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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Report of the Special Rapporteur on the rights of indigenous
peoples on her visit to Mexico****Note by the Secretariat**

This report examines the situation of indigenous peoples in Mexico. It is based on information received by the Special Rapporteur on the rights of indigenous peoples during her visit to the country from 8 to 17 November 2017 and on independent research.

The Special Rapporteur notes that, since the official visit made in 2003 by the former Special Rapporteur, Rodolfo Stavenhagen, and despite the commitments subsequently made by Mexico in the field of human rights, indigenous peoples continue to face serious challenges in the exercise of their human rights.

Current development policies, which are based on megaprojects (in mining, energy, tourism, real estate and agriculture, among other areas), pose a major challenge to indigenous peoples' enjoyment of human rights. Lack of self-determination and prior, free, informed and culturally appropriate consultation are compounded by land conflicts, forced displacement, and criminal accusations and violence against indigenous peoples who defend their rights.

All these problems are taking place against a backdrop of profound inequality, poverty and discrimination faced by indigenous peoples that restricts their access to justice, education, health and other basic services.

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Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Mexico**

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I. Introduction

1. The present report examines the situation of indigenous peoples in Mexico and sets forth recommendations in that regard, based on information received by the Special Rapporteur on the rights of indigenous peoples during her visit to the country from 8 to 17 November 2017 and on independent research. The twofold purpose of the Special Rapporteur's visit was to assess the measures taken to give effect to the recommendations made by the previous Special Rapporteur after his visit to the country in 2003¹ and to evaluate the efforts made by Mexico to fulfil its international obligations with respect to the rights of indigenous peoples.

2. The Special Rapporteur held meetings with representatives of federal government institutions and the federative entities of Mexico City, Guerrero, Chihuahua and Chiapas. She held meetings in Mexico City; the city of Tuxtla Gutiérrez; the indigenous community of La Candelaria, Chiapas; the city of Chihuahua; and the indigenous community of Tlatzala, Guerrero. These meetings were attended by over 200 representatives of 23 indigenous peoples from 18 states, with equal representation of indigenous men and women. She also met with representatives of human rights bodies, civil society organizations, the private sector and the United Nations country team, as well as other relevant actors.

3. The Special Rapporteur wishes to thank the Government of Mexico for its cooperation and for permitting her to conduct her visit freely and independently. She would also like to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) team in Mexico for its invaluable support during her visit. Lastly, she is profoundly grateful to the indigenous peoples and communities who welcomed her to their lands and territories and to those who travelled long distances to share their stories with her.

II. Identification of indigenous peoples

4. According to article 2 of the Constitution, "awareness of indigenous identity shall be a fundamental criterion for deciding to whom the provisions governing indigenous peoples apply". However, several indigenous peoples claim to have been denied the right to self-identification by government authorities.

5. For the purposes of national statistics, a number of different criteria are used to identify the indigenous population; this has affected the development of relevant policies and programmes and prevented some indigenous persons from gaining access to housing, health care and food, among other things. Official statistics based on the criterion of language indicate that the indigenous population accounts for 6.5 per cent of the total population. However, if the criterion of self-identification is used, this proportion rises to 21.5 per cent.

6. The use of different criteria by state institutions can result in the denial of justice when peoples and communities that identify as indigenous, but are not officially recognized as such, appeal to national bodies to protect their rights. For example, the Otomi people of San Francisco Magú in Mexico State is not included in the state law on indigenous peoples or the federal list of indigenous places and has therefore been unable to participate in programmes aimed at indigenous peoples or to influence the municipal authorities' decisions about development plans and elections.

7. The size of the O'odham (Pápago) population in Sonora has been underestimated, owing to the use of the language criterion by the federal and state authorities. Consequently, those who identify as members of this indigenous people have been rendered largely invisible, as has their human rights situation. In the case of the indigenous community of San Salvador Atenco, which was affected by the construction of the new international airport of Mexico City and took legal action against the project, invoking its

¹ E/CN.4/2004/80/Add.2.

land rights and its right to prior consultation, the courts have not yet decided whether the community is to be recognized as indigenous.

III. Legal and institutional framework

8. Article 2 of the Constitution states that “the nation has a multicultural composition, originating in its indigenous peoples, who are descended from peoples who lived in the current territory of the country at the beginning of colonization and who have their own social, economic, cultural, and political institutions or some of these”.

9. Various types of land tenure for campesinos, including communal landholdings known as *ejidos*, are recognized under article 27 of the Constitution and agrarian law.

10. Indigenous peoples continue to call for recognition in the Constitution as subjects of public law rather than entities of public interest.

11. In 2013, a constitutional amendment relating to the energy sector and the necessary implementing laws were adopted, without due regard for existing legislation on the rights of indigenous peoples; these new provisions allow for contracts to be awarded to private companies in the hydrocarbon sector and facilitate the exploitation of natural resources, many of which are located in indigenous territories.

12. In 2014, the Federal Act on the Prevention and Elimination of Discrimination was amended to broaden the definition of discrimination and establish additional measures of reparation.

13. With the amendment of article 1 of the Constitution in 2011, Mexico took an important step forward in its implementation of international human rights law. As a result of this amendment, the international human rights obligations that are incumbent on Mexico are directly applicable at all levels of the federal structure and must be respected and upheld in legislation, public policies and judicial decisions. These obligations include those set forth in the international human rights treaties to which Mexico is a party; the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratified by Mexico in 1990; the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Mexico in 1975; the American Convention on Human Rights, ratified by Mexico in 1981, and its interpretation in the case law of the Inter-American Court of Human Rights; and the United Nations Declaration on the Rights of Indigenous Peoples.

14. Mexico played a key role in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples and its adoption in 2007 by the General Assembly. Moreover, during the World Conference on Indigenous Peoples in 2014, the President of Mexico reaffirmed his country’s commitment to implementing the Declaration. However, according to indigenous representatives, the recent amendment to the Constitution and the provisions of these international instruments are not implemented consistently.

15. The institution that is responsible at the national level for coordinating, promoting, monitoring and evaluating programmes, projects, strategies and government action for the comprehensive and sustainable development of indigenous peoples and communities is the National Commission for the Development of Indigenous Peoples. Various other bodies also play a role in the realization of the rights of indigenous peoples.

16. At the state level, the rights of indigenous peoples are legally recognized to varying degrees. The Special Rapporteur was informed that the constitutions of 28 out of 32 states explicitly recognize rights held by indigenous peoples and that 26 states have adopted regulatory laws in this area. The Constitution adopted by Mexico City in February 2017 recognizes the rights of the “native peoples and neighbourhoods” and “resident indigenous communities” of the city. It establishes that the United Nations Declaration on the Rights of Indigenous Peoples and other international instruments ratified by Mexico must be complied with and recognizes, *inter alia*, the rights to self-identification, self-determination and prior consultation.

IV. Principal concerns

A. Lands, territories and natural resources

17. The Special Rapporteur agrees with her predecessor that the preservation and protection of the lands, territories and resources of indigenous peoples should be a priority and the subject of appropriate regulations, in accordance with international law.² This critical and fundamental issue is at the root of many of the human rights problems that were observed by the Special Rapporteur.

18. The agrarian system of *ejidos*, community lands and private property and the agrarian authorities and institutions established under that system do not meet the needs of indigenous peoples and do not satisfy the country's current international obligations, which require recognition of the right of indigenous peoples to the land, territories and natural resources that they have traditionally owned, occupied, used or acquired.

19. The cases received show that the procedures available to those seeking recognition of their land rights are neither simple nor accessible and can involve lengthy legal proceedings. Effective recognition of these rights is also obstructed when border disputes with other communities or private landowners arise or when state and agrarian authorities or third parties promote the exploitation of natural resources in indigenous territories. Moreover, these procedures yield limited results, since the land granted to indigenous peoples generally does not fall within their concept of territory, nor does it reflect their traditional territorial boundaries. Another source of concern, besides the difficulties in gaining access to justice, is the duration of the legal proceedings in such cases. Delays in the handling of agrarian cases have often caused conflicts within and between communities.

20. Another fundamental problem is that the *ejido* and agrarian authorities established under the Land Act may not be the same as the authorities that represent indigenous communities and often come into conflict with them. This gives rise to uncertainty and clashes when State officials allegedly consult *ejido* authorities in order to obtain approval for measures or activities that will affect indigenous lands within *ejidos*.

21. The National Human Rights Commission noted, in its recommendation No. 56/2016, that agrarian authorities do not represent all members of an indigenous community, but only persons who have been recognized by the State as subjects of agrarian law. In some cases, State officials and third parties have reportedly manipulated the agrarian system in order to discredit and undermine indigenous authorities that have opposed development projects on their land.

22. In the Sierra Tarahumara in Chihuahua, for example, the agrarian system is not compatible with the land tenure systems of the indigenous peoples. Many Rarámuri and Ódami communities have sought recognition of their land before the agrarian authorities, through legal proceedings that last for years or even decades. Some communities have to wait until their lands have been declared national property and then awarded, in order to be able to purchase them.

23. In many cases, such land claims are made in the context of legal challenges relating to the granting of forest exploitation permits or land rights to third parties without prior consultation. In some cases, the agrarian courts have ruled that recognition of territory may be obtained only through an *ejido* or agrarian community. While they wait for their claims and legal cases to be dealt with, many communities face the risk of reprisals, forced displacement and even, in the worst situations, murder by those who covet their land and forests.

24. There have been reports of cases in which state officials convened agrarian assemblies or set up registers of community members in order to facilitate the appropriation of communal lands for projects. In the case of La Parota dam in Guerrero, the agrarian courts declared null and void the decisions of the agrarian assemblies that approved the

² See *ibid.*, para. 65.

project, yet the state and federal authorities still plan to build the dam, even though it would cause displacement and affect the traditional natural resources and lands of the indigenous communities concerned.

25. The Otomi community of San Francisco Xochicuatla in Mexico State challenged the outcomes of the agrarian assemblies that approved the Toluca-Naucalpan highway project before agrarian and judicial bodies, but the rulings handed down in favour of the community have not been complied with. The creation of a community register by the state authorities has caused divisions and those opposed to the project have suffered attacks, accusations and destruction of their property.

26. The lack of recognition and protection of the natural resources of indigenous peoples is another source of concern. For example, the indigenous inhabitants of La Candelaria *ejido* in Chiapas described their efforts to protect their sacred lagoon from tourist, highway and other projects that would affect the integrity of the lagoon and pose a threat to their cultural practices.

27. The designation of protected areas has led to violations of indigenous land rights and forced evictions. It has been reported that access to land and traditional uses of natural resources have been restricted in protected areas established in indigenous territories without prior consultation. In some protected areas, the state authorities have approved projects in the fields of tourism, agro-industry, mining and forest exploitation.

28. The situation of the Cucapá people in Baja California, which was highlighted by the Special Rapporteur in 2003, remains worrying. Their traditional fishing activities have been seriously limited by the creation of a protected area in their ancestral lands and illegal fishing in the region has inhibited traditional fishing, which is necessary to preserve their culture.

29. Although the Ministry of Agrarian, Territorial and Urban Development is developing various programmes for the regularization of landownership and the resolution of land disputes through courts and mediation processes, the Office of the Agrarian Affairs Advocate provides training and legal advice for subjects of agrarian law and the agrarian courts prioritize the protection of indigenous lands when settling land disputes, these efforts are insufficient. The main problem is the disparity between the agrarian legal framework and international standards regarding the rights of indigenous peoples.

B. Development priorities, megaprojects, consultation and consent

30. Indigenous peoples expressed their desire to define and pursue their own economic, social and cultural development, in accordance with international standards, as a fundamental means of exercising their right to self-determination. They reported that their enjoyment of this right was limited, however, by the development models imposed on their territories and, in particular, by the increase in mining and energy projects and investment projects that has resulted from legislative reforms and economic policies that have had a negative impact on their rights and interests. These megaprojects are reportedly carried out without prior, free, informed and culturally appropriate consultations and without the consent of the indigenous peoples concerned, including in the face of judicial suspension orders.

