

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2021/country-chapters/mexico>

### Annual reports

Events of 2020

Mexican President Andrés Manuel López Obrador, center, stands with Secretary of Defense Luis Crescencio Sandoval, left, and Secretary of the Navy, Vidal Francisco Soberón, in an open military vehicle during the Independence Day military parade in the main plaza, the Zócalo, in Mexico City.

2019 AP Photo/Marco Ugarte.

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As More Climate Chaos Looms, Slashing Fossil Fuels Is Key

Human rights violations including torture, enforced disappearances, abuses against migrants, extrajudicial killings, and attacks on independent journalists and human rights defenders have continued under President Andrés Manuel López Obrador, who took office in December 2018. Impunity remains the norm. Reforms enacted in 2017 and 2018 have been slow and until now ineffective in addressing torture and impunity.

President López Obrador has greatly expanded the scope of the armed forces activities, deploying them for law enforcement and customs enforcement, and to control irregular immigration, run social programs, and build and operate megaprojects.

The head of the National Search Commission (CNDH) has increased transparency about the number of disappeared persons, but prosecutors continue to make little effort to investigate forced disappearances or identify those responsible.

In November 2019, the Senate named Rosario Piedra Ibarra as the new head of the National Human Rights Commission (CNDH). Many human rights defenders called her appointment unconstitutional, saying that Piedra Ibarra, a former senior member of the president's party, is too close to the administration to be autonomous and apolitical.

In September 2020, President López Obrador asked Congress to approve holding a referendum on whether every president since 1988 five in total should be put on trial for crimes including electoral fraud, corruption, and loss of lives to neoliberalism.

The government has failed to provide adequate support or protection for the estimated 66,000 people seeking asylum in the US who have been placed in the Remain in Mexico program, including people at high risk of marginalization, like those with disabilities and chronic health conditions, older persons, and children. Many have taken refuge in makeshift camps or crowded shelters along the Mexican-US border.

The criminal justice system routinely fails to provide justice to victims of violent crimes and human rights violations. Only 1.3 percent of crimes committed in Mexico are solved, the nongovernmental group Impunity Zero reports. Causes of failure include corruption, inadequate training and resources, and complicity of prosecutors and public defenders with criminals and other abusive officials. A 2018 reform intended to give prosecutors increased independence has not been properly implemented, local human rights and rule-of-law groups report.

In January, the attorney general proposed extremely regressive justice system reforms that would have made it easier for prosecutors to use evidence obtained through torture, eliminated judicial review of pre-trial detention, and expanded the use of *arraigo* detention, which allows prosecutors to seek judicial authorization to detain a person for up to 40 days without charge while they continue their investigation.

Mexico has relied heavily on the military for drug control and to fight organized crime, leading to widespread human rights violations. From 2014 through 2019, the CNDH received nearly 3,000 complaints regarding alleged military abuses.

President Lpez Obrador has doubled down on use of the military for public security, vastly expanding the scope of its activities and supplanting civilian law enforcement. In 2019, he created the National Guard, a military force, to replace the Federal Police as the government's principal law enforcement body. The National Guard is led by military officers, trained by the military, and composed largely of military troops. In May 2020, the president formally deployed the military to assist the National Guard in civilian law enforcement. The military is now legally permitted to detain civilians, take charge of crime scenes, and preserve evidence; under past governments, charging the military with these tasks has contributed to serious cover-ups of human rights abuses.

In 2014, Congress reformed the Code of Military Justice to require that abuses committed by members of the military against civilians be prosecuted in civilian, not military, courts. However, pursuit of justice remains elusive.

In July 2020, 12 civilians were killed in a shootout with soldiers in Tamaulipas state. A video leaked to the press in August showed a soldier giving the order to kill a civilian. In September, the Secretary of Defense announced that only military policeno civilian prosecutors were investigating.

Torture is widely practiced in Mexico to obtain confessions and extract information. It is most frequently applied during the time between when victims are detained, often arbitrarily, and when they are handed to civilian prosecutors a period when they are often held incommunicado at military bases or illegal detention sites. A 2017 law made it illegal to use confessions obtained through torture as evidence at criminal trials. However, authorities often fail to investigate allegations of torture.

