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INTERNATIONAL**



**Human rights in Mexico
A briefing on the eve of
President Enrique Peña Nieto's
State Visit to Canada**

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Executive Summary

On the eve of Mexican President Peña Nieto's state visit to Canada, Amnesty International Canada publishes this briefing in order to highlight the critical human rights situation in Mexico.

Mexican authorities have so far failed to implement policies and structural changes to provide tangible improvement for the situation of thousands of victims across the country, as well as guarantees to protect the rights and safety of many more who remain at risk.

The visit of Mexico's President from June 27 to 29, followed by the North American Leaders Summit, afford an important opportunity for the Canadian government to express strong concern about the human rights crisis in Mexico and to lay out clear expectations of the need for major human rights change in Mexico.

Recommendations to both Mexico and Canada are found at the end of this briefing.

I. Enforced disappearances and disappearances by non-state actors

According to current official figures, more than 27,000 people have disappeared or gone missing in Mexico since 2006, most under the current administration of President Enrique Peña Nieto. Many of these abductions have been carried out by criminal gangs and it is unclear whether any public officials have played a role. In other cases, there is direct or indirect involvement of public officials, amounting to enforced disappearances.

Impunity is the norm for these crimes. In 2015, the government told the United Nations (UN) Committee on Enforced Disappearances that it had achieved just 13 convictions in cases of enforced disappearances.

In its latest report, Amnesty International documented the case of Cuauhtémoc City in the northern state of Chihuahua, where 374 people have been reported missing according to official records, as well as the case of 43 students from the Ayotzinapa teachers' training college in the southern state of Guerrero who disappeared after being taken away by police.¹ The latter case has received enormous national and international attention. However, regardless of the level of national and international awareness and consternation about cases of disappearances, Mexican authorities have been unable or unwilling to provide an effective and adequate response to victims. There are no convictions in either case. The Mexican

¹ Amnesty International, *Treated with Indolence: The State's Response to Disappearances in Mexico*, 13 January 2016, <https://www.amnesty.org/en/documents/amr41/3150/2016/en/>

government is yet to bring all perpetrators to account, adopt international recommendations and take structural measures to prevent and punish disappearances.

Another emblematic case is that of Héctor Rangel Ortiz, who disappeared in the city of Monclova in the state of Coahuila on November 10, 2009. Authorities have yet to identify all those responsible for the disappearance of Héctor or to bring them to account. Hector's sister Brenda Rangel Ortiz has pressed repeatedly for truth and justice, and like other relatives of the disappeared has received death threats and harassment for her efforts.

The Mexican Senate is currently discussing a "general law on enforced disappearances and abductions" (ley general sobre desapariciones forzadas y desapariciones por particulares) which could be a step forward to prevent and punish these crimes. However, the bill needs to be strengthened in order to be effective. For example, the definitions of both crimes should comply with international standards, it should lay out responsibilities for those in the chain of command, and it should establish the obligation to provide emergency support to relatives of disappeared people. President Peña Nieto promised to make this piece of legislation a reality in November 2014. To date, the bill remains stalled in Senate committees and it is uncertain when it will be passed into law.

II. Torture and other forms of ill-treatment

Torture and other ill-treatment by state security forces continue to be widespread and persistent in Mexico. The vast majority of cases take place in the hours after the arrest of a "suspect", in order to extract "confessions" or information which incriminates others. Women suffer an alarming incidence of sexual assault and rape at the hands of police and military.

The case of Yecenia Armenta Graciano, charged with murder based on a "confession" obtained through torture, rape and threats against her children in July 2012, is only too emblematic. After almost four years of detention, a judge acquitted and freed Yecenia earlier this month but those responsible for her torture have not been sanctioned.²

Another emblematic case is that of Claudia Medina Tamariz, who was arbitrarily detained by navy marines who broke into her house in August 2012 and took her to a naval base in Veracruz state, where she was tortured and sexually assaulted in order to force her to "confess" to

² Amnesty International, *Mexico: Woman tortured by police is released from prison after four years of injustice*, 8 June 2016, <http://www.amnesty.ca/news/mexico-woman-tortured-police-released-prison-after-four-years-injustice>

crimes she did not commit. In February 2015, a judge acquitted Claudia of the charges against her.³ She continues to seek justice for those who tortured her.

