; and the illegal adoption of institutionalized children. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting a person's identity and origin was lacking. Access to justice was limited. NGOs reported no changes in the mental health system to create community services or any efforts by authorities to have independent experts monitor human rights abuses in psychiatric institutions.

Institutionalized persons with disabilities often lacked adequate medical care and rehabilitation services, privacy, and clothing; they often ate, slept, and bathed in unhygienic conditions. For example, Felipe Orozco, hospitalized multiple times for mental disabilities, reported that mental health professionals from a psychiatric hospital in Puebla shackled him naked with a padlock during the nights for two and one-half weeks. As a result he was forced to urinate and defecate in his bed, according to Human Rights Watch.

Voting centers for federal elections were generally accessible for persons with disabilities, and ballots were available with a braille overlay for federal elections in Mexico City, but these services were inconsistently available for local elections elsewhere in the country.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There were reports the government did not always investigate and punish those complicit in abuses against LGBTQI+ persons, especially outside Mexico City. Civil society groups claimed police routinely subjected LGBTQI+ persons to mistreatment while in custody.

There were 50 hate-crime homicides and four forced disappearances committed against the LGBTQI+ community in the first eight months, according to the National Observatory of Crimes Against LGBTQI persons. A 2019 CNDH poll found six of every 10 members of the LGBTQI+ community reported experiencing discrimination in the past 12 months, and more than half suffered hate speech and physical aggression.

Federal law prohibits discrimination against LGBTQI+ individuals. A Mexico City municipal law provides increased penalties for hate crimes based on sexual orientation and gender identity.

In July the Mexico City congress passed a law to provide, promote, and protect LGBTQI+ human rights. In August the Mexico City congress approved a reform allowing LGBTQI+ children ages 12 years and older to legally change their gender on their birth certificate. In August Yucatan passed a law legalizing same-sex marriage, increasing the number of states making it legal to 22 of the country's 32 states. In August Baja California and Yucatan passed laws banning LGBTQI+ conversion therapy.

Other Societal Violence or Discrimination

The Catholic Multimedia Center reported that criminal groups harassed priests and other religious leaders in some parts of the country and subjected them to extortion, death threats, and intimidation. In March attackers shot and killed Father Gumersindo Cortes in Guanajuato. In June another priest died in a cartel crossfire on the Durango-Zacatecas border. Government officials stated that the harassment of Catholic priests and evangelical Protestant pastors reflected high levels of generalized violence throughout the country and not targeted attacks

based on religious faith.

According to the NGO Christian Solidarity Worldwide, Catholic-majority communities sometimes discriminated, harassed, threatened, displaced, denied basic services, and destroyed the property of individuals who left Catholicism. On January 14, community leaders went to the municipal headquarters of Ayutla de los Libres, Guerrero, to urge revocation of Protestant families' local property rights for refusing to participate in the construction and servicing of the local Catholic church.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The government continued its efforts to strengthen freedom of association protections, promote union democracy, and improve the ability of workers to bargain collectively. Efforts focused on implementation of the 2019 labor law reform that transformed the labor justice system. The reforms provide workers with the right to freely elect union representatives and approve or reject collective bargaining agreements through a secret ballot process before they are registered. The reforms prevent the registration of collective bargaining agreements known as “protection contracts,” which nonrepresentative unions often negotiated and signed without the knowledge of workers and undermined genuine collective bargaining. The reforms call for the creation of independent labor courts to replace the Conciliation and Arbitration Boards (CABs) that favored corporatist unions in the resolution of disputes and facilitated the registration of protection contracts. The reforms also establish an expedited and more transparent judicial process for unions to obtain collective bargaining rights.

In addition to a more impartial and streamlined judicial process for labor disputes, the reforms transfer the registration of unions and collective bargaining agreements from the CABs to a new independent Federal Conciliation and Labor Registration Center. The Federal Center also carries out mandatory pre-judicial conciliations at the federal level, with local conciliation centers carrying out the same function at the state level. The reforms establish a four-year timeline for implementation designed to end May 1, 2023, but the government established an accelerated

timeline to complete implementation by May 2022 and remained on track to meet that goal.