31. Over the past two decades, Mexico has encouraged greater foreign investment in mining, which is considered a priority activity that is in the public interest. The 2013 constitutional amendment regarding the energy sector has given rise to concerns that the State is forcing indigenous communities to rent out or sell their land to businesses and imposing statutory servitudes to facilitate hydrocarbon and energy projects, and that the risk of dispossession, conflict and forced displacement has increased as a result of the growing interest in natural resources in indigenous territories, many of which have not been legally recognized. In addition, large-scale commercial wind farm projects in indigenous regions are now being approved more quickly, in view of the national goal of generating 35 per

cent of electricity from renewable energy sources by 2024. According to the Inter-American Commission on Human Rights (IACHR),³ 29,000 mining, hydropower and wind power concessions have been granted, covering 35 per cent of national territory; 17 per cent of those concessions affect indigenous territories.

32. Legislative developments in the field of prior consultation include institutional protocols, court decisions and laws that establish consultation requirements. In 2013, the National Commission for the Development of Indigenous Peoples published a protocol containing guidelines on the consultation of indigenous peoples, which has served as a reference guide for State agencies, although it is not binding.⁴

33. Secondary legislation arising from the energy sector reform contains provisions on prior consultation for projects in the hydrocarbon and energy sectors, which is the responsibility of the Ministry of Energy. The Ministry prepares ad hoc protocols on consultation for specific projects, based on the protocol of the National Commission for the Development of Indigenous Peoples, in collaboration with other relevant federal and state bodies. As regards the forestry sector, the National Forestry Commission provided information on the mechanisms in place for the participation and consultation of indigenous peoples with respect to plans and programmes in this sector, including a consultation process at the national level on the national strategy for reducing emissions from deforestation and forest degradation.

34. The states of Durango and San Luis Potosí have adopted laws on prior consultation and legislative proposals have been made in other states. In the state of Chihuahua, steps have reportedly been taken to consult indigenous peoples on constitutional and legislative reforms in this area.

35. The federal courts have considered a number of cases relating to prior consultation, indigenous peoples and megaprojects. In some cases, the Supreme Court has ordered the suspension of projects launched without consultation but those orders have allegedly been ignored by state officials and the private sector and do not yet constitute binding case law according to the Mexican legal tradition.⁵ As a result, the impacts of these projects have not been mitigated and tensions have mounted in the communities concerned.

36. The National Human Rights Commission has stated its opinion on this issue⁶ and on some specific cases.⁷ The Special Rapporteur agrees with the Commission about some of the questionable consultation practices that have been adopted in Mexico. In many cases, consultations do not take place prior to the project, since authorization and permits for the project are granted before indigenous peoples have been consulted. The freedom of consultations is undermined by the fact that members of indigenous peoples face threats, harassment and accusations during the consultation process. This freedom may also be limited by the state of necessity in which indigenous peoples find themselves when they cannot fully exercise their basic rights. The realization of economic, social and cultural rights cannot be made conditional on the outcome of consultations or considered a form of compensation or benefit sharing; it is the State's obligation, regardless of whether a project is carried out in an indigenous community. There is still a failure to provide clear, accurate and comprehensive information on the impact of projects; information is not presented in a culturally appropriate manner and does not take into account the pace of decision-making and other cultural characteristics of the peoples consulted.⁸

37. A number of actors noted that there was a lack of clarity as to whom should be consulted, which authorities represented the indigenous communities, and the capacities and resources of the institutions responsible for carrying out consultations. Current

³ See IACHR, *The Human Rights Situation in Mexico*, OEA/SER.L/V/II, Doc. 44/15, 2015, para. 253.

⁴ Protocol on the consultation of indigenous peoples and communities, available at http://observatorioetnicocecoin.org.co/cecoin/files/cdi_protocolo_consulta_pueblos%20indigenas_2014.pdf.

⁵ Five consecutive rulings to the same effect, handed down by the same court, are required.

⁶ National Human Rights Commission, general recommendation No. 27.

⁷ For example, National Human Rights Commission, recommendations Nos. 56/2016 and 23/2015.

⁸ See National Human Rights Commission, general recommendation No. 27/2016, pp. 48–50.

consultation processes are seriously hindered by the lack of trust and mutual understanding between the parties, for example in cases where conflicts occurred during previous development projects as a result of inadequate consultation.

38. Under environmental and energy law, companies that develop projects are required to conduct social and environmental impact assessments, which must be approved by the environment authority and the Ministry of Energy. However, these assessments are approved before consultations are carried out and do not adequately identify the real impacts that projects will have on the rights of indigenous peoples. As noted by the Working Group on the issue of human rights and transnational corporations and other business enterprises in its report on its mission to Mexico, the competent authorities are limited in their capacity to examine the assessments submitted by companies and to ensure proper oversight of their activities.⁹

39. The problems described above are reflected in the numerous complaints received by the Special Rapporteur about mining, hydropower, wind power, solar power, hydrocarbon, agro-industry, infrastructure and tourism projects and about the granting of forest exploitation permits, among other issues.

40. Consultations are sometimes carried out retrospectively. In the municipality of Muna in Yucatán, the *ejido* and environmental authorities authorized a solar power project that would involve the installation of over a million solar panels in indigenous territories, without prior consultation of the Maya communities that would be affected. It is claimed that the initial contracts signed by the *ejido* and the company undermined the freedom of the consultation process and caused divisions and tension within the community. Indigenous community members who raised questions about irregularities in the process were subjected to threats, defamation and attacks.

41. In Oaxaca, the federal and state authorities have promoted large-scale wind power projects without the participation or consultation of indigenous peoples, through contracts between companies and *ejido* authorities, which are not necessarily the authorities that represent indigenous communities; those contracts allegedly contain serious irregularities. This has had an impact on indigenous land tenure, the environment, traditional economic activities and community life, and opponents to the projects have suffered accusations and attacks. The Zapoteca community in Juchitán, which has been affected by the Eólica del Sur wind farm project, has brought *amparo* proceedings in the hope of obtaining a suspension order; a Supreme Court decision is pending. The consultations organized by the State were allegedly flawed because they were held too late and there was a lack of appropriate information about the project and its impacts.

42. There are serious concerns about the lack of prior consultation of indigenous peoples who could be affected by a second phase of expansion in wind power projects in the Isthmus of Tehuantepec, as well as by mining projects, a gas pipeline and the creation of special economic areas. It is claimed that the law establishing these areas should have been the subject of consultations, since it provides for the creation of areas governed by special development regimes covering issues such as transport, communications, energy and hydropower infrastructure, which will have social and environmental impacts on the region. The state authorities claim that the proposed areas in Oaxaca and Chiapas will not include indigenous lands.

43. The cultivation of genetically modified corn and soya affects the biocultural heritage, food security, traditional economy and territorial rights of indigenous peoples. The Maya communities in Campeche continue to be affected by the cultivation of genetically modified soya, which has expanded considerably in recent years, causing deforestation and other impacts on their water, health and traditional farming and beekeeping. Even though the Supreme Court ordered the suspension of such activities in Campeche while the Maya communities were consulted, deforestation and planting continued. It was also reported that, during the consultations carried out in 2016 and 2017, community members and their

⁹ See A/HRC/35/32/Add.2, paras. 58–62.

advisers suffered threats and intimidation and there were various attempts to interfere with the bodies representing the communities concerned.

44. In some cases, indigenous peoples have tried to challenge mining, hydrocarbon and energy laws because they were not consulted and because of the impacts of those laws. The Me'phaa community of San Miguel del Progreso in Guerrero challenged mining concessions in its territory, as well as the constitutionality of the Mining Act. The case was dismissed after the concessions were cancelled, which prevented the Supreme Court from ruling on the Mining Act. Since further concessions may be awarded in their territories, the community has again brought legal action.

45. The Barrancas del Cobre tourism project has had a serious impact on the territories, natural resources, environment and health of the Rarámuri communities in Chihuahua. Wastewater discharge and garbage from hotels has contaminated water sources and jeopardized the health of Rarámuri children and adults. Several communities have filed legal complaints about the lack of consultations on this project and against the construction of a gas pipeline in the same region. The Supreme Court has ordered various measures of reparation and benefits for the affected communities. As regards the gas pipeline, some communities have accepted compensation, while others have continued to take legal action against the project.

46. The native peoples of Mexico City claim that a number of infrastructure and property development projects have affected their lands, water sources, economic activities and traditional practices. It is claimed that no consultations were held with the native peoples whose lands could be affected by the general urban development programme that has been submitted to the Legislative Assembly.

47. The Special Rapporteur is concerned about this pattern of development and emphasizes that human rights are an essential component of sustainable development; development projects that do not take into account human rights, including the rights of indigenous peoples, cannot be sustainable. The 2030 Agenda for Sustainable Development is a commitment to ensuring that no one is left behind; that commitment includes indigenous peoples. She also wishes to note the importance of ensuring that indigenous communities share the benefits of projects that affect them, in order to achieve sustainable development.

48. As mentioned previously, the defence of territories and natural resources in the context of megaprojects increases the risk of violence and criminal accusations. In some cases, indigenous leaders continue to face this risk despite court orders to suspend projects or protective measures granted by international bodies. This was the case of leaders in Juchitán, Oaxaca, who opposed the Eólica del Sur megaproject, and the Yaqui people in Sonora, who opposed the Independencia aqueduct, even though they had been granted protective measures by IACHR.

C. Self-determination and political participation

49. Article 2 of the Constitution establishes the right of indigenous peoples to self-determination and autonomy, but “hems it round with restrictions which make it difficult to implement it in practice”, as has previously been noted. According to this article, the constitutions and laws of federative entities should stipulate the characteristics of self-determination and autonomy that best express the situation and aspirations of the indigenous peoples in the relevant entity.¹⁰

50. The realization of this right by states varies considerably, particularly as regards the right of indigenous peoples to elect their own authorities in accordance with their own procedures and to implement their own legal and regulatory systems. According to state information, 418 of the 624 indigenous municipalities in Mexico are governed by their own legal system (417 in Oaxaca and 1 in Michoacán).

¹⁰ See E/CN.4/2004/80/Add.2, para. 57.

51. It should be noted that some proposals made by indigenous peoples regarding the development of their autonomy and self-government have been approved by federal and state authorities, although this remains the exception to the rule. The Federal Electoral Court recognized the right of the Purépecha community in Cherán, Michoacán, to elect its authorities during municipal elections in accordance with its own customs and practices.¹¹ Indigenous communities in the municipality of Ayutla de los Libres in Guerrero brought legal proceedings in order to achieve the same thing. In that municipality, the Federal Electoral Court approved the consultation process that had taken place and authorized the election of local authorities in accordance with indigenous customs and practices during the 2018 local elections.¹² In Amilcingo, Morelos, a municipal assistant was elected in accordance with indigenous customs and practices.

52. Indigenous organizations have set up various initiatives to address the lack of security and protection. Since 1995, the community police force in Guerrero has carried out security, justice and reintegration activities in accordance with indigenous customs and practices, which has helped to reduce violence and impunity. The community police force was legally recognized by the state authorities in 2011, although it seems that legislative proposals seeking to invalidate indigenous regulatory systems are currently pending. However, numerous cases of criminal prosecution and accusations of community police officers on various charges have been reported.

53. There are other indigenous initiatives in Chiapas, such as the Movimiento en Defensa de la Vida y el Territorio (Movement in Defence of Life and Territory), a group of indigenous persons from 11 municipalities in Chiapas that promotes indigenous self-government in the interests of territorial defence. The Special Rapporteur also received information about action being taken in autonomous municipalities and the good governance boards of the areas known as *caracoles*; these boards, which are linked to the Ejército Zapatista de Liberación Nacional (Zapatista National Liberation Army), focus on productive, education, health and justice programmes for member communities, without relying on governmental support, and have helped to reduce criminal activity in these communities.

54. Advances have been made with regard to political participation; for example, it is now possible to register as an independent candidate and steps have been taken to facilitate registration procedures for federal, state and municipal elections. There are also initiatives designed to promote access to justice in the political and electoral sphere, such as the Protocol for Defenders of the Political and Electoral Rights of Indigenous Peoples and Communities and the Electoral Public Defender Service for Indigenous Peoples and Communities. However, there are still reports of undue pressure being put on indigenous persons in order to influence their vote during elections.

