

# Human Rights Watch

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

<https://www.hrw.org/world-report/2022/country-chapters/mexico>

### Annual reports

Events of 2021

Mexican National Guard members arrest a migrant who tried crossing the Ro Bravo in Ciudad Jurez, Mexico on April 19, 2021

2021 David Peinado/NurPhoto via AP.

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Human rights violations including torture, enforced disappearances, abuses against migrants, extrajudicial killings, gender-based violence, 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. Legal reforms enacted in 2017 and 2018 have been slow and 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 mega projects.

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

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

In August 2021, President López Obrador held a referendum on whether past political actors since 1988 should be tried for crimes including electoral fraud, corruption, and loss of lives to neoliberalism. Low turnout invalidated the results.

The president has collaborated with the US in abusive anti-immigration policies, including illegal expulsion of migrants and asylum seekers by plane and bus to Central America.

The criminal justice system routinely fails to provide justice to victims of violent crimes and human rights violations. Only 5.2 percent of crimes committed in Mexico are solved, the nongovernmental group Mexico Evalua reports. Causes of failure include corruption, inadequate training and resources, and complicity of prosecutors and public defenders with criminals and other abusive officials.

The justice system regularly fails to ensure due process for those accused of crimes. Police and prosecutors commonly use torture to obtain confessions. Pretrial detention is mandatory for many offenses, violating international human rights standards. Prisons are notoriously unsanitary and overcrowded. Prosecutors continue to use *arraigo* detention, a mechanism allowing them to obtain judicial authorization to detain anyone for up to 40 days without charge, for interrogation.

The attorney general never properly implemented a 2018 reform intended to make the office more independent from the government and more accountable to victims and their families, human rights and rule-of-law groups report. In 2021, Congress repealed many of the human rights provisions of the 2018 reform.

In April 2021, pro-government legislators passed a law extending the terms of the Supreme Court Chief Justice and members of the Federal Judiciary Council, which controls hiring and firing of judges. In November, the Supreme Court overturned the law, declaring it unconstitutional.

Mexico has relied heavily on the military to control drugs and fight organized crime, leading to widespread human rights violations. From 2013 through 2020, the CNDH received 3,799 complaints of military abuses.

President Lpez Obrador has vastly expanded the scope of the military in public security, often supplanting civilian law enforcement. In 2019, he created the National Guard to replace the Federal Police as the governments 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 can now legally 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 July 2021, the president proposed formally placing the National Guard under military control.

In 2014, Congress reformed the Code of Military Justice, requiring abuses by members of the military against civilians to 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. In March 2021, a lawyer for the families of victims told Reuters that no soldiers had yet been detained, despite the video evidence.

In September 2021, the Defense Ministry admitted that at least 47 people had been killed or injured by the armed forces during the Lpez Obrador presidency, according to information obtained through transparency requests by Mexican journalists. The Defense Ministry has paid compensation to families but has not sanctioned any soldiers or reported the cases to police or prosecutors for criminal investigation.

Torture is widely practiced to obtain confessions and extract information. It is most frequently applied after victims are detained, often arbitrarily, but before they are handed to civilian prosecutors. Victims 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.

In 2016 the last year for which data is available Mexicos 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.

Thousands of people disappear every year in Mexico. Police, the military, and criminal groups are responsible for many disappearances.

Prosecutors and police rarely attempt to find the disappeared or identify those responsible. Families of the disappeared have formed more than 130 search collectives to investigate disappearances, including, frequently, by digging up mass graves.

In 2019, a well-respected human rights defender was appointed to head the governments National Search Commission (CNB). The CNB searches mass graves across the country. It has also taken steps to determine and publish the true number of people disappeared, gathering information from authorities and creating an online platform to report disappearances anonymously and show real-time numbers of those disappeared, excluding personally identifying information.

As of September 2021, the platform had recorded over 90,000 people disappeared, mostly since 2006. Authorities have publicly acknowledged the real number is likely higher. The majority are between 15 and 30 years old, from lower income families, the CNB reports. More than 23,000 are listed as having disappeared since President Lpez Obrador took office in December 2018.