The government continued implementing the labor reforms in a phased manner, with the reform coming online in eight states in November 2020, and phase two started on November 3 with 13 states, and phase three to be concluded on May 1, 2022, for the remaining states. As of July, 39 percent of active unions under local jurisdiction had registered required amendments to their amended statutes to incorporate new secret ballot and gender equity requirements with the CABs. As of July, 94 percent of active unions under federal jurisdiction had registered their amended statutes with the Secretariat of Labor and Social Welfare (STPS), but only 39 percent of active unions under local jurisdiction had registered their amendments with the CABs. The deadline for unions to amend and register their statutes, originally set to expire in May 2020, was suspended due to COVID-19, reestablished in late 2020, and continued as of November.

Responsibility for registration of unions and collective bargaining agreements, including amendments to their statutes, shifted to the Federal Conciliation and Labor Registration Center in November 2020 for the eight phase-one states. The Federal Center took over registration functions nationwide on November 3 and was preparing to launch a national union registry to contain all files related to union registration and statutes, collective bargaining agreements, and union financial statements.

On May 1, the role of verifying the process for unions to organize a secret ballot vote for workers to approve or reject existing collective bargaining agreements within the four-year period established by the reforms (legitimization process) transitioned from the STPS to the Federal Center. As part of that process, the Federal Center published a new legitimization protocol to include a mechanism that allows for submission of complaints regarding alleged irregularities that may happen prior to, during, and after the vote. The Federal Center, however, estimated that only 10 to 15 percent of those collective bargaining agreements would undergo a legitimization vote because the worksite where the agreement was valid had closed, the work for which the agreement was negotiated had concluded, or the contract was a protection contract held by a nonrepresentative union. As of September workers had reviewed and voted on 1,790 collective

bargaining agreements, less than 1 percent of the total number of agreements.

Federal labor law requires a minimum of 20 workers to form a union. To receive government recognition, unions and their leaders must file for registration with the Federal Center. The Federal Center and the new federal labor courts are designed to handle all matters related to collective bargaining agreements, but until the Federal Center establishes its offices in all the states, labor disputes in states without a Federal Center presence are to be handled by the CABs. The CABs operate under a tripartite system with government, worker, and employer representatives, with worker representation on the CABs selected based on majority representation, which was held by entrenched nondemocratic unions that sign “protection” contracts with complicit employers to secure low wages.

By law a union may call for a strike or bargain collectively in accordance with its own statutes. Under the labor reform, to negotiate a collective bargaining agreement, the union must first obtain a certificate of representativeness from the Federal Center demonstrating it has support from at least 30 percent of workers to be covered by the agreement. Before a strike may take place, a union must file a “notice to strike” with the appropriate CAB, or the appropriate labor court once they are operational. Workers, the employer, or an interested third party may request the CAB or court rule on the legality of the strike, which may find the strike is “nonexistent” and therefore illegal. In June the Supreme Court issued a unanimous decision confirming that the exercise of the right to strike suspends the processing of collective conflicts of an economic nature that may be pending before the court and the topics that they present, unless the workers express in writing their agreement to submit the conflict to the decision of the court. This decision prevented a protection union from attempting to stop the strike by filing a challenge to the Mineros Union’s control of the existing collective bargaining agreement at the San Martin mine in Sombrerete, Zacatecas.

The law prohibits employers from intervening in union affairs or interfering with union activities, including through implicit or explicit reprisals against workers. The law allows for the reinstatement of workers if the CAB finds the employer fired the worker without just cause and the worker requests reinstatement; however, the law also exempts broad categories of employees from this protection, including so-called employees of confidence and workers in the job for less than

one year.

The government's failure to enforce labor laws left workers with little recourse for violations of freedom of association, poor working conditions, and other labor provisions in states that had not yet implemented the new labor justice model. The CABs' continued failures to administer and oversee procedures related to union activity impartially and transparently, such as union elections, registrations, and strikes, undermined worker efforts to exercise their rights to freedom of association and collective bargaining.