The number of investigations into cases of torture by state and federal prosecutors has risen in recent years, from just 13 in 2006 to over 7,000 in 2019, according to a report by the Mexican Commission for the Defense and Promotion of Human Rights. In its 2019 review of Mexico, the UN Committee Against Torture expressed concern that few of these cases result in an arrest and trial.

In 2016 the last year for which data is available Mexico's national statistics office surveyed more than 64,000 people incarcerated in 338 prisons. Almost two-thirds (64 percent) reported physical violence at the time of arrest, including electric shocks, choking, and smothering.

In its 2019 review of Mexico, the UN Committee Against Torture reported that of 3,214 torture complaints in 2016, only eight resulted in an arrest and trial. The committee expressed concern at reports that courts routinely fail to investigate torture allegations.

Since 2006, enforced disappearances by security forces have been a widespread problem. Criminal organizations have also been responsible for many disappearances. The government reported more than 75,000 people disappeared, as of November 2020 the vast majority from 2006 onwards.

The Lpez Obrador administration has taken steps to determine and publish the true number of people disappeared. In 2019 a well-respected human rights defender was appointed to head the National Search Commission (CNB). Since then, the government has created an online platform to allow people to report disappearances anonymously and to show real-time statistics on the number of people disappeared, excluding personally identifying information.

However, prosecutors and police neglect to take even basic investigative steps to identify those responsible for enforced disappearances, often telling families of the missing to investigate on their own. The CNB reported that over 7,000 people disappeared in 2019. That year, the Attorney General's Office opened only 351 investigations into disappearances and prosecuted only 2.

Officials have conceded that more than 26,000 bodies remain unidentified. In 2019, the National Search Commissioner created a national forensic assessment to address obstacles to identifying and storing bodies. Following demands by families, the government also created an Extraordinary Mechanism of Forensic Identification to identify bodies.

In August 2020, the government recognized the jurisdiction of the UN Committee on Enforced Disappearances to consider cases in Mexico, as recommended by a number of UN member-states during its 2018 Universal Periodic Review. Families of victims will be able to submit cases to the committee once they have exhausted their legal options domestically.

In November 2019, the UN Human Rights Committee expressed concern about reports of extrajudicial killings by the military and police, and impunity for such cases. Although the Defense Ministry said it stopped registering numbers of civilians the military killed, as of 2014, civil society organizations said in 2019 that declarations by the minister indicate the information exists.

In 2020, high-profile incidents of civilians dying in police custody prompted protests. In one incident, in the state of Jalisco, a man died after police detained him for not wearing a face mask in accordance with Covid-19 response measures.

Journalists and human rights defenders particularly those who criticize public officials or expose the work of criminal cartels often face attacks, harassment, and surveillance by government authorities and criminal groups.

There is evidence that digital surveillance is being deployed in public spaces without legal frameworks or oversight in ways that can have a chilling effect on freedom of assembly and the work of human rights defenders and journalists.

Mexico is one of the most dangerous countries in the world for journalists, on par with war zones like Syria and Afghanistan in terms of number of journalists killed, the Committee to Protect Journalists and Reporters Without Borders say. The CNDH reports 24 journalists

killed since President Lpez Obrador took office. In 2019, journalists registered 609 threats, attacks, or other forms of aggression reportedly the highest year on record.

Authorities routinely fail to investigate crimes against journalists adequately, often preemptively ruling out their profession as a motive. Since its creation in 2010, the federal Special Prosecutors Office to investigate crimes against journalists has opened more than 1,000 investigations, brought 217 charges for crimes, and obtained 14 convictions. In the face of uninvestigated violence, many journalists self-censor.

Mexico is also one of the most dangerous countries in the world for human rights defenders. In 2019, the Mexico Office of the UN High Commissioner for Human Rights reported 20 human rights defenders killed in Mexico. As with journalists, violence against human rights defenders is rarely investigated or prosecuted.