From 2006 to 2020, at least 50,000 bodies passed through the custody of state and local forensic medical services without being properly identified. Most are now buried in mass graves. From 2006 to 2021, authorities reported having found at least 4,000 mass graves.

In August 2021, the government named a group of seven international forensic and legal experts to lead the Extraordinary Forensic Identification Mechanism, which will be tasked with identifying bodies recovered from mass graves.

In November, the UN Committee on Enforced Disappearances visited Mexico its first visit to any country. The committee first requested permission to visit Mexico in 2013 but was denied access by the previous government. In August 2020, the Lpez Obrador government recognized the committees jurisdiction to consider cases from Mexico, allowing families of victims to submit cases to the committee once they have exhausted their legal options domestically.

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

Mexico is one of the most dangerous countries in the world for journalists, on par with war zones like Syria and Afghanistan in number of journalists killed, according to the Committee to Protect Journalists and Reporters Without Borders. In 2020, journalists registered 692 threats, attacks, or other forms of aggression reportedly the highest year on record. Article 19 reported five journalists killed in relation to their work from January to September 2021.

Authorities routinely fail to investigate crimes against journalists adequately, often preemptively ruling out their profession as a motive. Since its creation in 2010 through August 2021, the federal Special Prosecutors Office to investigate crimes against journalists has opened more than 3,362 investigations, brought 265 charges for crimes, and obtained 25 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. From January through September 2021, the

Mexico Office of the UN High Commissioner for Human Rights reported 10 human rights defenders killed. 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 independent fund that paid for protection measures, putting the mechanism in a precarious financial situation.

Mexican laws do not adequately protect women and girls, including those with disabilities, 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 access varies by state. All 32 states allow abortion in cases of rape. Six allow it for any reason up to 12 weeks of pregnancy. Women and pregnant people face many barriers when trying to access abortion, even when it is legal. Doctors and nurses regularly attempt to dissuade them from undergoing the procedure or refuse to perform it.

In September, the Supreme Court made three rulings that set important precedents for reproductive rights. The court found that absolute criminalization of abortion is unconstitutional and that women should not be criminally prosecuted for undergoing the procedure. It ruled that state governments do not have the authority to legislate that life begins at conception. And it ruled that medical staffs right to conscientiously object to performing abortions is subject to limits.

Women and girls continue to face alarming rates of gender-based violence. In 2020, the government reported nearly 1,000 femicideskillings of women because of their gender. 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. These crimes are rarely reported, investigated, or punished.

The Lpez Obrador administration has actively participated in abusive US immigration policies. It failed to provide police protection or access to justice, work, health care, and education for the over 71,000 asylum seekers, including many families with children, sent to Mexico under the Remain in Mexico policy. Many suffered abuses from criminal cartels or Mexican authorities. President Lpez Obrador said the program had produced very good results.

The Lpez Obrador administration has been illegally expelling thousands of asylum seekers to Guatemala without due process, including many who were first expelled from the US into the custody of Mexican authorities.

In 2019, President Lpez Obrador deployed the National Guard for 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 September 2021, National Guard troops and Mexican immigration agents violently detained a series of caravans of asylum seekers in Chiapas state, leaving many injured.

Mexican immigration officials have refused to follow court rulings ordering them to prevent the spread of Covid-19 in immigration detention centers. Detained migrants have said they were not given masks or soap and were denied medical treatment when they had symptoms of Covid-19.

Mexicos asylum system is severely overstretched. Since 2013, the number of applications received has nearly doubled every year. Officials expect to receive more than 100,000 applications in 2021. From January through August 2021, Mexico received nearly 78,000 asylum applications but resolved just over 23,000.

Twenty-four 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 lesbian couple from Aguascalientes state should be allowed to register a child born to one of the women as a child of both. The ruling was based on the best interest of the child and the principles of equality and non-discrimination.

Seventeen states have passed laws creating a procedure permitting transgender people to change their names and gender markers on birth certificates through a simple administrative process. In 2018, the Supreme Court ruled in favor of a transgender person from Veracruz who contended that in refusing to change their name and gender marker on their birth certificate, the municipal Civil Registry had violated their rights. In 2019, the Supreme Court issued a similar ruling arising from a case in Jalisco.