According to several NGOs and unions, many workers faced violence and intimidation perpetrated by protection union leaders and employers supporting them, as well as other workers, union leaders, and vigilantes hired by a company to suppress opposition to an existing union in bargaining-rights elections. Some employers attempted to influence bargaining-rights elections through the illegal hiring of temporary or fake employees immediately prior to the election to vote for the company-controlled union. The CABs were widely alleged to administer these elections with a bias against new, independent unions.

In April the STPS suspended a legitimization vote at the General Motors plant in Silao, Guanajuato, due to serious irregularities during the vote. Workers argued that the protectionist union holding the collective bargaining agreement pressured workers to legitimize the agreement, offered bribes, and tampered with ballots. After the STPS canceled the vote, in May the rapid response mechanism under the U.S.-Mexico-Canada Agreement commenced, and the government agreed to review a denial of freedom of association and collective bargaining rights at the plant, confirming the denial of rights. In July an arrangement was reached on a course of remediation, which included a new collective bargaining agreement legitimization vote under the supervision of the STPS, with observers from the National Electoral Institute and the International Labor Organization. The new vote took place on August 17-18, and a majority of workers rejected the collective bargaining agreement. As a result other unions, including a new union formed by workers after the vote, gained the right to seek representation rights and negotiate a new agreement. The STPS certification of the new election set November 3 as the date for termination of the existing agreement, thus establishing that representation rights would be determined under the new labor reform rules and institutions.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, but the government did not effectively enforce the law. While penalties for conviction of forced labor were commensurate with those for similar crimes, very few cases were successfully prosecuted. State governments reported investigating 12 suspected forced labor cases in 2020. Federal and state labor inspectorates conducted nearly 30,000 labor inspections in formally registered businesses in 2020 but did not conduct inspections in the informal sector.

Forced labor persisted in the domestic service and in child-care, manufacturing, mining, food-processing, construction, tourism, begging, street-vending, leather-goods-production, and agriculture sectors, especially in the production of chili peppers and tomatoes. Women and children were subjected to domestic servitude. Women, children, indigenous persons, persons with disabilities, LGBTQI+ persons, and migrants (including men, women, and children) were the most vulnerable to forced labor (see section 7.c.). Many workers were compelled into forced labor through debt bondage, threats of violence, and nonpayment of wages by recruiters and employers.

Day laborers and their children were the primary victims of forced and child labor in the agricultural sector, particularly in the production of chili peppers and tomatoes. In 2016, the most recent data available, INEGI reported that 44 percent of persons working in agriculture were day laborers. Of the day laborers, 33 percent received no financial compensation for their work, and only 3 percent had a formal written contract.

Indigenous persons in isolated regions reported incidents of forced labor in which cartel members forced them to perform illicit activities or face death. Minors were recruited or forced by cartels to traffic persons, drugs, or other goods across the border with the United States. Migrants were also recruited by criminal organizations to conduct illicit activities.

Criminal groups became increasingly involved in the illegal timber trade in Chihuahua, which accounted for 70 percent of the wood consumed in the country. Drug traffickers involved in illegal logging recruited and kidnapped indigenous

persons and children in isolated or displaced communities, withheld their wages, forced them to conduct illicit activities, and often threatened death if they tried to leave.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law prohibits children younger than age 15 from working and allows those ages 15 to 17 to work no more than six daytime hours in nonhazardous conditions daily, and only with parental permission and permission from the labor authority. The law requires children younger than 18 to complete compulsory basic education and to have a medical certificate to work. The minimum age for hazardous work is 18, including all work in the agricultural sector. The law prohibits minors from working in a broad list of hazardous and unhealthy occupations. The pandemic severely impacted the economy, resulting in a significant increase in the number of children engaging in child labor. Despite a government program to transmit public education classes via internet, television, and radio during the pandemic, reports suggested that at least 2.5 million children did not continue their basic education.

At the federal level, the Secretariat of Social Development, Prosecutor General's Office, and National System for Integral Family Development share responsibility for inspections to enforce child labor laws and to intervene in cases in which employers violate such laws. The STPS is responsible for carrying out child labor inspections and refers cases of child labor to the Prosecutor General's Office for sanctions. Penalties were commensurate with other similar laws but were rarely enforced. In 2020 the STPS Federal Labor Inspectorate conducted almost 30,000 labor inspections nationwide but reported finding only one case of child labor. State labor inspectors, however, reported finding evidence of child labor, particularly in agricultural establishments.