55. There are 28 indigenous electoral districts at the federal level and 56 at the local level, made up of municipalities where indigenous persons account for at least 40 per cent of the population; these electoral districts will be used for the 2018 elections. Under new regulations, political parties and coalitions are required to nominate indigenous candidates in at least 12 of the 28 indigenous electoral districts at the federal level, with due regard for the principle of gender parity.

56. Indigenous peoples have set up independent representative bodies at the national level, in order to increase their political participation and raise awareness of their rights. The Concejo Indígena de Gobierno (Indigenous Government Council), for example, is made up of representatives of various indigenous peoples. This national representative body nominated its spokeswoman as an independent candidate for the 2018 presidential elections.

¹¹ SUP-JDC-9167/2011.

¹² SUP-REC-193/2016.

D. Violence, impunity and access to justice

57. In every region that she visited, the Special Rapporteur was concerned by the large number of detailed reports of individual cases that reflect the extremely serious violence faced by indigenous peoples as a result of disputes over their territories, owing to the lack of appropriate recognition, the expansion of development projects and the presence of organized crime. Their situation is made worse by factors such as impunity, limited access to justice and criminal accusations.

58. Mexico is going through a serious crisis of violence and insecurity, with alarming rates of murder, displacement and disappearance. Links between organized crime networks and some municipal, state and federal authorities contribute to the climate of corruption and impunity.

59. The case of the 43 students from Ayotzinapa, Guerrero, who disappeared in September 2014 is particularly emblematic. The Special Rapporteur met with the parents of some of the students from indigenous communities and noted how little progress had been made in investigating the whereabouts of their children. Another notable case is the massacre of 46 persons that took place in Acteal, Chiapas, in December 1997. The Special Rapporteur met with survivors and members of the victims' families who are still seeking justice and a full investigation of this massacre, which disproportionately affected indigenous women.

60. In Guerrero, Chiapas and Chihuahua, indigenous families and communities continue to suffer forced displacement as a result of the threats and violence of criminal groups who compete over land that they wish to use for their activities. The state authorities' main response to this situation has been to increase the military presence in the areas concerned, which has not helped to reduce the level of violence. As noted by the United Nations High Commissioner for Human Rights during his visit to the country in 2015, the militarization of public security is not the answer; steps should be taken to relieve the army of its temporary public security functions and to handle public security as a civil matter. In Guerrero, the presence of organized crime in areas where there are also mining interests increases the vulnerability of indigenous communities. In Chihuahua and Chiapas, there has reportedly been an expansion in settlements of displaced indigenous persons, which require differentiated policies.

61. The Special Rapporteur received numerous allegations of abuses that were committed during military operations in indigenous regions and have gone unpunished, including sexual violence against indigenous women and arbitrary killings by excessive use of force.

62. The Inter-American Court of Human Rights has requested that provisional measures be taken to protect the life and integrity of members of the Rarámuri community in Choreachi, which has suffered murders and threats. IACHR has granted protective measures in favour of the community in El Manzano whose members have been subjected to violence and displacement. The government of Chihuahua has taken steps to implement those measures and to draw up a protocol on forced internal displacement.

63. Drug trafficking, human trafficking and the increased military presence at the border between Mexico and the United States of America have had serious negative impacts, including the displacement of O'odham communities in Sonora. Their distrust of the state authorities and allegations of links with organized crime groups have led them to request special protection measures that take into account the cross-border nature of this indigenous people.

Access to justice

64. Indigenous peoples are widely affected by problems concerning access to justice. According to the Mexican authorities, the vast majority of offences go unpunished. There is also a high level of criminal cases that go unreported owing to the lack of trust in the

authorities and their procedures.¹³ Various factors prevent indigenous persons from gaining access to the national judicial system in order to defend their rights. They face economic, cultural, linguistic and geographic barriers, as well as racism and discrimination.

65. Access to justice programmes developed by government authorities have focused on the situation of indigenous persons in the criminal justice system. Indigenous persons who are arrested and prosecuted face violations of their rights to due process and a proper defence, owing to the shortage of interpreters, lawyers, defenders and justice officials who speak indigenous languages or know about indigenous cultures. There are only 25 bilingual public defenders, for example. Indigenous persons are also subjected to abuse during arbitrary arrests by police and military officers. As noted by IACHR, discrimination is a factor that makes indigenous persons “more likely to be victims of torture and other cruel, inhuman or degrading treatment when arrested”.¹⁴ The excessive use of pretrial detention as an automatic precautionary measure in cases involving indigenous persons and women is also a source of concern.

66. The National Human Rights Commission, the National Commission for the Development of Indigenous Peoples, the Federal Public Defender Service and other institutions have developed programmes to promote the right to due process of indigenous persons who face charges; the provision of interpreters and lawyers who speak indigenous languages and specialized public defenders; the use of anthropological expert reports; and the early release of indigenous persons in pretrial detention. In addition, programmes organized in indigenous communities, such as the Travelling Public Prosecution Service in Chihuahua, have helped to draw attention to criminal complaints filed by indigenous victims.

67. The Special Rapporteur received many complaints about the misuse of criminal law against indigenous persons defending the rights of their peoples. She is concerned about the statements made by various representatives of the State and the private sector that undermine the work of these indigenous persons and the organizations that help them, including their legal action against development projects. Their work as rights defenders places them at greater risk of reprisals and violence and shows there is a need for appropriate protection mechanisms. The denigration of the work of indigenous rights defenders, who are publicly labelled as being “opposed to development”, is also worrying.

68. Government authorities reported on the implementation of the mechanism for the protection of human rights defenders and journalists; this mechanism is attached to the Ministry of the Interior and currently benefits 58 indigenous persons, which is only a fraction of those who are in need of support. Collective and culturally appropriate measures must be adopted in order to protect indigenous peoples.

69. The *amparo* remedy introduced by the constitutional amendment of 2011 is an important step forward. There are still a number of obstacles, however, such as the high cost of legal proceedings of this kind. There is not yet any case law that comprehensively addresses the root causes of problems relating to megaprojects launched without prior consultations. The effectiveness of the justice system is also undermined by the fact that some rulings in favour of indigenous communities have not been implemented.

70. As regards indigenous legal systems, in some states, community police forces, indigenous courts and other means of settling conflicts have been recognized. Under the National Code of Criminal Procedure, in cases involving offences that affect the legal rights of an indigenous people or person and where both parties accept the means of resolution provided for by the community’s regulatory systems, federal criminal proceedings are to be terminated, unless human dignity or the rights of women and children are at stake. There is no comprehensive mechanism ensuring harmonization and coordination between indigenous and ordinary courts at the federal level.

¹³ National Institute of Statistics and Geography, national survey on victimization and perceptions of public safety, 2017.

¹⁴ See IACHR, *The Human Rights Situation in Mexico*, para. 258.

E. Economic, social and cultural rights

71. Indigenous peoples face major obstacles to the realization of their economic, social and cultural rights. Long-standing structural discrimination has resulted in marginalization and multidimensional poverty, as well as a lack of adequate and culturally appropriate basic services. This is reflected in the specific challenges faced by certain sectors of the indigenous population, such as women, children and young people, migrants, victims and forcibly displaced persons. This discrimination is also illustrated by the lack of access to water and sanitation; the exploitation and contamination of water sources by megaprojects to the detriment of people's health; and the restrictions on community management of water.

72. Official statistics confirm that indigenous peoples are at a clear socioeconomic disadvantage, as reflected by poverty rates, levels of education and employment, and other indicators. It is estimated that 71.9 per cent of the indigenous population live in poverty or extreme poverty, compared with 40.6 per cent of the national population. Overall, 55.5 per cent of the indigenous population live in municipalities that are considered highly or very highly marginalized and 87.5 per cent of indigenous municipalities, which are defined as those where at least 70 per cent of the population is of indigenous origin, are considered highly or very highly marginalized.¹⁵ Indigenous persons have access to fewer formal employment opportunities and may therefore be excluded from employment benefits and other benefits.¹⁶

73. According to government information, the life expectancy of indigenous persons is seven years lower than that of the general population and infant, preschool-age child, school-age child and maternal mortality rates among the indigenous population are above the national average, mainly because of preventable diseases, such as infectious and parasitic diseases. Over the last 13 years, the people's health insurance scheme was reportedly expanded to include over 5 million indigenous persons, who can make use of the scheme anywhere in national territory. Measures have also been taken to increase cultural awareness within the health system. However, there are still complaints about the lack of appropriate facilities and medical staff in indigenous communities and about cases of discrimination against indigenous persons in health centres. Traditional health systems ought to receive greater recognition and support.

74. According to indigenous representatives, most government programmes on indigenous affairs are prepared without the meaningful participation of indigenous persons; moreover, they are not culturally appropriate and their impact is limited by the fact that they are welfare-based. The Special Programme for Indigenous Peoples was set up to coordinate action in fields such as access to justice, food, health, education and housing. However, in 2017, the budget of the National Commission for the Development of Indigenous Peoples, the main entity responsible for implementing policies relating to indigenous peoples, was cut by 51.1 per cent. The Special Rapporteur is concerned about the effects that such drastic budget cuts are likely to have.

Women

75. Indigenous women face serious discrimination on the basis of gender and ethnicity, within and outside their communities, which hinders their access to property, justice and health services and their enjoyment of other rights.

76. Discrimination with respect to land tenure is often due to internal cultural factors and the agrarian system. The current agrarian bodies are predominantly made up of men and indigenous women do not have full access to land, since it is inherited by men. There has also been a failure to take into account certain social changes in communities, such as

¹⁵ See National Commission for the Development of Indigenous Peoples, *Indicadores socioeconómicos de los pueblos indígenas de México* (Socioeconomic indicators relating to indigenous peoples in Mexico), 2015, p. 18.

¹⁶ See National Council for the Evaluation of Social Development Policies, *Informe de evaluación de la política del desarrollo social 2016* (2016 social development policy evaluation report), p. 63.

migration, which causes women to assume greater social, cultural and political responsibilities in the absence of men.

77. Access to justice is a particular problem with respect to femicide in indigenous areas; such crimes are on the increase and frequently go unpunished in Mexico. Indigenous women reported a lack of diligence on the part of the competent authorities when it comes to arresting, investigating and prosecuting perpetrators and characterizing such cases as femicide.

78. Obstetric violence is another grave concern. Women reported that indigenous women in need of obstetric care were treated with negligence, indifference and discrimination by health workers, which resulted in deaths and serious injuries. Discrimination against indigenous traditional midwives by health authorities and medical workers, including stigmatization and the prohibition of traditional practices, is also a source of concern. The Special Rapporteur notes that, in states such as Chiapas, indigenous midwives have come together to demand that their ancestral knowledge be recognized and valued and that the state health sector engage in respectful collaboration with them. In addition, initiatives have been led by the National Human Rights Commission and the Supreme Court to promote the rights of indigenous midwives.

79. Indigenous women also expressed concerns about the budget cuts that would affect the programmes run by the National Commission for the Development of Indigenous Peoples and their difficulties in obtaining access to appropriate health services, support for women victims of violence and access to justice.

Children and young people

80. Indigenous children and young people are severely affected by the overall situation faced by their peoples.

81. In Chihuahua and Guerrero, concerns have been raised about the forced recruitment of children and young people by organized crime groups owing to the lack of State prevention policies and economic opportunities. In regions affected by organized crime and drug trafficking, young people are left with few options and they are often forced to decide between joining these groups or being tortured, disappeared or murdered.

82. Children are affected by the ineffective monitoring of activities that have environmental and health impacts. Yaqui children, young people and women in Sonora have suffered serious illnesses, injuries and death due to the indiscriminate use of agrochemicals by agro-industrial firms for more than 15 years.

83. Children are affected by discrimination as regards access to education. Many indigenous communities do not have schools because they do not meet the population requirements laid down by the state authorities. In Guerrero, indigenous communities have taken legal action in order to demand the construction of schools or the provision of a sufficient number of teachers.

