



RESEARCH
REPORT

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MILITARIZED TRANSFORMATION

Human Rights and Democratic Controls in a
Context of Increasing Militarization in Mexico

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Abridged version



Introduction

Mexico's federal government is increasingly militarizing civilian tasks within and outside the realm of public security. Previous presidents presented militarization as a temporary measure that would allow time to strengthen civilian institutions—though in practice, military deployment became the permanent model, largely at the expense of prioritizing other security and justice strategies and institutions. The current government, however, promotes a broad militarization of civilian tasks in the long term, including through the militarization of the National Guard.

The power and roles of the armed forces are growing without effective civilian controls over their actions. While the levels of serious human rights violations attributed to the military have fallen following the end of former president Felipe Calderón's term, such violations continue to occur.

More broadly, Mexico continues to experience historic levels of violence, and the vast majority of crimes go unpunished. Without minimizing positive reforms and steps forward, access to justice remains a fundamental challenge. In this context, it is crucial to improve criminal investigations and strengthen the capacities and accountability of the country's police institutions.

The military's growing list of civilian tasks is a trend that will not be easily reversed, but demilitarizing public security and consolidating civilian institutions is the necessary route to strengthen the rule of law. In the meantime, the government must install effective civilian controls over the armed forces.

As a contribution to the analysis of these issues, this report seeks to update and group together various indicators regarding the justice system and respect for fundamental rights by the security forces, with a focus on the armed forces and the National Guard, as well as the differentiated impacts and situations faced by women. In addition to official data published by the government, as well as data obtained directly by WOLA through public information requests, we draw extensively on various analyses of official data published in recent years by Mexican counterparts.

