

## Mexico: Human rights situation

Mexico's criminal cartels – the most powerful in the Western hemisphere – have been the source of numerous human rights violations. Major reforms of the legislative and policy framework have been undertaken to improve respect for human rights, but further efforts are necessary to strengthen their implementation.

### Ratification of international instruments

At UN level, Mexico has [ratified](#) the [ten](#) core international human rights instruments and [most](#) of their optional protocols. In 2013, Mexico underwent its [second Universal Periodic Review](#) with the UN Human Rights Council. In [1981](#), it became a party to the [American Convention on Human Rights](#), the core instrument of the Inter-American Human Rights System, and in [1998](#), it recognised the jurisdiction of the [Inter-American Court of Human Rights](#) (IACHR). The Mexican constitutional reform carried out in 2011 granted ratified international human rights treaties [equal status](#) to the country's constitution.

### Relations with the EU and EP position

The [Global Agreement](#) between the EU and Mexico, which entered into force in 2000, considers respect for human rights as an 'essential element' underpinning the external and internal policies of both parties. The EU holds a regular high-level human rights dialogue with Mexico. During 2015, the EU will allocate €1 million to civil society and human rights defenders in Mexico under the [EIDHR Annual Action Plan](#).

The EP has reacted to human rights violations in Mexico in the past. In 2010, it [condemned](#) the escalation of violence in the country. In its most recent [resolution, from October 2014](#), on the disappearance of 43 teaching students in Mexico, it strongly condemned the forced disappearances and crimes in Iguala and all forms of violence in Mexico, and recommended strengthening the rule of law and reforming the judiciary.

### Political context and related issues

Mexico is [home](#) to the Western hemisphere's largest, most sophisticated and violent organised criminal cartels, which are involved, amongst other criminal activities, in drugs trafficking to the United States. Between 2006, when former Mexican President, Felipe Calderón declared 'war' on these cartels, and 2012, some [47 000 to 70 000](#) people have lost their lives in cartel-induced violence, and public security has been seriously undermined. With its [15 000 casualties](#) in 2014, Mexico ranked third in the world after Syria and Iraq in terms of the number of deaths caused by armed conflict. The fight against organised crime has led to the [splintering of criminal groups](#), which have refocused on other forms of criminal activity like kidnappings, extortion, protection rackets and armed robbery.

The country has however achieved some progress in the area of human rights. In 2011, a constitutional reform on human rights was implemented, and in 2014 a [national human rights programme](#) was adopted in order to put human rights at the core of public policies. Homicide rates [decreased](#) in 2014 for the third consecutive year, but rates of other serious crimes, including kidnapping and extortion, remained high.

### Human rights in practice

#### *Human dignity*

The right to life is under [serious threat](#) in Mexico. During 2014, [14 413](#) people were reported killed, 1 332 kidnapped, and a further 5 098 disappeared; more than [22 000](#) people reported missing since 2006 remained abducted, forcibly disappeared or missing. There is [ample evidence](#) of state agents' participation in some of the forced disappearances. The most publicised case of disappearance took place in Iguala, Guerrero State, on 26 September 2014, when six people were killed and 43 student teachers taking part in a

political protest 'disappeared', which caused worldwide outrage. The case highlighted the [complex nexus](#) between criminal gangs, politicians and police. Mexico has one of the [highest kidnapping rates](#) in the world, which has recorded a fivefold increase in the past five years. Many people are kidnapped in order to extort money from them or their family. The police are sometimes involved in [criminal activities](#), including extortions and [assassinations](#). According to the [UN Special Rapporteur on torture](#), who visited the country in 2014, torture and ill-treatment are 'generalised' in Mexico and are used by police at all levels and by the military forces. Torture is often used as a means of investigation, a practice encouraged by the fact that legal rights of detainees with alleged links to organised crime are seriously [limited](#). Some 64% of Mexicans are scared of being tortured if taken into custody, according to a [survey](#) by Amnesty International. The army, which is deployed to combat organised crime, has been [accused](#) of many human rights violations. In June 2014, a confrontation between criminals and an army unit in Tlatlaya, Mexico State, left 22 people dead, leading to [allegations](#) that some of them had been shot after having surrendered. [Numerous army and police personnel](#) have also lost their lives in confrontations with armed gangs. Among the measures taken by the government are the creation in 2012 of a [Missing or Disappeared Persons Registry](#) and the adoption in 2013 of the [General Victims Act](#), designed to support victims of violence and their families.

#### *Freedoms and citizens' rights*

Security is also a major problem for journalists, especially for those reporting on police issues, drug trafficking, and corruption among officials. [Three](#) journalists were killed in 2014. To tackle this issue, in 2012 the Mexican Congress approved [the Protection of Human Rights Defenders and Journalists Law](#).

The electoral campaign for the mid-term elections in June 2015 was marred by [deadly violence](#). Several [candidates](#) were killed by armed gangs in different parts of the country. Teachers' unions protesting against a proposed educational reform and other radical activists tried to disrupt the elections in several states: they [ransacked](#) offices of the National Electoral Institute before the elections and [burned](#) ballot boxes on the election day, in what remained isolated incidents. Politicians and local officials have been subject to [growing pressure](#) from criminal groups in recent years.

#### *Equality*

Some *indigenous communities* [suffer](#) social and economic discrimination, being excluded from health and education services, as well as discrimination in the criminal justice system. Sexual abuse and domestic violence against *women* are [widespread](#). A [legislative reform passed in 2013](#) and a [national programme](#) seek to tackle the issue of gender-based violence and discrimination. *Immigrants* crossing Mexico on their way to the US suffer [many forms of abuse](#), including robbery, extortion, kidnapping, sexual abuse, murder and disappearance, at the hands of organised criminals, migration authorities, and security forces.

#### *Solidarity*

Adopted in 1917, and still in force with some modifications, the Mexican Constitution includes an extensive list of workers' rights, especially in its Article 123. However, such rights have traditionally been [under-enforced](#). Trade unions face political [interference](#).

#### *Justice*

The criminal justice system often [fails](#) to provide justice to victims of human rights violations because of corruption and inadequacy of resources. Impunity is systematic and endemic: only about 1-2% of crimes, including homicide, lead to a conviction, according to the [UN Special Rapporteur on extrajudicial, summary or arbitrary executions](#). According to the government, nearly [94%](#) of crimes committed in 2013 have gone unreported. This situation is due to fear of extortion, long and difficult processes, or lack of trust in the authorities, especially the police. Human rights violations committed by state security forces remain widely unpunished. According to the Federal Judicial Council, federal courts have dealt with [123 prosecutions for torture](#) between 2005 and 2013 and only seven have resulted in convictions. After the Tlatlaya incident, eight soldiers were prosecuted in civilian courts, the first such case after a [bill](#) was passed in April, which requires military personnel accused of crimes against civilians to be tried in civilian courts.

## **Possible evolution**

Mexico's government faces an enormous and difficult task on two fronts. The human rights situation in the country can improve significantly only if the fight against the [extraordinary criminal threat](#) represented by the criminal gangs is reconciled with due respect for human rights. This will be possible only by reforming institutions, enhancing the judiciary and training security forces in this regard.