84. Official figures for the academic year 2015/16 show that over 1.2 million indigenous children were enrolled in preschool and primary education and that academic achievement rates improved. Culturally relevant curricula and teaching materials have been developed and consultations with indigenous peoples have been held at the national level with a view to improving the indigenous education model. However, these efforts are not sufficient; further steps must be taken to provide culturally appropriate education.

Migrants and day labourers

85. Indigenous persons who emigrate from their communities for lack of economic opportunities or as a result of violence or displacement in order to live in urban centres or work as day labourers constitute a sector of the population that is not properly addressed in public policies. The situation of indigenous Mexican and Central American migrants who travel through Mexican territory to reach the United States of America has also received insufficient attention. These groups face multiple forms of discrimination, their lives and work are essentially invisible, they are afraid to use complaint mechanisms and they are extremely vulnerable to violence, exploitation and marginalization.

86. In Chiapas, indigenous Central American migrants suffer persecution, extortion and kidnapping at the hands of the federal and state authorities and criminal groups. Despite some State-led measures, such as training for immigration officers on non-discrimination, indigenous Central American migrants and indigenous Mexicans living in the border area suffer abuse as a result of racial profiling by immigration officers. They are often detained arbitrarily and returned to their country of origin, without being given access to legal advice.

87. Indigenous migrant women face additional risks connected with human trafficking in the border area. Many such women, from both Mexico and Central America, find employment in Mexico as domestic workers. There have been reports of violations of the human rights and labour rights of indigenous domestic workers resulting from poor working conditions, the lack of benefits, and sexual abuse.

88. Indigenous day labourers, most of whom come from southern states to work on farms in the north, face serious violations of their labour rights and human rights. They suffer serious problems such as exposure to agrochemicals, a lack of social security and health services and, in the case of women, sexual violence at the hands of their employers. Concerns have also been raised about the discrimination and poor standards of care in health centres faced by pregnant women and children who have contracted diseases or suffered accidents on farms.

Indigenous victims and forced displacement

89. Indigenous victims of natural disasters face specific challenges. Some 16,000 indigenous families were reportedly affected by the weather events that struck Guerrero in 2013. The indigenous peoples concerned put forward a comprehensive proposal whereby culturally appropriate food would be distributed under their supervision, subject to the provision of sufficient resources. However, the state and federal authorities ignored this proposal and continue to promote welfare-based programmes that are not culturally appropriate.

90. The earthquakes of September 2017 also had an impact on indigenous peoples. Those who were affected in Mexico City emphasized the need for more differentiated assistance. The loss of homes, schools and livelihoods had a dramatic impact on indigenous communities in the Isthmus of Tehuantepec. The alleged corruption in the management of economic resources intended for victims is also a source of concern.

91. As mentioned previously, indigenous families and communities have been forcibly displaced to urban areas or other communities by organized crime, local territorial and political conflicts or megaprojects. Displacement often lasts for a prolonged period of time and not enough is done to ensure the return of displaced persons, since there is no comprehensive, coordinated policy on the issue.

92. In Chiapas, there are worrying cases of displacement caused by intercommunity conflicts over political power and territorial boundaries, involving paramilitary groups that are linked to the counter-insurgency policy against the Ejército Zapatista de Liberación Nacional. A particularly serious case is that of the border conflict between the municipalities of Chenalhó and Chalchihuitán, which has lasted for over 40 years; it was originally caused by the agrarian authorities' failure to recognize the traditional boundaries of each community and was then aggravated by the presence of armed groups linked to the government of one of the municipalities. In November 2017, these municipalities faced a serious humanitarian crisis caused by the displacement of over 5,000 indigenous persons, most of whom were women (including pregnant women), children and older persons. There is still a risk of violence, despite the ruling handed down by an agrarian court in December 2017. Some communities have been pressured by the authorities to return to their lands even though measures have not been taken to ensure their safety by disbanding and punishing paramilitary groups in this area.

V. Conclusions and recommendations

93. The current situation of indigenous peoples in Mexico shows that there is a significant gap between the legal, political and institutional reality and the country's international commitments. This gap continues to widen, especially as a result of the development model that was launched as part of the energy reform and has a major impact on indigenous territories. Sustainable development requires a human rights-based approach.

94. Effective and coordinated measures must be taken by institutions throughout the federal, state and municipal system in order to address the serious problems described above, including changes to the legal, political and institutional framework to ensure the realization of the rights of indigenous peoples in key areas such as lands, territories and natural resources; their own development priorities; self-determination; political participation; and access to justice. Urgent measures should also be taken to resolve the problems of violence and insecurity, as well as poverty, marginalization and structural discrimination.

95. The Special Rapporteur considers that the groundwork should be laid for a sustained and inclusive dialogue with indigenous peoples that builds the trust that is needed in order to deal with the issues mentioned in this report and to establish a new relationship between indigenous peoples and the State, based on equality, respect and non-discrimination.

Legal, political and institutional framework

96. The constitutional debate on fundamental rights, including the recognition of indigenous peoples as subjects of public law, should be reopened. This involves the amendment or revision of federal and state legislation on indigenous matters. An initial step towards resolving the problems mentioned in this report is to acknowledge the country's historical debt in this area and to align legislation and policies on, inter alia, agrarian and territorial issues, energy sector development, mining, water, production and food security, governance and the administration of justice, with the country's international obligations in respect of the rights of indigenous peoples. These amendments or reforms should be carried out in consultation and collaboration with indigenous peoples, in accordance with international standards.

97. Government institutions, especially the National Commission for the Development of Indigenous Peoples, should have the capacity and resources necessary to meet the needs of indigenous peoples in the field of human rights and access to justice. The programmes and policies of these institutions should no longer reflect a welfare-based approach but rather a human rights-based approach that promotes the empowerment and self-determination of indigenous peoples and takes into account their own proposals and priorities, ensuring the full participation of indigenous peoples in the preparation and development of such programmes and policies.

98. The courts, including the Supreme Court, should speed up existing procedures to ensure that rulings in favour of indigenous peoples are implemented. Greater attention should be paid to cases which illustrate that national law may be incompatible with international standards on the rights of indigenous peoples.

Lands, territories and natural resources

99. A comprehensive reform of the agrarian legal regime is recommended, in order to bring it into line with current international standards on the rights of indigenous peoples. The lack of respect for the right of indigenous peoples to their lands, territories and resources has a negative impact on the enjoyment of their other rights. A reform of this kind would entail the provision of training for local agrarian authorities and the staff of agrarian institutions and courts.

100. Special attention should be given to indigenous peoples' requests for recognition and protection of their lands and territories, the resolution of land

disputes, and justice and full reparation for violations of their territorial rights. Interdisciplinary working groups made up of indigenous, civil society and government representatives could be set up to propose suitable mechanisms for the resolution of these cases.¹⁷ These measures should be developed in full cooperation with the relevant indigenous peoples and in conformity with international law on indigenous peoples, including the case law of the inter-American system.

101. The Special Rapporteur reiterates her predecessor's recommendations on the need to respect the rights of indigenous peoples as regards protected areas in their territories, including their rights to prior consultation and participation in the management, administration and control of those areas. She also reiterates that indigenous peoples' rights include access to natural resources for the purpose of subsistence and protection of their cultural and natural heritage.¹⁸

Development priorities, megaprojects, consultation and consent

102. It is recommended that indigenous peoples and government authorities should engage in discussions on development, on equal terms, with a view to adopting joint decisions on development in indigenous territories. Development proposals made by indigenous peoples should take priority in the territories of those peoples. In this context, the specific needs and circumstances of native and indigenous peoples living in urban centres should be taken into account.

103. The proposals, priorities and concerns of indigenous peoples regarding development in or around their territories should be taken into account in development policies, laws and plans in the energy, agrarian, agro-industrial and tourism sectors and other areas, before concessions, licences, permits and other forms of authorization that may affect their rights and cause conflicts are granted.

104. Measures should be taken to ensure that indigenous peoples have access to studies on the potential human rights impact of proposed projects that would affect their territories; those studies should be conducted by independent entities in accordance with international standards and taking into account the indigenous peoples' knowledge of their environment.

105. In addition, steps should be taken to strengthen the government institutions that are responsible for monitoring the activity of companies and investigating and imposing penalties for any environmental and health damage suffered by indigenous peoples.

106. Any consultations on activities or measures that may affect indigenous peoples should be held in advance and should include the provision of appropriate information on the social, environmental and cultural impacts of the project and any mitigation measures, compensation and benefits. No project should proceed unless those steps have been taken and the free, prior and informed consent of the indigenous peoples concerned has been obtained. Indigenous peoples whose rights have been violated by projects of this kind should have access to justice and full reparation.

107. The State has a duty to protect the rights of indigenous peoples and, in that context, to ensure that companies exercise due diligence and assume their responsibilities if any harm is caused. Before signing contracts relating to investment projects, the State should carry out studies on the presence of indigenous peoples in or around the sites proposed for those projects and on the rights to lands, natural resources and prior consultation that indigenous peoples may have according to international standards.

¹⁷ See E/CN.4/2004/80/Add.2, para. 74.

¹⁸ See *ibid.*, paras. 74–80.

108. The private sector should exercise due diligence and assess the actual and potential human rights impacts of its activities, in accordance with the applicable international standards, before undertaking those activities.¹⁹

109. As regards the various initiatives to draft legislation on prior consultation, it should be emphasized that the lack of specific legislation does not exempt the State from its duty to consult indigenous peoples in accordance with its international obligations. The Special Rapporteur encourages indigenous peoples, the State and other actors to consider other options in their debates, including community-based consultation processes and protocols on relations with the State, drawn up by indigenous peoples. Whatever mechanism is used by the State in order to fulfil its duty of consultation should itself be the fruit of dialogue and consultations carried out in accordance with international standards.

Self-determination and political participation

110. Systems of indigenous self-government and autonomy, such as indigenous legal systems, should be promoted and strengthened, including through the provision of financing for these autonomous functions, pursuant to article 4 of the United Nations Declaration on the Rights of Indigenous Peoples.

111. Channels to facilitate dialogue, coordination and collaboration between the Government and indigenous autonomous institutions, such as community police forces, indigenous courts, good governance boards and autonomous municipalities, should be established in all areas of mutual interest.

112. Steps should be taken to improve and expand initiatives that promote indigenous political participation in electoral processes, such as indigenous electoral districts, independent candidacies and access to electoral justice.

113. The necessary legal and administrative measures should be taken to enable indigenous peoples to exercise their right to elect their own authorities in municipal elections in accordance with their customs and practices.

Violence, impunity and access to justice

114. Collective and culturally appropriate measures of protection should be developed, in order to defend the rights of indigenous peoples and persons who are in situations of risk. These measures should be devised in collaboration with the indigenous persons concerned and should involve coordination with the relevant institutions to address the underlying risk factors.

115. It is also necessary to develop concerted measures of protection against organized crime and armed groups in indigenous regions, including measures implemented in coordination with indigenous institutions such as indigenous community police forces and other similar entities. Any military presence in indigenous territories should be the subject of consultations with the indigenous peoples concerned, in accordance with international standards,²⁰ and the necessary measures should be taken to ensure that that presence does not result in human rights violations.

116. Indigenous justice systems, including indigenous courts, community police forces and other means of prevention, protection and conflict resolution,²¹ should receive greater recognition and support in the form of appropriate resources. Mechanisms should be developed to ensure harmonization and coordination between indigenous and ordinary courts at the national level.

117. The extremely high rate of impunity in Mexico is a source of concern. Government programmes designed to ensure access to justice for indigenous persons

¹⁹ See Guiding Principles on Business and Human Rights, HR/PUB/11/04.

²⁰ See the United Nations Declaration on the Rights of Indigenous Peoples, art. 30.

²¹ See E/CN.4/2004/80/Add.2, paras. 74–80.

within the justice system should be strengthened and allocated sufficient resources. Furthermore, greater attention should be paid to ensuring access to justice in cases involving the protection of lands, territories and natural resources in the context of megaprojects, land disputes, contamination and health risks.