In 2012, the federal government established the Protection Mechanism for Human Rights Defenders and Journalists, which provides bodyguards, armored cars, and panic buttons, and helps journalists temporarily relocate in response to serious threats. A 2019 study by the Office of the United Nations High Commissioner for Human Rights documented the Mechanisms problems in coordinating protective measures, providing resources, and establishing clear procedures. Six journalists have been killed under the programs protection, four since President Lpez Obrador took office. In October 2020, the government eliminated the public trust that paid for protection measures, putting the mechanism in a precarious financial situation.

In 2018, the UN Committee on the Elimination of All Forms of Discrimination Against Women expressed concern over persistent patterns of general violence against women, including sexual violence. Mexican laws do not adequately protect women and girls against gender-based and sexual violence. Some provisions, including those that peg the severity of punishments for sexual offenses to the chastity of the victim, contradict international standards.

Abortion is available on request for anyone, up to 12 weeks of pregnancy, in Mexico City and, since October 2019, in Oaxaca state. It is severely restricted elsewhere. In 2019, the Supreme Court ruled that rape victims need not file a criminal complaint to access abortion services and that health providers need not verify that a crime was committed to perform an abortion.

Women and girls continue to face alarming rates of gender-based violence. In 2019, the government reported more than 1,000 femicideskillings of women because of their genderabout a quarter of all women murdered. Womens rights groups say femicide is likely under-reported.

Criminal cartels, common criminals, and sometimes police and migration officials regularly target people migrating through Mexico to rob, kidnap, extort, rape, or kill them. Criminal cartels often do so with the tolerance or even involvement of certain public officials, the Interamerican Commission on Human Rights reported in 2013. These crimes are rarely reported, investigated, or punished. In 2019, the CNDH received 606 complaints of abuses against migrants, and the attorney general opened 72 investigations of crimes against migrants.

From January 2019 to March 2020, the administration of US President Donald Trumpwith the cooperation of the Lpez Obrador administrationsent an estimated 66,000 non-Mexicans who were seeking asylum in the US to await the outcome of their claims in Mexico under the Remain in Mexico program. As of November 2020, many people were still waiting under the program, forced to live in precarious, unsanitary, and dangerous conditions with inadequate support from the Mexican government.

In March 2020, the US government stopped accepting most asylum applications made at the US-Mexican border, using the Covid-19 pandemic as a pretext to begin summarily expelling most people arriving at the US border or transferring them to Mexican officials who usually deport them to Central America.

In 2019, President Lpez Obrador deployed the National Guarda branch of the militaryfor migration enforcement. The government says soldiers only support migration officials. However, in a leaked audio recording from 2019, a senior migration official told her team they were now under the instruction and supervision of the National Guard. In January 2020, National Guard troops clashed violently with a caravan of migrants in Chiapas state.

Before being deported to their countries of origin, most people detained by the National Guard are sent to immigration detention centers, where people have complained of crowded and unsanitary conditions.

In April, a Salvadoran man died of Covid-19 in a Mexico City hospital after spending more than a month in migration detention. In August, the CNDH stated the National Migration Institute (INM) was responsible for the mans death for failing to implement procedures to prevent Covid-19 infections in detention centers and for failing to provide the man with adequate medical attention.

In August 2020, a judge ruled that the INM had ignored a previous court ruling ordering it to release any migrants with conditions that would put them at increased risk due to the Covid-19 pandemic and to implement procedures to prevent infections in detention centers.

Mexicos asylum system is severely overstretched. Since 2013, the number of applications received has nearly doubled every year, and the capacity of the asylum agency has not kept pace. As of October 2019, there was a backlog of more than 63,000 people with pending asylum claims, and 44 percent of people who applied in 2018 were still waiting, according to the refugee rights group Asylum Access.

Twenty of 32 states have legalized same-sex marriage. Elsewhere, same-sex couples must petition for an injunction (*amparo*) to be allowed to marry. In 2019, the Supreme Court ruled that a same-sex couple from Aguascalientes state should be allowed to register their child, to protect the best interest of the child and uphold principles of equality and non-discrimination.