Torture and other ill treatment happen in the broader context of the public security crisis that Mexico is experiencing and the government's response to it, including the deployment of thousands of soldiers and Navy marines to carry out anti-crime operations.

Impunity for torture cases remains the norm. There have only been 15 convictions for torture at the federal level in Mexico since torture became a crime in 1991, despite more than 7,000 complaints of torture and other forms of ill treatment filed with the National Human Rights Commission between 2010 and 2013. In addition, official forensic medical examinations of people who report torture are very few compared to the number of complaints and are often poorly carried out.

The Mexican government's position is that torture is a recurrent practice that has not yet been eliminated, but it is not widespread. In 2015, the Federal Attorney General's Office approved a Standardised Protocol to Investigate Torture for use by prosecutors throughout the country. Although this is a sign of progress, a lot will depend on its implementation and, to date, the Federal Attorney General's Office has not released information in this regard. In April 2016, the Senate approved a bill towards a General Law on Torture with several important advances but also some shortcomings. The Lower Chamber will debate the bill when it reconvenes in September. Today, Mexico stands at a crossroads where concrete progress can be made to address torture and other ill treatment. Yet so far, the gap between promises on paper and the implementation of those promises remains a significant concern.

III. Human rights defenders at risk

Many Human Rights Defenders are threatened, intimidated, harassed and killed every year in Mexico as a reprisal for the legitimate and crucial work that they do. Mexico has also achieved notoriety as one of the most dangerous place to be a journalist, amidst attacks and killings.

A federal government programme, the Mechanism for the Protection of Human Rights Defenders and Journalists, has been in place since 2013, but still falls short of its obligations to protect activists at risk in an adequate and timely manner.

Ildefonso Zamora Baldomero is an Indigenous human rights defender who has been in detention since November 2015, on fabricated charges that seem to be politically motivated in

³ Amnesty International, *Good news for Claudia Medina Tamariz*, February 11, 2015, <http://www.amnesty.ca/our-work/good-news/good-news-for-claudia-medina-tamariz>

order to stop him from speaking out against illegal logging around his community. Amnesty International considers him a prisoner of conscience and asks the Mexico state authorities to drop the charges against him and release him immediately and unconditionally.⁴

IV. Situation of Central American migrants and refugees

Migrants and asylum-seekers passing through Mexico continue to be subjected to mass abductions, extortion, disappearances, sexual assaults and other abuses committed by organized crime groups, often working in collusion with state agents.

In the vast majority of cases no proper investigations are carried out and victims are denied their right to access justice and reparations. For instance, in June 2015, armed men attacked a group of approximately 120 Central American migrants in Sonora state, on the US border. To date, no investigation had been carried out.

The flow of refugees and migrants from Central America continues to increase, many of them leaving their country due to violence. According to official estimates, as many as 400,000 people travel across Mexico every year.

The implementation of the Southern Border Plan has led to higher numbers of deportations and detentions of migrants who have entered the country. The Plan has deployed thousands of federal officials, including police and soldiers, in joint policing operations and check-points to detain migrants. As of November 2015, 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, which stood in the range of 1,000 per year. The number of deportations of Central American migrants by Mexico is now bigger than that of the USA.

V. Violence against women

Despite legislative and institutional advances, Mexican government measures to support women's rights remain incomplete. Gender based violence continues to blight the lives of women and girls. Impunity for such violence, including killings of women, disappearances, abductions and sexual violence, continues to be widespread. Official figures of killings of women rose rapidly in the last years. On average during 2013-2014, seven women were killed

⁴ Amnesty International, *Mexico: Indigenous environmental activist named 'prisoner of conscience'*, 9 May 2016, <https://www.amnesty.org/en/latest/news/2016/05/mexico-indigenous-environmental-activist-named-prisoner-of-conscience/>

daily in the country and it is estimated 67 of every 100 women have experienced at least one episode of violence.

