

# MEXICO

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## United Mexican States

Head of state and government: **Enrique Peña Nieto**

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**Impunity persisted for grave human rights violations including torture and other ill-treatment, enforced disappearances and extrajudicial executions. More than 27,000 people remained missing or disappeared. Human rights defenders and journalists continued to be threatened, harassed or killed. The number of detentions, deportations and complaints of abuse of irregular migrants by the authorities increased significantly. Violence against women continued to be widespread. Large-scale development and resource exploitation projects were carried out without a legal framework regarding the free, prior and informed consent of Indigenous communities they affected. The Supreme Court upheld same-sex couples' rights to marry and adopt children.**

## BACKGROUND

President Peña Nieto reached the middle of his six-year administration term. The ruling Institutional Revolutionary Party retained a majority in elections to renew the lower house of the National Congress; several states elected governors and other local officials.

A new General Transparency Law enacted in May strengthened protections on the right to access information.

The government defended its education reforms against mass protests from teacher unions and social movements. It prosecuted members of teacher unions in cases that appeared to be politically motivated and transferred four defendants to a maximum security prison in October.

A 10-point security plan, announced in November 2014 by President Peña Nieto after mass demonstrations against the enforced disappearance of 43 students, resulted in a number of state governments taking control over municipal police, as well

as a bill before Congress to create special economic zones in the impoverished south. Other measures announced in the package such as new laws on torture and disappearances had yet to be implemented.

The share of people living in poverty rose from 45.5% to 46.2% between 2012 and 2014, according to official data released in July. The share of those living in extreme poverty decreased from 9.8% to 9.5% in the same period.

In April, the Supreme Court ruled that 40 days of pre-charge detention (*arraigo*) is constitutional for serious offences, a practice that has been condemned by several treaty bodies.

## POLICE AND SECURITY FORCES

Violence related to organized crime remained a serious concern. Despite official figures reporting a slight increase in homicides from 35,930 in 2014 to 36,126 in 2015, the figures combined manslaughters and murders, omitting the fact that the monthly average number of murders increased by 7%. While fewer soldiers were deployed in law enforcement operations, numerous human rights violations were still attributed to armed forces. There were plans to increase the presence of marines in law enforcement tasks.

Human rights violations at the hands of armed forces and police remained common, especially in the states of Tamaulipas, Michoacán and Guerrero, where major security operations were carried out.

In April, the Inter-American Court of Human Rights deemed that the 2014 reform to the Code of Military Justice did not fully comply with several of the Court's previous rulings, since it failed to exclude from military jurisdiction human rights violations committed against members of the armed forces. Congress failed to further reform the Code to comply with the Court's rulings.

## EXTRAJUDICIAL EXECUTIONS

Perpetrators of extrajudicial executions continued to enjoy almost absolute impunity.

For the second consecutive year, the authorities published no statistics on the number of people killed or wounded in clashes with the police and military forces, as part of the fight against organized crime.

Journalists alleged that 16 unarmed people were killed by federal police officers and other security forces in Apatzingán, Michoacán, in January. The National Human Rights Commission ordered an investigation into the killings. More than 40 people were killed in May during a police operation in Tlanhuato, Michoacán. Investigations into the crimes were not made public and no one had been prosecuted at the end of the year.

In June, the NGO Centro Prodh uncovered that a military order “to take down criminals” (meant as “to kill” in this context) was the basis for operations carried out in 2014 in Tlatlaya, state of Mexico, when soldiers killed 22 people who allegedly belonged to a gang. The authorities claimed that the event was a shootout with gunmen, but the National Human Rights Commission and a special congressional commission of inquiry separately concluded that a majority of people were shot when they no longer posed a threat. Seven soldiers were arrested, but only three remained in jail pending trial at the end of the year. The Federal Attorney General’s Office did not investigate any military officers or others with command responsibility who failed to prevent or stop these crimes.