118. Education programmes in indigenous languages on the rights of indigenous peoples should be run in indigenous communities.

119. Steps should be taken to ensure that the criminal justice system is not used to bring accusations against indigenous peoples who are legitimately defending their rights, or the organizations that assist them.

120. It is necessary to speed up the investigation and punishment under criminal law of persons responsible for threatening, attacking or killing indigenous human rights defenders, including police and military officers charged with offences against indigenous civilians, whose cases should be dealt with by the civil courts, in order to strengthen guarantees of non-repetition. Paramilitary groups that commit human rights violations in indigenous regions should be disbanded, disarmed and punished.²²

121. Investigation, justice and reparation procedures in the Acteal case, and other similar cases, should be expedited. The Ayotzinapa case should be investigated rapidly and in accordance with the recommendations of the Interdisciplinary Group of Independent Experts and the follow-up mechanism established by IACHR, and the recommendations of the international system.

122. Security and protection measures and measures to ensure justice and reparation for human rights violations should be designed with due regard for gender-related factors and the situation of children, young persons and other vulnerable sectors of the indigenous population.

Economic, social and cultural rights

123. It is important to step up efforts to obtain disaggregated data on the indigenous population in order to improve the provision of health, education and other services, taking into account gender, age and other relevant factors and based on the criterion of self-identification. To that end, the relevant institutions should work together with indigenous representatives to develop appropriate indicators.

124. Programmes and policies on the provision of bilingual intercultural education and social services in indigenous territories and areas with an indigenous presence should be designed and implemented in consultation, coordination and collaboration with indigenous peoples and should incorporate their proposals. This includes programmes that promote intercultural health and respect for traditional midwives, which could be expanded.

125. There should be an increase in the financial resources provided to enable indigenous peoples to develop and implement their own development and welfare models, in the context of food sovereignty, the protection of biodiversity, community water management, cultural heritage and other relevant issues.

126. Specific measures should be taken to address the discrimination faced by indigenous women when they seek access to land and access to justice, including sexual or obstetric violence and femicide. The centres managed by indigenous women could be expanded and provided with the necessary operating resources.

127. Awareness-raising on the rights of women, discrimination and violence against women and other relevant issues should be carried out in indigenous communities, in consultation and coordination with organizations of indigenous women and the communities concerned.

128. As regards indigenous persons in urban centres, migrants and day labourers, the problems described above require a comprehensive and appropriate response. As

²² See *ibid.*, paras. 89, 90 and 98.

previously recommended, a protection scheme should be devised for these sectors of the population, with a particular focus on women, children and indigenous migrants from Central America.²³ The employment situation of indigenous day labourers and domestic workers should be addressed in a culturally appropriate manner and in accordance with international labour and human rights standards.

129. Culturally appropriate measures should be taken to assist indigenous peoples who have been affected by natural disasters, with due respect for their rights and without restrictions or discrimination. The solutions that they propose to health, housing and food problems caused by natural disasters should be supported.

130. The situation of indigenous displaced persons requires urgent attention, in the form of comprehensive and coordinated measures. Steps should be taken to realize the right of indigenous displaced persons to an adequate standard of living, through the provision of culturally appropriate basic services, in accordance with the applicable international standards, including the Guiding Principles on Internal Displacement. The State should establish the conditions and provide the means that allow indigenous displaced persons to return voluntarily, in safety and with dignity, to their homes.

131. The authorities should address the factors that cause these displacements, such as territorial and political conflicts and the presence of organized crime and armed groups, by means of investigations, sanctions, reparation and the administration of justice. In serious cases, such as the conflict between the municipalities of Chenalhó and Chalchihuitán, the state, federal and agrarian authorities should ensure that the measures taken do not aggravate the tensions between indigenous communities.

Recommendations to indigenous peoples

132. The Special Rapporteur would like to encourage indigenous peoples to continue developing and strengthening their own legal, political and self-determination initiatives, taking into account international human rights standards, and thereby contribute to national debates on reforms in the fields of security, the administration of justice, development and governance.

Recommendations to the United Nations system

133. The United Nations specialized agencies in Mexico should pay greater attention to the human rights situation of indigenous peoples in their areas of competence. The Special Rapporteur encourages the Office of the United Nations High Commissioner for Human Rights to follow up on the present recommendations, in collaboration with indigenous peoples and the Government, taking into account the proposals of indigenous peoples in that regard.

²³ See *ibid.*, para. 100.

Annex

Alegaciones recibidas

Alegaciones presentadas a la Relatora Especial sobre los derechos de los pueblos indígenas en su visita a México 2017

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
1	Tsotsiles de la comunidad Miguel Utrilla Los Chorros, Barrio Río Jordán, Chenalho, pertenecientes a la Organización Civil Las Abejas de Acteal fueron privadas de forma discriminante del suministro de agua potable y energía eléctrica.	2015-2018	Libre determinación y autonomía No discriminación Integridad, libertad y seguridad Agua y saneamiento	Chiapas
2	Ataques violentos contra la comunidad Ch'ol de Viejo Velasco, municipio de Ocosingo, que tuvo como resultado cuatro personas indígenas ejecutadas, cuatro desaparecidas, una privación arbitraria de la libertad quien posteriormente falleció por estrés postraumático, y el desplazamiento de 20 hombres, 8 mujeres, 5 niños y 3 niñas.	2006-2018	Derecho a la vida, integridad personal, libertad y seguridad Derecho a no ser desplazado Acceso a la justicia y reparación	Chiapas
3	Comunidad ch'ol del ejido de Tila sufrió varios intentos de despojo de sus tierras. Obtuvieron sentencia favorable que no ha sido respetada y sufren continuos hostigamientos debido al ejercicio de su derecho a la autodeterminación. La SCJN tiene pendiente emitir sentencia en incidente de inejecución.	1966-2018	Libre determinación y autonomía No discriminación Tierra y territorio Acceso a la justicia Integridad	Chiapas
4	Despojo de tierras y manantiales para la construcción de dos presas hidroeléctricas en territorios de las comunidades Zoque en el Ejido Chicoasén, sin consulta y consentimiento libre, previo e informado. Se presentaron recursos judiciales en materia agraria.	1970-2018	Tierra, territorio y recursos naturales. Consulta y consentimiento Acceso a la justicia Agua y saneamiento	Chiapas
5	Problemas de salud, contaminación, deslaves, disminución de agua, desaparición de bosque y pérdida de cosechas por explotación minera a cielo abierto en el ejido Grecia, e indirectamente al resto de las comunidades en Chicomuselo. No existió una consulta libre, previa e informada. Un activista y opositor de la explotación minera, fue asesinado en 2009, sin que se esclareciese dicho asesinato.	2003-2018	Consulta y Consentimiento Medio ambiente sano Salud Vida Seguridad social Acceso a la justicia Territorio y recursos naturales	Chiapas
6	Agresiones contra personas tseltales de Jotolá, Municipio de Chilón por la defensa de su territorio. Cuatro personas fueron detenidas incl. dos mujeres agredidas sexualmente, además del desplazamiento forzado de 18 personas de la comunidad.	2010-2018	Derecho a la vida Derecho a no ser desplazado Derecho de las mujeres a una vida libre de violencia Derecho a la Seguridad e Integridad personal No discriminación Territorio	Chiapas
7	Grupos armados masacraron a 45 indígenas (más cuatro que estaban por nacer) en el campamento de	1997-2018	Derecho a la vida Derecho a la integridad y	Chiapas

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	desplazados “Los Naranjos”, quienes se encontraban en una jornada de oración y ayuno por la paz del municipio en Acteal. Este hecho también es conocido como “la masacre de Acteal” y hasta la fecha no se ha sancionado a sus perpetradores.		seguridad personal Derecho a la prevención y protección contra el desplazamiento forzado; Libre circulación, Transito y Residencia Derecho a las garantías judiciales Derecho a la protección judicial Derecho de las mujeres Derechos de las niñas y los niños Derecho a la inviolabilidad de domicilio Derechos de los pueblos a la paz Derecho la verdad.	
8	Mujeres indígenas y campesinas de Chiapas han sido excluidas de la titularidad de derechos agrarios, la cual se da preferentemente a hombres. Además, no se les permite acceder a la tierra y recursos naturales en el territorio, no se les permite participar en espacios comunitarios de decisión y se les agrede o expulsa del territorio. La reforma agraria mexicana de 1992 ha agravado este problema.	1992-2018	Igualdad Acceso a la tierra, y el territorio. Decisión Salud Alimentación Vivienda Medio ambiente sano	Chiapas
9	Los tres niveles de gobierno han llevado a cabo proyectos en la Selva Lacandona sin el consentimiento libre, previo e informado de la Comunidad Lacandona, conformada por tzotziles, tzeltales, choles y lacandones. En 2016 la Presidencia de la República creó una reserva en tierras comunitarias, restringiendo las actividades económicas de los comuneros. Tampoco existió consulta ni consentimiento.	1970-2018	Libre determinación Reconocimiento de la personalidad jurídica Tierra, territorio y recursos naturales Acceso a la justicia No discriminación Libertad y seguridad personal	Chiapas
10	Violencia de los Servicios de Salud en la Atención a la Salud Reproductiva de las Mujeres Indígenas en Chiapas. Muerte de una mujer indígena por falta de insumos y servicios adecuados de salud.		Salud	Chiapas
11	Falta de atención de las necesidades sociales y comunitarias de comunidades Tseltales, tsotsiles y Ch'oles de Chilón, Sitalá, Salto de Agua, Tumbalá, Oxchuc, Palenque, Huixtan, Tenejapa, Altamirano, Ocosingo, Yajalón y San Cristóbal que dieron lugar a la conformación del Movimiento en Defensa de la Vida y el Territorio (MODEVITE).	2011-2018	Libre determinación y autonomía Tierra, territorio y recursos naturales Salud Integridad y seguridad	Chiapas
12	Falta de reconocimiento y represión contra las comunidades indígenas de Oxchuc ante intentos de ejercer su libre determinación, gobierno comunitario y elecciones.	2015-2018	Libre determinación y autonomía	Chiapas
13	Afectación de territorio de comunidades Zoques por proyecto de extracción de hidrocarburos sin	2016-2018	Tierra, territorio y recursos naturales	Chiapas

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	consulta y consentimiento libre previo e informado.		Consulta y consentimiento Libre determinación y autonomía	
14	Falta de reconocimiento de territorio de comunidades indígenas de San Francisco, Teopisca. Amenazas y agresiones ante intentos de ejercer su autonomía y libre determinación.	1995-2018	Territorio	Chiapas
15	Falta de reconocimiento adecuado de territorio entre las comunidades indígenas de Chalchihuitán y Chenaló, desplazamiento de personas indígenas de Chalchihuitán por agresiones de grupos armados y falta de asistencia humanitaria y garantías de seguridad, así como una reparación inadecuada.	1975-2018	Tierra, territorio y recursos naturales Integridad, libertad y seguridad No ser desplazados Salud	Chiapas
16	Ejecuciones extrajudiciales, desapariciones forzadas y desplazamiento forzado en comunidades Choles de la Zona Norte de Chiapas, municipios de Yajalón, Tumbalá, Tila, Sabanilla, Salto de Agua y Palenque, sin reparación integral.	1995-2018	Vida, integridad, libertad y seguridad No ser desplazados Acceso a la justicia	Chiapas
17	Continuas agresiones contra tseltales de la comunidad de Banavil, Tenejapa, que han resultado en ejecuciones, desapariciones, despojo y el desplazamiento forzado de familias, sin que hasta el momento se garantice la seguridad, justicia y reparación.	2011-2018	Vida, libertad y seguridad Acceso a la justicia No ser desplazados	Chiapas
18	Derivado de un episodio de violencia generada por un conflicto político, un adulto y una menor fueron asesinados y se desplazó comunidad indígena tsotsil del Ejido Puebla en Chenalhó hacia San Cristobal de las Casas. Los desplazados no cuentan con condiciones necesarias de subsistencia. Las denuncias presentadas no han sido respondidas adecuadamente.	2017-2018	Vida, integridad, libertad y seguridad personal No ser desplazados Acceso a la justicia	Chiapas
19	Indígenas tsotsiles de la comunidad Shulvó en Zinacantán, fueron desplazados violentamente por otros comuneros de Shulvó. Presentaron denuncias y quejas ante autoridades correspondientes, pero ninguna ha respondido adecuadamente.	2015-2018	No ser desplazados Integridad y seguridad personal Acceso a la justicia	Chiapas
20	Persona indígena tsotsil, fue acusado por el homicidio de su hijo. Durante el juicio, debido a que no hablaba español, no pudo dar su versión. En 2008 fue trasladado a Chiapas, al denunciar el aislamiento y otros maltratos sufridos fue transferido a una prisión de máxima seguridad donde su familia no puede visitarlo. Existe una resolución judicial aún no implementada contra el traslado.	1999-2018	Libertad e integridad personal Discriminación Acceso a la justicia Recurso efectivo	Chiapas
21	Asesinato de un defensor tsotsil, ocurrido en Cruztón, perpetrado por paramilitares que actúan ante la inacción de las autoridades. Durante las investigaciones fue detenido un presunto homicida pero fue puesto en libertad por órdenes del	2017-2018	Vida Acceso a la justicia	Chiapas