Under the Lpez Obrador administration, serious gaps remain in protecting the rights of people with disabilities. They lack access to justice, education, legal standing, legal capacity, protection from domestic violence, and informed consent in health decisions. In 2019, Human Rights Watch documented cases of state-run hospitals and private individuals who shackled people with disabilities. They lack access to buildings, transportation, and public spaces. Women with disabilities suffer disproportionate violence.

The only policy to assist people with disabilities is a non-contributive disability pension that reaches only 933,000 people of the 6,179,890 who live in the country. Its distribution is opaque and discretionary.

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 under the Convention on the Rights of Persons with Disabilities. People with disabilities receive little government protection or support and are at higher risk of abuse and neglect by their families.

In October 2021, following a CRPD committee recommendation, the government publicly apologized to a man with intellectual and

psychosocial disabilities who had been imprisoned for four years although there was no evidence he had committed a crime and a judge had found him unfit to stand trial, leaving him without the opportunity to defend himself.

Since President Lpez Obrador took office, 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 Mexicos response has called large-scale testing useless and a waste of time, despite the World Health Organizations 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.

As of September 2021, 30 percent of Mexicans had been fully vaccinated against Covid-19 and 47 percent had received at least one dose of the vaccine. Mexico has made the vaccine eligible by regions and age groups, from older to younger people. Proof of address is required to receive the vaccine. Anyone over the age of 18 was eligible to receive at least the first dose of the vaccine by September.

Schools were closed in Mexico from March 2020 to August 2021, and classes were broadcast on television and radio. Although 94 percent of Mexican households have television, a lack of affordable internet access left many children, especially those in low-income households or with disabilities, unable to fully participate in education. Many teachers protested the re-opening, at the height of the third wave of reported Covid-19 deaths.

As one of the worlds top 15 emitters of greenhouse gases, Mexico is contributing to the climate crisis that is taking a growing toll on human rights around the globe.

Lpez Obrador has openly opposed wind and solar energy production. He has promised to rescue Mexicos coal and oil industries and has introduced reforms that favor state-owned fossil-fuel power plants over renewable energy sources. He has vowed to amend the constitution to overcome legal challenges to these policies.

Lpez Obradors initiative Sowing Life, which he touts as a major component of his strategy to cut greenhouse gas emissions, may have caused 72,000 hectares of forest loss, with inadequate monitoring enabling beneficiaries to clear forests and then be paid by the government to plant trees. (Lpez Obrador falsely claimed in November 2021 that a deal to end forest loss by 2030 reached at the global climate summit in Glasgow was inspired by Sowing Life.) Law enforcement actions to curb illegal deforestation drastically diminished in recent years.

In its December 2020 climate action plan, Mexico increased the baseline against which its emissions reductions are calculated but maintained its 2015 emissions reduction commitments. This will allow Mexico to increase its emissions while technically meeting its targets. The plan is insufficient to meet the Paris Agreement goal of limiting global warming to 1.5C, according to the Climate Action Tracker. If all countries commitments were in a similar range, warming would reach up to 3C by the end of the century.

Climate change is expected to increase the severity of extreme weather events, requiring steps by the government to protect at-risk populations from their foreseeable harms, including food insecurity due to rising temperatures and droughts impacting crops. In August 2021, hurricanes Grace and Nora caused flooding, landslides, and power outages in multiple states, killing at least nine people.

Mexicos foreign policy regarding human rights under the Lpez Obrador administration has been based on the principle of non-intervention. In June, Mexico criticized other countries in the region that had condemned the jailing of critics and opposition candidates in Nicaragua, saying that they were intervening in Nicaraguas internal affairs.

In June 2020, Mexico was elected as a non-permanent member of the UN Security Council for 2021 to 2022. Mexico highlighted that one of its priorities on the council would be the protection of children. Mexico endorsed the Safe Schools Declaration in May 2021.

In October 2020, Mexico was re-elected to the UN Human Rights Council.

In 2020, Mexico appointed itself as one of 23 Champion countries of the Global Compact for Safe, Orderly and Regular Migration.

In August and September 2021, Mexico hosted negotiations between representatives from the Venezuelan government and opposition groups mediated by Norway.

Mexico endorsed the World Health Organizations 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.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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