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Mexico's Human Rights Landscape During President López Obrador's First Year in Office

Taking Stock of the Government's Performance in Addressing Key Human Rights Concerns

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Since taking office last December, Mexican President Andrés Manuel López Obrador's administration has faced an amalgam of pressing human rights and security challenges—[record levels of violence](#), an ongoing [disappearances crisis](#), and relentless [pressure from the United States](#) to curb migration flows, just to name a few.

As the first year of the new government's mandate comes to a close, here's a look at how the López Obrador administration has addressed key human rights concerns in Mexico, as well as the potential human rights impacts of the government's security policies.

Disappearances

López Obrador has made addressing Mexico's disappearances crisis a clear priority for his administration. He has promised that there would be "[no financial ceiling](#)" for efforts to search for the disappeared, identify remains found in mass graves, and investigate perpetrators.

Since last December, the National Search Commission [has exhumed](#) 706 bodies from 594 clandestine graves across the country. Forensics officials have identified 206 of those bodies, 122 of which have been returned to the victims' families.

The government has also made important progress in resolving the emblematic case of the [43 Ayotzinapa students](#) who were forcefully disappeared by Mexican security forces in 2014—a case that has garnered international indignation for over five years.

These are significant achievements, but they are only a drop in the bucket. In January 2019, the then-head of the National Search Commission, Roberto Cabrera, reported that Mexico's National Registry of Missing and Disappeared Persons accounted for over [40,000 cases](#). Some family members of the disappeared and civil society organizations who have scanned the registry [have found](#) that it doesn't include many of the cases they have reported, pointing to the likelihood that the true number of disappearance cases is likely much higher.

Nearly [37,000 bodies](#) and countless numbers of bone fragments are currently being held in government facilities waiting to be identified. Thousands of families have provided officials with DNA samples to help identify a match, but Mexico clearly lacks the forensic capacity to keep up with this growing backlog.

Alejandro Encinas, the Ministry of Interior's Undersecretary for Human Rights, Population, and Migration, has deemed this situation a "[forensic emergency](#)" that requires international assistance to resolve. Civil society organizations and families of the disappeared agree. Some are [advocating for](#) the creation of an Extraordinary Forensic Identification Mechanism (*Mecanismo Extraordinario de Identificación Forense*) composed of 300-400 national and international experts to help clear the backlog of unidentified remains located in government facilities. The administration has expressed openness to considering the creation of such a mechanism.

Torture

In May, the [UN Committee against Torture](#) recognized a "very high frequency" of torture committed by security forces and investigative officials, particularly during arrests and the first hours and days of detention. The Committee expressed particular concern over the lack of access to basic procedural safeguards (such as lawyers) following detention, and the continued use of statements obtained through torture in criminal trials.

According to the Committee, the lack of adequate investigation into torture complaints raises serious doubts about the impartiality of those responsible for carrying out such investigations. Indeed, the federal government has secured only [15 firm torture convictions](#) since 2006.

Over two years have passed since Mexico passed the [General Law on Torture](#), a law designed to strengthen the country's legal framework to prevent and punish torture, and to prohibit the use of evidence obtained through torture in criminal trials. However, the law continues to suffer from incomplete implementation and widespread noncompliance.

For one, the López Obrador administration has yet to implement a National Registry of Torture Cases, as the law requires. Additionally, 17 states have yet to create special prosecutor's offices for handling torture cases.

Since January, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) [has received](#) 283 complaints of torture and cruel, inhumane, or degrading treatment.

[For decades](#), the UN Committee against Torture and other human rights bodies have expressed concern over the frequent use of torture by state agents and security forces. When López Obrador

came to power, he [promised](#) that his government would no longer tolerate torture. While these statements are welcome, eradicating the use of torture will require far more than just firm rhetoric. The administration must prioritize the full implementation of the General Law on Torture.

Militarization and Use of Force

President López Obrador came to power promising to shift the country's public security strategy away from militarization. But weeks before taking office, [he proposed](#) creating a new military-led force—[the National Guard](#)—to permanently assume federal policing functions.

While the [constitutional reforms](#) creating the National Guard established that it would be a civilian force under civilian direction, the [majority](#) of the force's funding and equipment comes from the armed forces. Likewise, the force's first chief, Luis Rodríguez Bucio, is a recently retired Army general, and [nearly 80 percent](#) of current Guardsmen came from the Army or Navy. The rest are former Federal Police agents and new recruits.

The reforms establishing the National Guard also provided a legal framework for the armed forces to continue participating in public security tasks for up to five years while the National Guard becomes fully operational. This raises serious human rights concerns given the military's history of committing human rights violations with [near total impunity](#).