State-level prosecutors reported investigating at least 199 cases involving child trafficking victims in 2020. The government was reasonably effective in enforcing child labor laws in large and medium-sized companies, especially in the export-

oriented factory (maquiladora) sector and other industries under federal jurisdiction.

Enforcement was inadequate in many small companies, in agriculture, and in construction, and nearly absent in the informal sector in which most child laborers worked. Inspectors generally were permitted to examine the informal sector only in response to complaints. Social programs to combat child labor did not address all sectors where child labor occurred. Children performed dangerous tasks in agriculture in the production of beans, chili peppers, coffee, cucumbers, eggplants, melons, onions, tomatoes, and tobacco. Children also produced garments, leather goods, and illicit crops such as opium poppies; engaged in illicit activities such as the production and trafficking of drugs; and experienced sexual exploitation, often as a result of human trafficking.

Underage children in urban areas earned money by begging, washing windshields, selling small items, or performing in public places.

According to a 2019 National Child Labor Survey, the number of children ages five to 17 in child labor, including in hazardous household work, was 3.3 million, or approximately 11.5 percent of children in the country. This represented an increase of 11 percent of children from the 2017 INEGI survey. Of all children, 7.1 percent, or two million, were younger than the minimum age of work or worked under conditions that violated federal labor law, such as performing hazardous work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> as well as the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The constitution and law prohibit discrimination with respect to employment or occupation. Federal law specifically proscribes discrimination based on ethnicity, nationality, gender, age, disability, social status, health, religion, immigration status, political opinion, sexual preference, marital status, or pregnancy. The government did not effectively enforce the law or regulations. The law mandates

that all discrimination cases, including sexual harassment, bypass formerly mandatory conciliation and proceed directly to the labor courts.

Penalties for violations of the law were commensurate with those for other similar laws. Discrimination in employment or occupation occurred against women, indigenous groups, persons with disabilities, LGBTQI+ individuals, and migrant workers. According to a 2017 INEGI survey, the most recent information available, 12 percent of women were illegally asked to take a pregnancy test as a prerequisite to being hired. Job announcements specifying desired gender, age, marital status, and parental status were common. INEGI reported in 2017 that 23 percent of working women experienced violence in the workplace within the past 12 months and that 6 percent experienced sexual violence. The government approved the *National Work and Employment Program for People with Disabilities 2021-2024*, aimed at strengthening labor inclusion of persons with disabilities and supporting the employment of persons with disabilities in decent work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The tripartite National Minimum Wage Commission is responsible for establishing minimum salaries. In January 2020 the government raised the minimum wage. The new wage applied to all sectors and allowed an earner to reach or exceed the poverty line. In March the government amended federal labor law to define the minimum wage as the lowest cash amount a worker receives for services rendered during a workday and stipulated it should never be below the inflation rate. Most formal-sector workers (70 percent) received between one and three times the minimum wage.

Federal law sets six eight-hour days and 48 hours per week as the legal workweek. Any work in excess of eight hours in a day is considered overtime, for which a worker is to receive double pay. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage. The law prohibits compulsory overtime. The law provides for eight paid public holidays and one week of paid annual leave after completing one year of work.

Between September 2020 and June, the STPS reported conducting labor

inspections in 22,350 work centers nationwide benefiting more than three million workers. Civil society organizations, however, reported that the number of labor inspections was not sufficient to secure compliance. There were 600 federal labor inspectors to cover the entire country; 60 percent of state level labor authorities had fewer than 10 inspectors. Criminal cases related to such violations were rarely carried out. Penalties for law violations regarding hours and minimum wage were commensurate with those for other similar laws but were rarely enforced.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach – requiring long hours when the workload is heavy and cutting down hours when it is light – to avoid compensating workers for overtime. This was a common practice in the maquiladora sector, in which employers forced workers to take leave at low moments in the production cycle and obliged them to work in peak seasons, including the Christmas holiday period, without the corresponding triple pay mandated by law for voluntary overtime on national holidays.