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	Gobernador.			
22	Se inició una investigación por robo con violencia contra un dirigente tsotsil. Aunque en 2014 fue cerrado el caso, este fue cambiado de fiscalía y se ordenó la aprehensión del líder sin justificación, quien se encuentra ahora detenido.	2017-2018	Acceso a la justicia Detención arbitraria	Chiapas
23	La población tsotsil, tseltal y mestiza en Simojovel ha sufrido de la violencia provocada por el crimen organizado. Los defensores miembros del Consejo Parroquial y un padre católico tsotsil han sufrido hostigamiento, amenazas de muerte por sus denuncias contra crimen organizado, autoridades y empresarios.	2013-2018	Vida, integridad y seguridad personal Acceso a la justicia Libertad de expresión	Chiapas
24	Mujer tzeltal de Huixtán con discapacidad, tuvo dos embarazos producto de violación sexual por su padre. Mujer tzeltal de 70 años intentó acceder al aborto terapéutico para su hija, mismo que le fue negado en ambas ocasiones; además de denunciar violación. La comunidad ha expulsado a estas mujeres. Las autoridades dicen no poder involucrarse para proteger los derechos de las mujeres indígenas. Estos escenarios de violencia física, sexual, económica y discriminación son comunes en zonas rurales.	2002-2018	Vida, integridad, libertad y seguridad personal Propiedad Educación Salud Acceso a la justicia Reparación Personas con discapacidad indígenas Ancianos indígenas Niños indígenas No discriminación por discapacidad y género Derecho de las mujeres a una vida libre de violencia	Chiapas
25	Las mujeres indígenas parteras, cuya labor sigue siendo de vital importancia en las áreas rurales, han vivido una continua restricción de su labor para reconocer únicamente a médicos con estudios universitarios; provocando una atención culturalmente inadecuada y dificultando el acceso a atención durante el embarazo y parto en zonas rurales.	2014-2018	Vida e integridad personal Salud Trabajo Cultura y patrimonio cultural	Chiapas
26	Mujeres indígenas de Chiapas sufren exclusión política, social y cultural que se traduce en desigualdades de clase, etnia y género, por la implantación del modelo neoliberal y patriarcal, a través de programas como PROSPERA y PROCEDE. También sufren altos niveles de violencia e impunidad pero sólo se ha otorgado la alerta de violencia de género en pocos municipios.		Tierra y territorio	Chiapas
27	Falta de reconocimiento legal de las tierras y territorio de la comunidad Odami de Mala Noche, municipio de Guadalupe y Calvo, a pesar de las solicitudes ante autoridades.	1982-2018	Libre determinación y autonomía Tierra, territorio y recursos naturales Acceso a la Justicia	Chihuahua
28	Falta de reconocimiento legal de las tierras y territorio de la comunidad Rarámuri de Mogótavo, Municipio de Urique. Intento de desalojo por	1980-2018	Tierra, territorio y recursos naturales Libre determinación y	Chihuahua

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	proyecto Turístico Barrancas del Cobre sin consulta y consentimiento libre, previo e informado. Pendiente de resolución judicial definitiva.		autonomía Consulta y consentimiento Personalidad jurídica Acceso a la justicia.	
29	Implementación de proyecto turístico Barrancas del cobre sin consulta y consentimiento libre, previo e informado de comunidades Rarámuri de Bacajápare y Huitosachi, el proyecto también afecta a otras ocho comunidades de municipios serranos.	1994-2018	Libre determinación y autonomía Personalidad jurídica Territorio Consulta y consentimiento Acceso a la justicia	Chihuahua
30	Falta de acceso al agua potable para la Comunidad Rarámuri de Mogótavo, Urique. Desde 2012 se planteó el problema a las autoridades estatales y federales. Se autorizó e inició la construcción de infraestructura en enero de 2014 y se suspendió en septiembre de 2015 por oposición particular. Se encuentra en litigio.	2012-2018	Agua y saneamiento Acceso a la justicia	Chihuahua
31	Falta de reconocimiento legal y despojo del territorio de la comunidad Rarámuri de Bosque de San Elías, Repechique, sin consulta y consentimiento libre, previo e informado. Resolución judicial pendiente.	1940-2018	Libre determinación Consulta y consentimiento Tierra, territorio y recursos naturales Acceso a la justicia	Chihuahua
32	Falta de reconocimiento del territorio ancestral, además del otorgamiento de permisos para explotación de recursos naturales en la comunidad Rarámuri Choréachi en Guadalupe y Calvo sin consulta y consentimiento libre, previo e informado. Personas defensoras de su territorio ancestral y sus recursos naturales, especialmente forestales, han sufrido acoso, hostigamiento, persecución, desplazamiento y asesinatos de autoridades y líderes comunitarios y de sus respectivos núcleos familiares.	2007-2018	Libre determinación y autonomía, Territorio, Acceso preferente a los bienes naturales y derecho a la Consulta. Protección judicial (recurso idóneo, rápido, accesible y efectivo); Debido proceso. Derecho a la vida, seguridad, integridad, libertad, propiedad. Derecho a vivir en comunidad y de acuerdo a la propia cultura. Derecho a no ser desplazado Derecho a defender los derechos humanos	Chihuahua
33	Falta de reconocimiento del territorio ancestral de la comunidad Rarámuri de Coloradas de la Virgen, en Guadalupe y Calvo. Se autorizó el aprovechamiento de sus bosques por parte de particulares sin consulta ni consentimiento libre, previo e informado. Líderes comunitarios han sido perseguidos, desplazados y asesinados por defender sus tierras y recursos naturales. Se encuentra pendiente de resolución judicial definitiva.	1990-2018	Libre determinación Derecho a no ser desplazado Tierra, territorio y recursos naturales Acceso a la justicia Protección judicial Vida, libertad y seguridad Derecho a vivir en comunidad y de acuerdo a la propia cultura. Derecho a defender los derechos humanos	Chihuahua

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
34	Falta de reconocimiento e intentos de despojo de tierras de las comunidades odamí Cordón de la Cruz, Mesa Colorada y el Tepozán, en Guadalupe y Calvo. Hostigamiento y agresiones de personas armadas en dichas tierras, además de desplazar, privar de la libertad y ejercer violencia física y sexual contra miembros de las tres comunidades. Se presentó una denuncia y un recurso judicial.	2016-2018	Derecho a la tierra y a la posesión ancestral. Protección judicial, Debido proceso. No discriminación Seguridad personal derecho de las mujeres y niñas a una vida libre de violencia Integridad, seguridad y libertad. Derecho a vivir en comunidad y de acuerdo a la propia cultura. Derecho a no ser desplazado	Chihuahua
35	Reclutamiento forzoso de jóvenes de la Comunidad El Manzano, en el ejido Rocoroyvo de Urique, por parte de crimen organizado. Homicidios, quema de casas y vehículos, lesiones, despojo y desplazamientos masivos forzosos. Las denuncias presentadas no han sido atendidas y las personas desplazadas reciben ayudas asistenciales.	2014-2018	Acceso a la justicia Protección judicial Vida, libertad y seguridad, Tierra y territorio Propiedad Derecho a vivir en comunidad y de acuerdo a la propia cultura trabajo forzado	Chihuahua
36	Comunidad Rarámuri de Tehuerichi, municipio de Carichi, ha enfrentado múltiples dificultades para un adecuado registro civil que les permita el acceso a otros derechos.		Identidad y personalidad jurídica Certeza y seguridad jurídica Tierra y Territorio No discriminación	Chihuahua
37	Falta de reconocimiento y protección de la tierra y territorio de la Comunidad Rarámuri Arroyo del Pajarito, Municipio de Guachochi, que ha generado saqueo del bosque y despojos sin consulta y consentimiento libre, previo e informado así como amenazas. Se solicitó regularización pero hasta la fecha no se ha concedido.		Tierra y territorio Consulta y Consentimiento	Chihuahua
38	Falta de reconocimiento y protección de las tierras y territorio de la comunidad Rarámuri de Baqueachi, municipio de Carichi, contra abusos, vejaciones y agravios de ganaderos particulares. Faltan algunas sentencias por ejecutar.	1928-2018	Tierra y Territorio Acceso a la justicia	Chihuahua
39	Falta de reconocimiento y protección de las tierras y territorios de la Comunidad Rarámuri de Barrancas de Sinforosa, Municipio de Guachochi, contra despojos, amenazas y desplazamiento.	1997-2018	Tierra y Territorio Integridad, libertad y seguridad	Chihuahua
40	Falta de reconocimiento del territorio completo y despojo de tierras de la comunidad Tarahumara de Huahuacherare, Carichi, a pesar de resoluciones judiciales.		Tierra y territorio Acceso a la justicia	Chihuahua
41	Falta de reconocimiento y protección del territorio de comunidades ódami (tepehuan) de Mesa Colorada, el Tepozán y Cordón de la Cruz, municipio de Guadalupe y Calvo, contra despojos y agresiones.	2013-2016	Tierra, territorio y recursos naturales No discriminación Integridad, seguridad, libertad Acceso a la justicia	Chihuahua
42	Falta de protección ante homicidios, lesiones, despojo, daños a las viviendas y, finalmente, reclutamiento y desplazamiento forzado masivo por	2012-2018	Derecho a la Vida y a la integridad No ser desplazado	Chihuahua

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	parte del crimen organizado contra la comunidad El manzano, ejido Rocoroyvo, Urique. Hasta el momento no ha realizado ningún operativo.		Integridad, libertad y seguridad Acceso a la justicia	
43	Falta de reconocimiento de las tierras y territorios de comunidades rarámuris, Corarayvo, Segórachi, Apóрабо y Cieneguitas del Ejido El Mochomo, Municipio de Guazapares, contra invasiones de particulares. Pendiente de resolución judicial definitiva.	1955-2018	Tierra y Territorio Acceso a la justicia	Chihuahua
44	Construcción de Presa sobre el Río Mayo que inundará tierras de las comunidades Guarijías de Makurawe y Burapaco, Álamos, afectando a 150 indígenas directamente y a más de 350 de manera indirecta. Pendiente de resolución judicial.	2012-2018	Tierra y territorio Consulta y consentimiento Acceso a la justicia	Chihuahua
45	Proyecto de autopista en territorio de la comunidad Otomí de San Francisco Xochicuatla, municipio de Lerma, sin consulta y consentimiento libre, previo e informado. Ataques y criminalización contra personas defensoras de la comunidad y destrucción de sus bienes. Particularmente grave resultó ser la demolición de la casa de un líder comunitario y lugar de encuentro de los habitantes de Xochicuatla contrarios a la construcción de la autopista.	2006-2018	Derecho a la libre determinación Tierra, territorio y recursos naturales Consulta y Consentimiento Integridad cultural libertad de culto	Estado de México
46	Caso de la detención arbitraria de un indígena mazahua, por supuesto homicidio sin un debido proceso y defensa, que persistía hasta la fecha de la visita, pendiente de resolución judicial, sin embargo fue liberado en enero de 2018.	2010-2018	Acceso a la justicia No discriminación Debido proceso presunción de la inocencia defensa adecuada Acceso a la justicia y reparación	Estado de México
47	El Pueblo Indígena Otomí de San Francisco Magú, conformado por trece comunidades, no ha sido reconocido como tal en la “Ley de Derechos y Cultura Indígena del Estado de México” ni en el “Catálogo de Localidades Indígenas de la Comisión Nacional para el Desarrollo de los pueblos Indígenas”, lo que impide el acceso y ejercicio de sus derechos como pueblo indígena.	2002-2018	Libre Determinación Autonomía Reconocimiento de personalidad jurídica Preservar sus propias instituciones No ser sometidos a asimilación forzada ni a la destrucción de su cultura Participar en la adopción de decisiones que afectan sus derechos Determinar libremente sus prioridades de desarrollo Tierra y territorio Recibir asistencia técnica y financiera para el disfrute de sus derechos	Estado de México
48	El megaproyecto del nuevo aeropuerto internacional de la Ciudad de México ha provocado intentos de despojo por parte de los tres niveles de gobierno en contra de las comunidades Ixtapan, Nexquipayac, San Salvador Atenco, Colonia	2000-2018	Libre determinación, autonomía y reconocimiento de la personalidad jurídica Territorio Acceso a la Justicia	Estado de México