Both [Mexican soldiers](#) and the [Federal Police](#) have a long record of excessive use of force. After [refusing to release data](#) on the Army's use of force for over five years, the Ministry of Defense recently made public statistics on how often the Army's use of force against civilians results in deaths as opposed to injuries. By dividing the number of injuries by the number of deaths, one can calculate the Army's "lethality index." Ideally, this number would be less than one, as security forces should aim to use lethal force only as a last resort. However, between January and September 2019, the Army's [lethality index](#) came out to 3.6, pointing to an ongoing [shoot-to-kill](#) culture in the force.

In a recent case, a confrontation between the Army and civilians left 14 civilians and one soldier dead in Tepochica, Guerrero on October 15. The CNDH has [launched an investigation](#) into the incident, as the lopsided death toll raises concerns about a possible excessive use of force.

Moving forward, the López Obrador administration has several opportunities to ensure accountability for security forces that use excessive force against civilians.

First, the administration should comply with a November 2018 [Inter-American Court ruling](#) that ordered the Mexican government to create an independent federal observatory—with civil society participation—to monitor the Federal Police's use of force. According to the ruling, that observatory should also have the power to monitor and evaluate the Federal Police's implementation of accountability mechanisms. Now that the National Guard has assumed federal policing functions, leaving the Federal Police obsolete, this ruling should be applied to the National Guard.

Additionally, the Mexican government should work to address shortcomings in the Use of Force Law, approved in May 2019. The law applies to all of Mexico's security forces and defines situations where different levels of force are permissible.

While the law provides a basic legal framework for this key issue, it lacks strong accountability mechanisms and raises several concerns: it includes [vague language](#) on what constitutes "a lethal imminent threat" that warrants lethal force, and it classifies several deadly weapons that have led to killings in the past as "least lethal weapons," such as electric shock devices.

As the Mexican government moves forward with implementing the law, it should address the [weak system of sanctions](#) and lack of clarity on lethal force in protocols, training manuals, and other guidelines.

Violence against Human Rights Defenders and Journalists

Individuals investigating government misconduct, demanding accountability for injustice, and exposing organized crime have been met with increasing levels of violence this past year.

Since López Obrador took office, at least [24 human rights defenders and 15 journalists](#) have been killed across the country. This includes the tragic killing of the local human rights defender [Arnulfo Cerón Soriano](#), who disappeared on October 11 and whose body was found on November 20 in Tlapa, Guerrero.

The president's critiques against journalists and civil society organizations that question his policy proposals have also paved the way for troubling incidents of [harassment](#).

Mexico's federal Mechanism to Protect Human Rights Defenders and Journalists is [completely overwhelmed](#), with just 35 staff members overseeing the protection of over 1,100 individuals (691 human rights defenders and 438 journalists).

[Serious shortcomings](#) in the Protection Mechanism's risk analysis procedures and protection protocols have left many protection measure recipients vulnerable to continued threats and attacks. Three individuals enrolled in the Mechanism have been murdered in the past year, and six have been killed since the program's creation in November 2012.

Beyond failing to provide effective protections for human rights advocates and journalists, the Mexican government's failure to hold perpetrators accountable has only prompted continued attacks.

A [March 2019 report](#) by WOLA and Peace Brigades International (PBI) found that less than 3 percent of state investigations and less than 1 percent of federal investigations into crimes against human rights defenders and journalists even went to trial between 2012 and June 2018. Conviction rates were even lower.

While Mexico's Undersecretary for Human Rights, Alejandro Encinas, [has recognized](#) that current measures to address these attacks do not adequately meet the needs of journalists and human rights defenders, the administration has yet to demonstrate a full commitment to strengthening its approach. In fact, Mexico's 2019 federal budget cut funds to the Protection Mechanism and reduced the budget of the Special Prosecutor's Office for Freedom of Expression (*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*, FEADLE) by 54 percent.

As the Mexican government implements the 2020 federal budget, it should ensure that the Protection Mechanism and prosecutors charged with investigating these crimes are provided the necessary resources to effectively carry out their mandates. (With Mexico's transition to an [autonomous National Prosecutor's Office](#), FEADLE is no longer operating as a separate office. That means that investigations into crimes against journalists and human rights defenders now fall under the jurisdiction of the new Special Prosecutor's Office for Human Rights.)

Migration

López Obrador began his term promising zero tolerance for abuses against migrants and an immigration policy that puts the dignity of migrants first. However, as the government has beefed up immigration enforcement in response to rising U.S. pressure, migrants have faced abuse by criminal groups, migration enforcement authorities, and security forces alike.