The failure of federal and state authorities to establish gender mainstreaming procedures for registering and investigating cases of killings of women prevents the emergence of a fuller and more reliable picture of the pattern of violence against women. The surge in killings of women and disappearances in Morelos, Jalisco and Mexico States has been met by an inadequate response by officials responsible for protection and investigation. As a result, the National System for the Prevention, Sanction and Eradication of Violence against Women announced for the first time the activation of a "Gender Violence Alert" mechanism in these states.

The challenges in enforcement of this mechanism have highlighted the failure of federal, state and municipal authorities to take coordinated and effective action to prevent and respond to violence against women. One underlying reason for this failure to address violence against women is the widespread belief that it is a private matter which should be resolved within the family, rather than through state action. The failure to recognise this responsibility at all levels of government remains a substantial obstacle to developing effective policies to prevent all forms of violence against women, including the most extreme one, the killing of women.

VI. Recommendations to Mexican authorities

- Carry out full, prompt and impartial investigations into all allegations of torture, enforced disappearances and abductions; make the results public and bring all those responsible to account.
- Send out a clear message to all officials and lawmakers that enacting general laws on torture and disappearances are top legislative priorities in the country. These bills should be strengthened in consultation with victims and experts, and approved as soon as Congress reconvenes in September.
- As part of these efforts, the Federal Attorney General's Office must overhaul the application of official forensic medical examinations so that they fully comply with the Istanbul Protocol. Official forensic experts must be independent from the Attorney General's Office and must examine all alleged victims in an adequate and prompt manner. Independent medical forensic examinations must be given equal evidential weight as those carried out by official experts.
- Carry out and publish a detailed assessment of the implementation of the 2015 Standardised Protocol to Investigate Torture and the results it has borne to date in terms of charges being laid and successful prosecutions.

- Strengthen the Federal Mechanism for the Protection of Human Rights Defenders and Journalists so that it provides effective and timely protection for people at risk, with adequate resources and political coordination among federal, state and municipal authorities.
- Ensure Mexico state authorities drop the charges against human rights defender Ildefonso Zamora and release him immediately and unconditionally.
- Carry out full, prompt and independent investigations into all cases of human rights violations against migrants and possible refugees and bring those responsible to justice.
- Ensure everyone who is entitled to international protection has the right to apply for asylum in Mexico on the grounds of having been forced to leave their home country due to fear for their safety.
- Ensure that federal and state governments, in consultation with civil society, develop and implement effective joint policies to ensure the application of the gender violence alert mechanism and take measures to prevent and eliminate gender-based violence.
- Strengthen the collection and publication of data on all violent deaths of women to ensure killings of women are effectively recorded and properly investigated based on a gender mainstreaming approach.

VII. Recommendations to Canadian authorities

- Express concern on the part of Canada regarding widespread, persistent, grave human rights violations in Mexico, the involvement of state security forces and widespread failure on the part of authorities in Mexico to investigate and bring all those responsible to account.
- Press Mexico to show progress on the actions called for above, as well as with regard to implementation of the recommendations made in reports by a series of UN and Inter-American human rights bodies following their missions to Mexico, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights.
- Press for resolution of emblematic cases of grave human rights violations, including the disappearance of 43 students from a teachers college in Ayotzinapa, the cases of 374 disappearances in Cuauhtémoc City and the disappearance of Héctor Rangel Ortiz in

Monclova, Coahuila; the torture of Yecenia Armenta Graciano and Claudia Medina Tamariz; and the arbitrary detention of Ildefonso Zamora Baldomero.

- Take into account lack of state capacity to protect citizens from human rights violations in Mexico, and ensure that Mexico is recognized as a country which regularly generates legitimate refugee claimants, who deserve evaluation of their claims on the same basis as those from other countries. That requires removing Mexico from the list of “safe” countries of origin under the Immigration and Refugee Protection Act, and repealing the provisions in the Act that provide for the establishment of such a list.
- Use human rights criteria to review Canada’s programs of cooperation with Mexico.
- Increase diplomatic and cooperation assistance to support vulnerable non-governmental organizations working to defend human rights amidst threats to their safety.