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	Francisco I. Madero y Tocuila en Chimalhuacán, Atenco y Texcoco. Esto también ha traído episodios de violencia física, agresiones sexuales, criminalización y detenciones arbitrarias. El caso de 11 mujeres torturadas sexualmente por policías en 2006 está ahora en espera de sentencia de la Corte Interamericana de los Derechos Humanos.		Discriminación Libertad, integridad y seguridad personales Derecho de las mujeres a una vida libre de violencia	
49	Discriminación, criminalización y agresiones contra mujeres hñañú originarias de Santiago Mezquititlán, que se desplazaron por su situación de pobreza a León Guanajuato, donde elaboran y venden diversos productos.	2010-2018	No discriminación Integridad personal, libertad y seguridad Trabajo	Guanajuato Queretaro
50	Concesiones mineras y declaratoria de libertad de terrenos en territorio Júba Wajiiin de comunidades indígenas Naua, Me'phaa y Na Savi, de San Miguel del Progreso, sin consulta y consentimiento libre, previo e informado.	2011-2018	Tierra y Territorio Libre determinación y autonomía Reconocimiento de personalidad jurídica	Guerrero
51	Comunidad indígena Mixteca Ñuu Savi, el Coyul, no cuenta con la infraestructura adecuada ni con el personal y alimentos necesarios para garantizar el acceso a la educación. No se han atendido las recomendaciones de la Comisión de Derechos Humanos del Estado de Guerrero.	2012-2018	Educación Alimentación Igualdad y no discriminación	Guerrero
52	Autorización y construcción de Planta Hidroeléctrica La Parota en territorio de comunidades indígenas y rurales de Papagayo, Omitlán, Tlalchocohuite y Tejería en el municipio de Juan R. Escudero; Plan Grande, La Unión y El Chamizal en el municipio de San Marcos y La Venta Vieja, Colonia Guerrero, Los Huajes, El Guayabal, Arroyo Verde, Pochotlaxco y San José Cacahuatpec en el municipio de Acapulco, sin consulta y consentimiento libre, previo e informado. Continuas amenazas y criminalización de personas defensoras, incluyendo un miembro de la comunidad quien fue aprehendido en enero de 2018	1976-2018	Tierra y territorio Consulta y consentimiento Agua Derecho a defender	Guerrero
53	Pueblos indígenas en la Montaña Alta y parte de la Costa Chica, ante la situación de violencia y crecimiento de organizaciones criminales, se organizaron y crearon la Coordinadora Regional de Autoridades Comunitarias - Policía Comunitaria (CRAC-PC). A pesar de haber sido reconocida legalmente en el 2011 (Ley núm. 701 de Reconocimiento, Derechos y Cultura de los Pueblos y Comunidades Indígenas del Estado de Guerrero), desde 2013 sus miembros han sufrido una fuerte criminalización y en enero de 2018 hubo casos de detenciones, tortura y ejecuciones extrajudiciales perpetrados por parte de autoridades de seguridad.	1995-2018	Libre determinación Conservar y reforzar sus propias instituciones Libertad Acceso a la justicia No criminalización y hostigamiento	Guerrero
54	Desapariciones, ejecuciones y desplazamiento resultado de la violencia, que afecta en la montaña	2006-2018	El derecho a la vida la libertad	Guerrero

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	baja, principalmente a las comunidades de Chilapa, Zilitlala, Atlixnac y Ahuacotzingo; todo esto ante la inacción de las policía municipal y estatal, la gendarmería y el ejército.		integridad personal Derecho a la verdad acceso a la justicia Derecho a no ser desplazado	
55	Familias de comunidades indígenas, principalmente de Chilapa, Zitlala, Atlixnac y Ahuacotzingo en la montaña baja tienen un registro de cien personas desaparecidas, la mayoría mujeres monolingües que son revictimizadas y discriminadas por la autoridad y sociedad. Se desconoce avances en las investigaciones.	2014-2018	Vida, integridad personal, libertad y seguridad personal Reconocimiento de la personalidad jurídica No discriminación A la verdad Acceso a la justicia	Guerrero
56	Sujetos armados ingresaron a la Comunidad Quetzalcoatlán de las Palmas, asesinando a seis y ordenando que el resto abandonase inmediatamente su comunidad. La autoridad no ha dado seguimiento al caso.	2016-2018	Derecho a no ser desplazado Vida, integridad personal, libertad y seguridad personal Territorio Acceso a la justicia	Guerrero
57	Uso desproporcionado de la fuerza pública en un retén militar que derivó en la muerte de una persona indígena Naua de la comunidad de Tlatzala.	2009-2018	Vida, libertad e integridad Acceso a la justicia	Guerrero
58	Falta de acceso a la educación preescolar de los niños y niñas de la comunidad Me'phaa de Buena Vista municipio de Atlixnac, se solicitó un Centro de Educación Preescolar Indígena sin que éste se haya creado hasta ahora a pesar de la sentencia de amparo que lo ordena.	1992-2018	Educación No discriminación	Guerrero
59	Concesiones y proyectos, sobre todo mineros, que intentan apropiarse, explotar y vender los bienes naturales de comunidades Me'phaa y Ñu savi sin consulta y consentimiento libre, previo e informado.	2011-2018	Tierra, territorio y recursos naturales Consulta y consentimiento Medio ambiente sano	Guerrero
60	Detención arbitraria de un defensor indígena Tu'un Savi de la comunidad Ñuu Savi de San Felipe, municipio de Ayutla de los Libres. En diciembre de 2017 se dictó sentencia absolutoria pero se mantiene el riesgo de una nueva detención.	2013-2017	Libertad e integridad Debido proceso y Acceso a la justicia Derecho a Defender	Guerrero
61	Operación de mina que generó la contaminación del Río Balsas del cual se abastecen comunidades indígenas de Nuevo Balsas, Real del Limón, la Fundición y Atzcala, municipio de Cocula, sin consulta y consentimiento libre, previo e informado, con afectaciones a la salud y a la vida. En enero de 2018 fue asesinado un defensor por un grupo armado vinculado con la empresa.	2009-2018	Derecho a la consulta previa Derecho a la tierra y el territorio Derecho a la vida e integridad	Guerrero
62	Falta de acceso a la salud en comunidad indígena de Mini Numa a pesar de sentencia de amparo que señaló que se debía construir un centro de salud y equipar la casa de salud; el seguimiento de la sentencia no ha sido el adecuado.	2008-2018	Acceso a la Salud No discriminación Acceso a la Justicia	Guerrero
63	Dos mujeres indígenas tlapanecas/me'phaa, fueron torturadas sexualmente por efectivos militares en	2002-2018	Vida, integridad, libertad y seguridad Derecho de las	Guerrero

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
	un contexto de represión contra los movimientos sociales y las organizaciones indígenas. Se les negaron los servicios de salud y a la fecha los casos no han sido debidamente investigados, los responsables no han sido sancionados y no ha habido una reparación integral. En 2010 la CIDH emitió sentencias sobre los casos.		mujeres a una vida libre de violencia Salud No discriminación. Derecho a no ser torturada Derecho a la protección de la dignidad y la vida privada. Derecho al debido proceso y garantías judiciales. Acceso a la justicia y reparación	
64	Falta de atención integral y adecuada de las autoridades ante tormenta Manuel y huracán Ingrid que afectaron a las comunidades de la Montaña de Guerrero y generaron fallecimientos, desplazamientos, destrucción de viviendas y escasez de alimentos.	2017-2018	Vida Salud Asistencia Humanitaria con enfoque de DDHH Participación Transparencia e información Alimentación Vivienda	Guerrero
65	Desaparición forzada de 43 estudiantes, 3 ejecuciones forzadas y 2 normalistas gravemente heridos de la Escuela Normal Rural “Raúl Isidro Burgos”, Ayotzinapa, y la situación de los familiares a más de 3 años de búsqueda, sin una intervención adecuada de la autoridad ni un verdadero acceso a la justicia.	2014-2018	Vida, integridad, libertad y seguridad Acceso a la justicia	Guerrero
66	Mujer indígena Me'phaa y mujeres nahuas, víctimas de feminicidio, discriminación estructural y falta de acceso a la justicia.		Vida Integridad Acceso a la justicia	Guerrero
67	Hombre indígena me'phaa víctima de tortura sexual por parte de elementos del ejército en Barranca Tecoani, municipio de Ayutla de los Libres. Autoridades quieren retirarle medidas de protección aunque el riesgo sigue alto.	2002-2018	Integridad, libertad y seguridad Derecho de las mujeres a una vida libre de violencia	Guerrero
68	Falta de actuación ante la desaparición de una persona indígena de Tlapa de Comonfort	2017-2018	Vida, integridad, libertad y seguridad	Guerrero
69	Muertes maternas de jornaleras agrícolas y menores me'phaa de San Juan Puerto Montaña sin atención médica adecuada y acceso a la justicia.		Vida Integridad Salud Acceso a la justicia	Guerrero Michoacán Chihuahua
70	Pueblo originario de Culhuacan, Iztapalapa, solicitó la ampliación del panteón vecinal, por lo que se decretaron las expropiaciones correspondientes, sin embargo no se han dado los permisos de uso adecuados y autoridades les desalojaron con agresiones.	2005-2018	Tierra y Territorio Cultura	Ciudad de México
71	Proyectos mineros que afectarán sitios sagrados naturales más importantes del pueblo indígena Wixárika (huichol), originario de la Sierra Madre Occidental, sin consulta y consentimiento libre, previo e informado. Pendiente de resolución judicial.		Tierra y territorio Consulta y consentimiento Libre determinación Cultura	Jalisco