Twelve states allow transgender people to change their names and gender markers on birth certificates through a simple administrative process before the state Civil Registry.

Under the Lpez Obrador administration, serious gaps remain in protecting the rights of people with disabilities, including in access to justice, legal standing, legal capacity, informed consent in health decisions; access to buildings, transportation, and public spaces;

violence against women; and education.

In many states, people with disabilities have no choice but to depend on their families for assistance or to live in institutions, which is inconsistent with their right to live independently and be included in the community. People with disabilities receive little government protection or support and are at a higher risk of abuse and neglect by their families.

Since President Lpez Obrador took office and through time of writing, the National Council on People with Disabilities, the principal government body coordinating efforts to implement disability rights, has been effectively non-operational.

The Lpez Obrador administration has failed to take many of the basic steps recommended by global health authorities to limit the spread of Covid-19. The official leading Mexico's response has called massive testing useless and a waste of time, despite the World Health Organization's insistence on the importance of testing. As a result, Mexico has one of the lowest rates of Covid-19 testing and highest rates of positive test results in the world. Officials and experts agree that the real number of Covid-19 infections and deaths is likely many times higher than the official count, which was among the world's highest at time of writing.

People living in poor or indigenous areas are 50 percent more likely than others to die of Covid-19. The vast majority of Covid-19 patients who die have never received intensive care.

Amnesty International reported that Mexico has the highest known number of healthcare worker deaths from Covid-19 in the world. Healthcare workers have faced attacks and discrimination, and some healthcare workers say they were fired for protesting a lack of protective equipment at public hospitals.

The CNDH reported 2,234 confirmed cases of Covid-19 and 198 deaths, as of September 1, in prisons, which are notoriously overcrowded and unhygienic. Most states suspended family visits in response to the pandemic, which left many detained people without access to basic hygiene supplies such as soap.

In some parts of the country, criminal cartels provided food assistance to struggling residents and threatened to enforce pandemic curfews violently.

Schools closed in Mexico in March 2020, and the 2020-2021 school year is being conducted remotely, with classes broadcast on television and radio. Although 94 percent of Mexican households have television, a lack of affordable internet access leaves many children, especially those in low-income households and children with disabilities, without access to education. Some people in rural, often indigenous areas have been unable to participate at all.

In June 2020, Mexico was elected as a non-permanent member of the UN Security Council for the period of 2021-2022. Mexico's foreign policy with regard to human rights under the Lpez Obrador administration has been based on the principle of non-intervention. Mexico highlighted that one of its priorities on the council would be the protection of children, although, unlike the majority of Security Council members, Mexico has yet to endorse the Safe Schools Declaration.

In October 2020, Mexico was re-elected to the UN Human Rights Council. In July 2019, Mexico supported a resolution condemning extrajudicial killings and forced disappearances in the Philippines.

In July 2020, President Lpez Obrador took his first and only international trip to meet with President Donald Trump in Washington, DC. Mexico has cooperated with the Trump administration's attempts to curtail the right to asylum.

Since 2008, the US has allocated more than US\$3.1 billion in aid via the Mrida Initiative to help Mexico combat organized crime and drug trafficking. President Lpez Obrador said in May 2019 that his government would reject the initiative and re-orient US-Mexican cooperation to target the drivers of migration to the US by reducing poverty in Central America and southeastern Mexico. However, in 2019 and 2020, Mexico continued to receive nearly \$150 million a year through the initiative mostly for counter-narcotics efforts. It also diverted \$4 million away from its own development programs for Central America to spend on migrant detention and removal.

In June, the European Union and Mexico held their ninth bilateral high-level dialogue on human rights. The EU has repeatedly denounced killings of journalists, activists, politicians and judges in Mexico, and urged Mexico to ensure thorough investigations and accountability for the crimes committed.

Mexico endorsed the World Health Organization's Solidarity Call to Action for the Covid-19 Technology Access Pool, an initiative to realize equitable global access to COVID-19 health technologies through pooling of knowledge, intellectual property and data.

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