Many companies evaded taxes and social security payments by employing workers through subcontracting regimes or by submitting falsified payroll records to the Mexican Social Security Institute. On April 24, congress approved a reform to the labor law aimed at banning subcontracting of personnel for core or main economic activities in the public and private sectors. Subcontracting is allowed if it is used to perform specialized services unrelated to the main economic activity of businesses or public institutions. The law mandates the creation of a public registry of companies supplying specialized services to verify only registered companies fulfilling tax and administrative requirements may supply those services. According to the Mexican Social Security Institute, as a result of the law 2.7 million workers of the 4.6 million subcontractors moved from formal subcontracting status to a formal direct employment status. Approximately 23 percent of informal workers (6.8 million persons) were employed by formal businesses or organizations but paid in cash off the books to evade taxes and social security payments.

Observers from grassroots labor rights groups, international NGOs, and multinational apparel brands reported that employers in export-oriented supply chains increasingly used hiring methods that lessened job security. For example,

manufacturers commonly hired workers on one- to three-month contracts and then waited a period of days before rehiring them on new short-term contracts to avoid paying severance and to prevent workers from accruing seniority. This practice violated federal law and restricted workers' rights to freedom of association and collective bargaining. Observers noted that it also increased the likelihood of work-related illness and injury. Outsourcing practices made it difficult for workers to identify their legally registered employer, thus limiting their ability to seek redress of labor grievances.

Citizens hoping to obtain temporary, legal employment in the United States and other countries frequently paid recruiters hundreds or thousands of dollars in prohibitive fees to secure jobs, and many prospective workers were promised jobs that did not exist. The government rarely investigated cases of alleged abusive and fraudulent recruitment practices. Although the law requires entities recruiting for overseas employment to register with the STPS, there is no enforcement mechanism, and only a handful of recruiters complied.

The situation of agricultural workers remained particularly precarious, with similar patterns of exploitation throughout the sector. Labor recruiters enticed families to work during harvests with verbal promises of decent wages and a good standard of living. Rather than receiving daily wages once a week, as mandated by law, day laborers had to meet certain harvest quotas to receive the promised wage. Wages were illegally withheld until the end of the harvest to ensure that the workers did not leave. Civil society organizations alleged that workers were prohibited from leaving by threats of violence or by nonpayment of wages. Workers had to buy food and other items at the company store at high markups, at times leaving them with no money at the end of the harvest after settling debts. Civil society groups reported families living in inhuman conditions, with inadequate and cramped housing, no access to clean water or bathrooms, insufficient food, and without medical care. With no access to schools or child care, many workers took their children to work in the fields.

Occupational Safety and Health: The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and

offices. Individual employees or unions may complain directly to inspectors or safety and health officials. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. The STPS has the authority to order labor inspections at any time in the event of labor law violations, imminent risk to employees, or workplace accidents. Penalties for law violations regarding occupational safety and health regulations were commensurate with those for other similar laws but were rarely enforced.

News reports indicated poor working conditions in some factories. These included low wages, contentious labor management, long work hours, unjustified dismissals, a lack of social security benefits, unsafe workplaces, and no freedom of association. Many women working in the industry reported suffering some form of abuse.

According to data from the Mexican Social Security Institute, in 2020 there were approximately 278,000 workplace accidents, resulting in 666 deaths.

Hundreds of thousands of workers continued to work in foreign-owned factories, mainly in northern border states, producing electronics, medical equipment, and auto parts. Several outbreaks of COVID-19 resulted in multiple deaths. Some companies reportedly did not implement effective protective measures for employees, and one factory, owned by Eaton Corporation in Baja California, was operating illegally and was closed after it placed chains on its doors to prevent 800 workers from leaving.

Informal Sector: According to INEGI informal workers represented 56 percent of total workers in the country as of the second quarter of the year. Labor inspections focused on the formal sector, leaving informal workers with no labor law protection. Informal workers were in every sector of the economy, with agriculture as the sector with the greatest number of informal workers. While on average informal workers earned less than the minimum wage, in some areas, such as near the northern border, informal employment could pay more than formal employment in the manufacturing sector. Informal workers lacked access to social protection mechanisms such as health care and retirement benefits.