<i>Número</i>	<i>Caso</i>	<i>Periodo</i>	<i>Presuntas violaciones a DDHH</i>	<i>Estado</i>
72	Manejo discrecional y discriminante, por parte de autoridades municipales, en la aplicación de recursos públicos que le corresponden a la comunidad Purépecha de Santa Fe de la Laguna, municipio de Quiroga.	2015-2018	Libre determinación y autonomía Reconocimiento a la personalidad jurídica No discriminación	Michoacán
73	Las estructuras tradicionales de gobierno de la comunidad Purépecha de San Francisco de Cherán no han sido reconocidas por las autoridades a pesar de las resoluciones judiciales. Hasta el momento no ha iniciado la consulta libre, previa e informada para armonizar la legislación municipal.	2011-2018	Libre determinación y autonomía Autogobierno Consulta y consentimiento Participación política	Michoacán
74	Concesiones mineras en territorio de la comunidad indígena Nahua de San Juan Huitzontla, municipio de Chinicuil, sin consulta y consentimiento libre, previo e informado y explotación minera clandestina por grupos del crimen organizado en la región. Contaminación de sus fuentes de agua y lugares de ritos sagrados.		Tierra, territorio y recursos naturales Libre determinación y autonomía Consulta y consentimiento Reconocimiento de la personalidad jurídica Información Agua Salud Vida	Michoacán
75	Amenazas en contra de una mujer indígena por su defensa de derechos humanos frente a la termoeléctrica, del Proyecto Integral Morelos (PIM)	2017-2018	Integridad, libertad y seguridad Derecho a defender	Morelos
76	Autorización y construcción de Presa Hidroeléctrica “Las Cruces” en Cuenca del Rio San Pedro Mezquital, que inundaría sitios sagrados para varios pueblos indígenas Nayeris, Wixaritari, Tepehuanos y Mexicaneros; así como serranos de Ruiz, Rosamorada, Acaponeta y el Nayar. Sin consulta y consentimiento libre, previo e informado.	2007-2018	Libre determinación, autonomía Territorio Cultura y patrimonio cultural Medio ambiente Consentimiento libre, previo e informado.	Nayarit
77	Autorización de proyecto de energía eólica en territorio de comunidades Zapotecas de Juchitán de Zaragoza y el Espinal, Región del Istmo, sin consulta y consentimiento libre, previo e informado. Está pendiente la resolución judicial definitiva.	2014-2018	Tierra y Territorio Identidad Cultural Consulta y consentimiento Medio ambiente sano Acceso a la Justicia	Oaxaca
78	La empresa eólica llegó a tierras del Pueblo Zapoteco de Juchitán para desarrollar un proyecto, con permisos otorgados sin el consentimiento libre, previo e informado de la comunidad. Aunque se llevó a cabo una consulta posteriormente, organizaciones civiles que observaron el proceso señalaron graves irregularidades. Se encuentra pendiente de resolución judicial.	2013-2018	Consulta Consentimiento libre, previo e informado Medio ambiente Tierra, territorio y recursos naturales Acceso a la justicia.	Oaxaca
79	Mediante engaños e información insuficiente, los poseedores pertenecientes a la subcomunidad agraria Unión Hidalgo, en Juchitán, firmaron contratos con empresa. Desde su llegada, los	2012-2018	Agrarios. Económicos, sociales y culturales Tierra, territorio y recursos	Oaxaca

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	comuneros han sido víctimas de intimidaciones, impedimentos para acceder a sus tierras de cultivo y contaminación. Se prevé la instalación de otro parque eólico en las mismas circunstancias. Se encuentra pendiente de resolución judicial definitiva.		naturales Medio ambiente Consulta Consentimiento libre, previo e informado Acceso a la justicia	
80	La legislación federal ha permitido el acceso de maíces transgénicos que han contaminado al maíz nativo sembrado por comunidades indígenas y campesinas en la Sierra Juárez. Además, la “Ley de Comercialización y Certificación de Semillas” pone en ilegalidad el comercio de semillas no certificadas realizado por indígenas y campesinos.	1996-2018	Libre determinación. Recursos naturales Salud Consulta Consentimiento libre, previo e informado Desarrollo Cultura y patrimonio cultural	Oaxaca
81	Programa de Gobierno Oportunidades, hoy Prospera, se implementa sin consulta, participación y consentimiento de la comunidad Mixe de San Juan Jaltepec de Candayoc, y ha generado diversas afectaciones a la vida comunitaria, principalmente a las mujeres.	2000-2018	Consulta y Consentimiento Participación No discriminación Derechos culturales lengua, cultura y formas de organización	Oaxaca
82	Falta de servicios de salud culturalmente adecuados para la Comunidad Mixe Jaltepec de Candayoc, principalmente para las mujeres. Pendiente de resolución judicial definitiva.		Salud No discriminación Derechos culturales Violencia institucional contra las mujeres indígenas	Oaxaca
83	Personas defensoras comunitarias e indígenas que se oponen a proyectos mineros en Valles Centrales sufren amenazas y agresiones. La falta de investigación de las denuncias y la falta de detención de los perpetradores de las amenazas y ataques son uno de los grandes riesgos para las personas defensoras.	2017-2018	Integridad, libertad y seguridad Derecho a defender	Oaxaca
84	Dos personas defensoras de derechos humanos e integrantes de la Asamblea de Pueblos Indígenas del Istmo en Defensa de la Tierra y el Territorio (APIIDTT) y de la Articulación Pueblos Originarios del Istmo en Defensa del Territorio (APOYO) han recibido amenazas e intimidación por el ejercicio de la defensa del territorio.	2017-2018	Integridad, libertad y seguridad Derecho a defender	Oaxaca
85	Asesinato de un defensor de derechos humanos que se oponía a la actividad minera y a las altas tarifas eléctricas en la localidad de San Pedro Tapanatepec.	2017-2018	Derecho a la vida megaproyectos minería territorio	Oaxaca
86	Decreto de veda restringe el uso y aprovechamiento tradicional del agua a comunidades Zapotecas de Valles Centrales, Ocotlán y Zimatlán. Sentencia ordenó que se realice consulta, la cual no ha finalizado por la falta de acuerdo.	1967-2018	Agua Consulta y consentimiento	Oaxaca
87	Invasión despojo y depredación, por parte de madereros, ganaderos y narcoganaderos, en territorio comunal ancestral del pueblo Zoque	1950-2018	Tierra y territorio Resguardo y manejo de bienes naturales	Oaxaca Chiapas

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	Chimalapa (Bienes Comunales de Santa María y San Miguel Chimalapa) sin intervención adecuada de autoridades. Amenazas y agresiones contra personas defensoras.		Libre determinación y autonomía Integridad y vida Sistemas normativos internos Vida digna y autodesarrollo Medio ambiente sano	
88	Concesiones mineras, extracción de hidrocarburos, infraestructura e hidroeléctricos en territorio de comunidades totonaco, nahua, otomí y tepehua de la Sierra Norte de Puebla sin consulta y consentimiento libre, previo e informado. Hostigamientos contra personas defensoras.	2011-2018	Libre determinación Tierra, territorio y recursos naturales Acceso a la justicia No discriminación Reconocimiento de la personalidad jurídica	Puebla
89	Personas indígenas, en su mayoría nahuas, en el municipio de Huitzilán han sido mantenidas en una dinámica de opresión, exclusión y violencia por las pretensiones de control territorial de grupos político-partidistas. Se ha denunciado el asesinato de más de 150 personas indígenas sin que se haya investigado y sancionado a los perpetradores.	1985-2018	Derecho a la integridad Derecho al desarrollo Derecho a la autonomía de los pueblos Derecho a la vida Derecho a la libre expresión Derecho a la libre reunión Derecho a la seguridad personal Derecho al acceso a la justicia	Puebla
90	Se autorizó la construcción de un gaseoducto sin el consentimiento libre, previo e informado de las comunidades en Tlailotepec, Pahuatlán y Honey en la Sierra Norte de Puebla así como de Huehuetla y Tenango de Doria en la Sierra Otomí-Tepehua. Su construcción implica daños ambientales y riesgos a los pobladores no previstos por la autoridad, particularmente desplazamiento.	2016-2018	Libre determinación Consulta Consentimiento libre, previo e informado Tierra, territorio y recursos naturales Medio ambiente	Puebla Hidalgo
91	Detención arbitraria y criminalización sin debido proceso de tres indígenas Hñähñú de la comunidad de Santiago Mexquititlán, acusadas de secuestrar a seis agentes de la Agencia Federal de Investigación. Después de tres años de prisión indebida, fueron liberadas en 2009 y en febrero de 2017 se llevó a cabo un acto de reconocimiento de inocencia y disculpa pública de la PGR.	2006-2017	Acceso a la justicia No discriminación Debido proceso Garantías judiciales presunción de inocencia defensa adecuada libertad personal y reparación integral	Queretaro
92	Detención arbitraria y criminalización sin debido proceso de un indígena ñhõñhõ, de San Ildefonso Tultepec, Amealco de Bonfil, por participar en una manifestación sobre el aumento del precio de la gasolina y el desabasto de combustible. Fue absuelto en julio de 2017 y hasta octubre de 2017 se desecharon todas las órdenes de aprehensión en su contra.	2015-2017	Libertad personal integridad personal Seguridad jurídica No discriminación Acceso a la justicia	Queretaro
93	Construcción y operación de acueducto en territorio de la Tribu Yaqui sin consulta ni consentimiento libre, previo e informado. Jueces ordenaron su suspensión, pero sigue operando.	2010-2018	Tierra y Territorio Libre determinación Agua Acceso a la Justicia	Sonora
94	Solicitud para llevar a cabo ceremonias prehispánicas en la explanada de diversos sitios		Libre determinación Cultura	Varios

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	arqueológicos en el país que se encuentran bajo custodia del Instituto Nacional de Antropología e Historia (INAH).			
95	Comunidades nahuas de La Soledad y comunidades masapiini/tepehuas de El Mirador, municipio de Tlachichilco, no fueron consultadas ni dieron su consentimiento para las reformas energéticas, incluyendo la Ley de Hidrocarburos, que afectarán sus territorios y vida comunitaria. Pendientes de resoluciones judiciales definitivas en los únicos amparos de comunidades indígenas en contra de la Reforma Energética.	2013-2018	Tierra y territorio Libre determinación y autonomía Acceso a la justicia Libertad de expresión Participación Medio ambiente sano Consulta y Consentimiento Vida Vivienda	Veracruz
96	Establecimiento de base militar en territorio de comunidades Náhuatl de la Sierra Zongolica, municipio de Soledad Atzompa. Agresiones y violencia sexual contra una mujer de la comunidad sin adecuada atención de salud que derivó en su muerte y falta de acceso a la justicia y reparación hasta la fecha.	2007-2018	Vida, integridad y seguridad Derecho a una vida libre de violencia No discriminación Salud Acceso a información Acceso a la justicia y reparación	Veracruz
97	Proyectos de extracción de hidrocarburos sin consulta y consentimiento libre, previo e informado, que afectan a comunidades de Tecomaxochitl, Municipio de Chicontepec; Tohuacos, Municipio de Huautla; Tierra Playas ejido de Tecolutitla, Coyolapa ejido de Tenexco, Municipio de Atlapexco; Candelaria y Limantitla, municipio de Huejutla; ejido de Huazalingo en la comunidad de San Pedro, principalmente por la contaminación de fuentes de agua y cultivos.	1970-2018	Tierra, territorio y recursos naturales Consulta y consentimiento Agua Alimentación Medio ambiente sano	Veracruz Hidalgo
98	Construcción y operación de tres proyectos mini-hidroeléctricos en los ríos Nixtamalapa y Jalacingo que afectan a comunidades campesinas, equiparables a pueblos indígenas del Mohon, Epapa, Cruz Alta, Tatepetaco, Limonateno, Guerrero, el Arco y Ejido Hueytamalco. Caso pendiente de resolución judicial definitiva.	2010-2018	Territorio y acceso preferente a recursos naturales de uso tradicional Consulta y consentimiento Agua Medio ambiente sano	Veracruz Puebla
99	Particulares ofrecieron dinero a ejidatarios Mayas de San José Tibceh en Muna y Planchac en Sacalum para la construcción de un parque solar y una subestación eléctrica. Se está llevando a cabo un proceso de consulta a las Comunidades indígenas mayas Xui que habitan en el lugar. Sin embargo, autoridades y empresa presionan para realizar la consulta rápidamente. Hay inconformidad con respecto a cómo se está dando la consulta y preocupación por el incremento de la violencia.	2016-2018	Territorio Consulta Consentimiento libre, previo e informado Inseguridad y violencia	Yucatán

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100	Permiso y siembra de soya transgénica ha generado afectaciones a las prácticas tradicionales, medio ambiente y recursos naturales de comunidades Mayas de Hopelchen, Tenabo, Mérida, Tekax y Teabo. Así como afectaciones al agua y a la salud. Sin consulta y consentimiento libre, previo e informado. Amenazas y agresiones contra personas defensoras de las comunidades y sus asesores.	2011-2018	Tierra, territorio y recursos naturales Consulta y consentimiento Prácticas tradicionales Medio ambiente sano Agua Salud Derecho a defender Acceso a la justicia	Yucatán Campeche