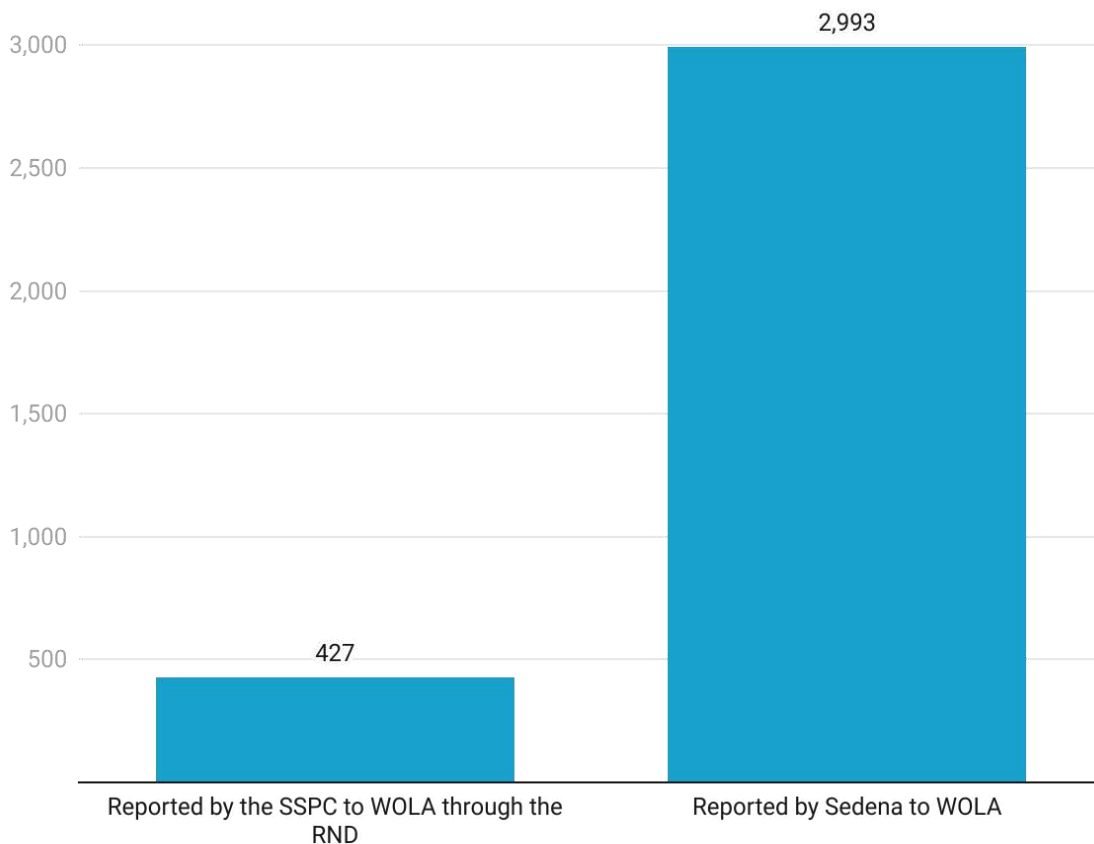
Key findings

- **Data provided to WOLA show significant discrepancies between the number of military detentions reported directly by the armed forces (Ministry of Defense and Ministry of the Navy) and the number of military detentions reported by the Ministry of Security and Citizen Protection (*Secretaría de Seguridad y Protección Ciudadana*, SSPC) in the National Detention Registry (*Registro Nacional de Detenciones*, RND).** The RND was created in 2019 to systematize information on detentions as quickly as possible and to prevent human rights violations against detainees.
 - In response to our information requests, **the Ministry of the Navy (*Secretaría de Marina, Semar*) stated that it did not have information regarding its participation in the RND, while the Ministry of Defense (*Secretaría de la Defensa Nacional, Sedena*) reported that it does not register its detentions in the RND.** This is despite the fact that the armed forces are legally required to register their detentions by the National Law on the Registry of Detentions, as confirmed by Mexico's Supreme Court (*Suprema Corte de Justicia de la Nación*, SCJN) in January

2023. This is also an obligation assigned to them by a Presidential Agreement published in May 2020.

- Sedena reported a total of 7,370 arrests in *flagrante delicto* in 2022, and Semar reported a total of 1,996. However, the SSPC, which operates the National Detention Registry, informed us that military personnel (Sedena and Semar combined) made only 2,066 arrests in 2022.
- From February 1 to May 22, 2023, Sedena reported arresting 2,993 people. Based on the RND, the SSPC informed us that military personnel made only 427 arrests in the same period.
- If the foregoing discrepancies are not due to limitations in access to or transmission of the information contained in the RND—a factor we cannot rule out—then they suggest that the majority of military detentions are either not recorded in the RND, or are recorded in a way that does not show that they were carried out by military personnel.

People Detained by Military Personnel from February to Mid-May 2023



Source: SSPC, Sedena • Created with Datawrapper

- In the case of the National Guard (*Guardia Nacional*), the SSPC informed us that the National Guard made 6,040 arrests in 2022 according to the RND. However, in its 2022 annual report, the National Guard mentions only 3,007 detained people delivered to the custody of other authorities. When asked by WOLA, the National Guard provided information on 1,037 arrests in 2022.
- According to data provided by the National Prosecutor's Office (*Fiscalía General de la República*, FGR), federal investigations opened in 2022 include:

- 17 torture investigations in which one or more members of Sedena are under investigation, nine in the case of Semar and 22 for the National Guard.
- 11 investigations for cruel, inhuman, or degrading treatment or punishment in which one or more members of Sedena are under investigation, five for Semar and 42 for the National Guard.
- At least 18 investigations for enforced disappearance in which one or more members of Sedena are under investigation, seven for Semar and three for the National Guard.
- **As reported in other investigations, Sedena’s and Semar's responses to WOLA indicate that they do not produce the public reports on the use of force established in Article 35 of the National Law on the Use of Force.** That law, published in 2019, regulates the use of force by public security institutions, as well as by the armed forces when acting in policing tasks. The reports established in the law are an important source of information on the use of lethal force, among other data.
- Despite a reduction in the number and lethality of military-civilian confrontations, official data published by various sources show that **federal security forces’ lethality index still exceeds expected levels**, which indicates a potentially excessive use of lethal force. In particular, data from Sedena (2022) and the National Guard (2021) indicate that at least three civilians are killed for every civilian wounded, whereas the expected outcome would be an equal or greater number of civilians wounded than killed. According to data provided to WOLA, Semar recorded a lethality index of 1.3 for 2022.
- Cases of arbitrary executions by federal security forces during the current administration show **the persistence of certain practices that obstruct access to truth and justice**. These include: alteration of crime scenes to present a false version of the facts; federal forces’ offering financial compensation to the families of victims in exchange for their not seeking criminal punishment of the perpetrators; intimidation of family members; and parallel criminal investigations in civilian and military jurisdiction.

Recommendations

Civilian controls over the armed forces:

- Ensure that Sedena and Semar register the arrests they make in the National Detention Registry (RND), in compliance with the corresponding National Law.
- Ensure that Sedena and Semar comply with all legal obligations applicable to any other security force regarding safeguards against serious human rights violations. This includes transparency on the use of force as required by the National Law on the Use of Force.
- Create the Independent Observatory on the use of force by the National Guard ordered by the Inter-American Court of Human Rights.
- Modify the Code of Military Justice to clarify that the investigation of serious human rights violations committed by members of the armed forces, such as cases of arbitrary deprivation of life, corresponds solely to the civilian authorities.
- Ensure that the armed forces’ and the National Guard’s semi-annual and annual reports include all information required by the Constitution and applicable secondary laws.

Security, justice, and human rights in general:

- Strengthen the capacities, accountability, and practices of local and state police institutions. This should include the creation and/or strengthening of internal and external controls.
- Strengthen the capacities, accountability, and investigative practices of prosecutors' offices, including the effective implementation of criminal prosecution plans that prioritize criminal phenomena that drive violence.
- Prioritize attention, prevention, investigation, and punishment of violence against women, several forms of which currently show increases.
- Advance in the full implementation of the General Laws against disappearance and torture.

Priority actions to move toward a fully civilian security model as soon as possible:

- Advance in, and monitor the evolution of, state-level programs to improve the work of state and municipal police forces. These should be analyzed using indicators of the conditions and concrete results of the institutions.
- Demilitarize the National Guard, guaranteeing that it is genuinely under the control of the civilian authority and ensuring that its training, composition, and practices are those of a civilian police force. A necessary, although insufficient, step to achieve this is full compliance with the April 2023 Supreme Court decision that struck down the transfer of control of the National Guard to Sedena.

The international community cooperating with Mexico in these areas should reinforce its support for objectives such as those outlined above (not intended as an exhaustive list), in order to support the demilitarization of public security and the consolidation of civilian institutions capable of responding to violence and crime in Mexico. In addition, **the United States in particular should:**

- Prioritize domestic and foreign policy advances in the areas that would have the greatest positive impact on the security situation in Mexico, namely: leaving behind the so-called “war on drugs” model; significantly reducing the widespread availability of firearms in the United States that are trafficked to Mexico; and ending measures that seek to externalize border control into Mexico, which place migrants at risk.
- Ensure that its collaboration, assistance, and communication with Mexican government agencies do not reinforce the prolongation of military participation in civilian tasks in Mexico.
- Ensure that U.S. cooperation continues and deepens its focus on strengthening the rule of law through civilian institutions. In terms of police forces in particular, professionalization and accountability remain key areas for support, including creating and/or strengthening internal and external control mechanisms.
- In light of public debate and some legislative proposals in the United States in recent months that seek to authorize [military action](#) against criminal groups in Mexico, it is imperative that the United States avoid any such actions. Proposals to address an overdose crisis in the United States with military action, or in general through the use of force and the reinforcement of the war on drugs, are counterproductive and would endanger the rights of the population.

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WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.