Enforcement operations have produced shocking images of National Institute of Migration (*Instituto Nacional de Migración*, INM) agents [ripping children](#) from their parents' arms and soldiers [using force](#) to detain migrants. Between January and September 2019, the CNDH received [505 complaints](#) against the INM for human rights abuses.

As part of a [June agreement](#) with the United States to avoid the Trump administration's threat to impose tariffs on Mexican exports, the Mexican government [has deployed](#) 11,965 National Guard troops to its southern border and almost 15,000 to its northern border states to support the INM's efforts. But [it's unclear](#) whether members of the new National Guard have received any training in migration enforcement or dealing with vulnerable asylum seekers.

There have already been troubling instances involving Guard personnel performing migration enforcement tasks: in July, the CNDH [condemned](#) the National Guard for threatening and [harassing migrant shelters](#) in Sonora and Coahuila. Human rights organizations also [criticized](#) the National Guard in October for its role in a migration enforcement operation against migrants traveling north after spending months in Tapachula without receiving a response from Mexican authorities about their migration status.

Another concern is that the López Obrador government has done little to address organized crime-related violence against migrants and asylum seekers. Rather, the Mexican government's agreement

to implement the Trump administration's "Migrant Protection Protocols" (MPP) has left asylum seekers even more vulnerable to exploitation by criminal groups, particularly in Mexico's northern states.

The MPP, commonly termed the "Remain in Mexico" program, allows U.S. Customs and Border Protection (CBP) to return migrants seeking asylum in the United States to Mexican border towns to wait out their immigration proceedings.

Returned migrants, most sleeping in [squalid tent camps](#) for indefinite periods in some of the most dangerous cities in Mexico, make easy targets for criminal groups. [Horrible reports](#) of organized crime groups kidnapping migrants for ransom have [repeatedly surfaced](#) since the start of the Remain in Mexico program. According to the Jesuit Service Corps' Migrant Search Program, [36 percent](#) of migrant disappearances in Mexico occur in northern border states.

When the López Obrador administration [agreed](#) to expand the Remain in Mexico program in June, it [committed](#) to offer jobs, healthcare, and education to migrants returned to Mexico as part of the program. Yet this has [yet to happen](#).

Local governments, migrant shelters, and volunteers from both sides of the border have assumed the majority of the burden, with little to no support from the federal government. To better ensure the safety of returned migrants, the Mexican government would need to quickly provide housing and public services to asylum seekers waiting in northern border towns, investigate the more than [340 allegations of crimes](#) against asylum seekers returned to Mexico under the program, and develop policies to better protect this vulnerable population against crimes and abuse.

The Path Ahead

There is no doubt that President López Obrador inherited broad human rights challenges when he assumed office. Under the rule of his predecessors, [human rights abuses skyrocketed](#); public officials [openly denied](#) the extent of enforced disappearances, [torture](#), and other grave human rights violations; [obstruction of justice](#) plagued human rights investigations; and the government stoked extensive [criminalization campaigns](#) against victims.

In this respect, the López Obrador administration's [public apologies](#) to victims of past human rights violations and their families, open recognition that the country is [full of mass graves](#), and commitment to resolving the emblematic case of the [43 disappeared Ayotzinapa students](#) are all welcome measures.

But the new government must move beyond strong statements and symbolic actions. The vast majority of the perpetrators behind past cases of grave human rights violations have still not been brought to justice. At the same time, public officials and security forces continue to commit human

rights violations at an [alarming rate](#). In order to make good on his [promises](#), López Obrador must work to put an end to the rampant impunity that has been the norm in Mexico for far too long.

Combating impunity requires doubling down on efforts to consolidate reforms to Mexico's [criminal justice system](#), fully implement the historic laws passed in 2017 to counter disappearances and torture, and strengthen the country's institutional framework to finally bring answers to the tens of thousands of families of the disappeared.

The Mexican government should also ensure robust internal and external control mechanisms over Mexico's security forces and migration agents. This should include ensuring the autonomy of the National Human Rights Commission, which provides important oversight over government institutions. Concerningly, in recent weeks, the Senate elected a new commissioner, Rosario Piedra Ibarra amidst doubts over the [nomination process](#) and whether she fulfilled the [legal requirements](#) for the post.

López Obrador was elected on a clear mandate to profoundly transform Mexico. This should include transforming the country into one where respect for human rights is a reality on the ground and not just on the books. We hope the Mexican government takes firm steps in this direction during the coming years of López Obrador's presidency.