## **TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment remained widespread among law enforcement and investigative officials and little progress was made to eradicate it. Authorities denied the magnitude of the problem, while torture complaints at both federal and state levels persisted. The government was unable to provide information on any charges laid or sentences handed down at a federal level. In April, three police officers were charged with torture in Baja California state; the charges were rejected by a judge and appealed by the prosecutor.

Legislative and policy developments to

tackle torture were announced, including internal investigation guidelines on torture from the Federal Attorney General’s Office. On 10 December, President Peña Nieto presented a bill to Congress for a General Law on Torture, resulting from a constitutional reform that enabled Congress to legislate on torture and disappearances at federal and state levels.

As in previous years, the special medical examination procedure of the Federal Attorney General’s Office for cases of alleged torture was not applied in most cases, with a backlog of more than 1,600 requests on file.<sup>1</sup> Officials generally failed to apply the procedure in compliance with the principles of the Istanbul Protocol. In many cases, investigations into torture and other ill-treatment did not advance without the presence of an official examination. Independent medical experts continued to face obstacles to carry out their work and have their examinations accepted as evidence in criminal trials.

In September, in its first ruling on the country, the UN Committee against Torture found that the torture by soldiers of four men in 2009 who had been charged with crimes including kidnapping breached the UN Convention against Torture. Following the ruling, the four men were acquitted of all charges; however, the soldiers had not been charged at the end of the year.

## **ENFORCED DISAPPEARANCES**

Enforced disappearances with the involvement of the state and disappearances committed by non-state actors continued to be widespread. By the end of the year, the government reported that 27,638 people (20,203 men and 7,435 women) were missing but did not specify how many were subjected to enforced disappearance. The few criminal investigations that took place into these cases were generally flawed, with authorities failing to search for the victims. Impunity for these crimes remained almost absolute. In October, the Attorney General created a Special Prosecutor’s Office to

handle cases of disappeared or missing people.

Groups of victims and their families as well as human rights organizations engaged in a national debate and produced a series of requirements for the General Law on Disappearances. On 10 December, President Peña Nieto sent a bill to Congress which fell short of international standards.

In January, the Federal Attorney General again stated that 43 students from a teacher training college in Ayotzinapa, Guerrero, who were forcibly disappeared in September 2014 and remained missing, were killed, burned and dumped in a river. The remains of one student were identified, but the whereabouts of the other 42 remained undisclosed. In September, an Interdisciplinary Group of Independent Experts (GIEI) appointed by the Inter-American Commission on Human Rights determined that the investigation was seriously flawed and concluded that the conditions of the site made it impossible to burn the bodies in the way described by the authorities. The GIEI confirmed that military intelligence agents in plain clothes followed and watched the students during the attacks and detentions, and that municipal, state and federal authorities were aware of the attacks. By the end of the year, approximately 100 people had been arrested and were on trial, but none had been charged with enforced disappearance.

## **HUMAN RIGHTS DEFENDERS AND JOURNALISTS**

Human rights defenders and journalists continued to be threatened, harassed, attacked or killed. Those defending the environment and land rights continued to be at particular risk. A number of journalists working on issues related to the state of Veracruz were killed. The federal Mechanism for the Protection of Human Rights Defenders and Journalists lacked resources and coordination, which left human rights defenders and journalists inadequately protected. The Prevention, Monitoring and Analysis Unit was installed three years after the Mechanism was

established. The number of requests for protection under the Mechanism remained steady and approximately 90% of requests were admitted. Impunity for threats and acts of aggression remained.

In June, Mayan journalist Pedro Canche was released after spending nine months in pre-trial detention under unsubstantiated charges of sabotage brought against him as a reprisal for peacefully exercising his right to freedom of expression. Other journalists continued to be harassed by authorities, some of whom fled their hometown or suspended their work for fear of reprisals. In July, photojournalist Rubén Espinosa Becerril, activist Nadia Dominique Vera Pérez and three other women were found dead in an apartment in Mexico City. Both Rubén Espinosa and Nadia Vera had left the state of Veracruz months earlier due to threats.

## **FREEDOM OF ASSEMBLY**

The Supreme Court continued to analyze a legal challenge to Mexico City's 2014 Law on Mobility. The law threatens freedom of peaceful assembly, including through a prior authorization regime for demonstrations, a lack of provisions on spontaneous demonstrations and government powers to ban protests in specific places. Amnesty International and other international organizations submitted a joint *amicus* brief to the Court, arguing that certain provisions in the law violate international law standards.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Violence against women and girls remained endemic, including killings, abductions and sexual violence. The National System for the Prevention, Sanction and Eradication of Violence against Women announced for the first time the activation of a "Gender Alert" mechanism in the state of Morelos and parts of the state of Mexico. The "Gender Alert" is designed to mobilize authorities to combat widespread gender-based violence and elicit an effective, official response to cases of violence.

In July, five men were handed multiple life

sentences for the abduction, sexual exploitation and killing of 11 women in the US border town Ciudad Juárez, whose remains were found in the desert surrounding the town in 2012. The court's ruling recognized the endemic nature of gender-based violence in the area, and ordered new investigations for other perpetrators involved.

## REFUGEES' AND MIGRANTS' RIGHTS

Migrants and asylum-seekers passing through Mexico continued to be subjected to mass abductions, extortion, disappearances and other abuses committed by organized crime groups, often working in collusion with state agents. A majority of reported abductions took place in the state of Tamaulipas. Mass attacks against migrants by criminal groups persisted throughout the country, with no proper investigations nor access to justice and reparations for victims. In June, armed men attacked a group of approximately 120 Central American migrants in Sonora state; no investigation had been carried out at the end of the year. An expert forensic commission formed in 2013 to identify remains of migrants massacred in San Fernando, Tamaulipas, and nearby municipalities reported on the identification of victims to relatives in Central America. Authorities continued to obstruct the Commission's work by withholding information and complicating the delivery of remains to families.

The flow of refugees and migrants from Central America continued to increase, many of them leaving their country due to violence.

The implementation of the Southern Border Plan led to increased numbers of deportations and detentions of migrants entering the country. As of November, 178,254 irregular migrants had been apprehended and detained by the National Institute of Migration, compared with 127,149 in 2014; however, this was not reflected by a commensurate increase in the number of asylum claims granted. The number of deportations of Central American migrants by Mexico overtook those by the USA. Complaints of heavy-handed joint operations

by migration authorities, police and the military were registered along Mexico's southern border.

## INDIGENOUS PEOPLES' RIGHTS

The country still lacked a legal framework on the right of Indigenous Peoples to free, prior and informed consent regarding development projects affecting their lands and traditional way of life. Two Indigenous Yaqui leaders who had been imprisoned for protesting against the construction of an aqueduct were released because of a lack of evidence against them. The aqueduct's operation, however, continued even after a national anthropology authority found that it threatened the survival of the Indigenous community.

## INTERNATIONAL SCRUTINY

The government reacted harshly to international criticism of its human rights record. In March, the UN Special Rapporteur on torture was publicly questioned after he published a report describing torture as widespread in the country. A report on Mexico by the UN Committee on Enforced Disappearances was described by the government as "not contributing additional elements" to address the problem.

In May, the Supreme Court decided that the country was not bound to comply with judgments of the Inter-American Court of Human Rights that relate to restrictions on human rights contained in the Constitution. The decision contradicted international law and risks perpetuating human rights violations such as *arraigo*.

For the first time since 1996, the Inter-American Commission on Human Rights visited Mexico in September to assess the human rights situation. In its preliminary observations the Commission highlighted, among others, the issues of torture, enforced disappearances, violence against women and extrajudicial executions, and expressed concern about the impunity for such crimes. The UN High Commissioner for Human Rights visited the country for a similar

purpose and stated that “there is broad consensus nationally, regionally and internationally on the gravity of the human rights situation in Mexico today”.

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1. Paper promises, daily impunity: Mexico's torture epidemic continues  
[\(AMR 41/2676/2015\)](#)