

## Mexico

**Country:**

Mexico

**Year:**

2016

**Freedom Status:**

Partly Free

**Political Rights:**

3

**Civil Liberties:**

3

**Aggregate Score:**

65

**Freedom Rating:**

3.0

**Overview:**

President Enrique Peña Nieto reached the halfway point of his six-year term in 2015 facing increasing questions about governmental commitment to good governance and human rights issues. The Peña Nieto administration began its term with a promising set of reforms accompanied by slowing homicide rates, generating optimism about Mexico's economic and social direction. However, starting in 2014 the government's narrative of progress was undermined by corruption scandals and rights abuses. The problems continued in 2015, with an increase in homicide rates, the escape of drug lord Joaquin "El Chapo" Guzmán from a high-security federal prison, and ongoing repercussions of the September 2014 disappearance of 43 college students in Iguala, Guerrero, who had engaged in political protests. Peña Nieto's Institutional Revolutionary Party (PRI)-led coalition maintained its majority following midterm elections in June, but the elections also signaled party fragmentation and the emergence of independent candidates as a new political force.

The Iguala disappearances loomed large throughout the year. Judicial processes continued against scores of local police, drug gang members, and the mayor of the city and his wife, but as of year's end no convictions had been achieved. In September 2015, a group of experts from the Inter-American Commission on Human Rights (IACHR) released a report that assailed investigative and procedural lapses in the government's investigation and cast doubt on the government's November 2014 conclusion that the students' charred remains had been burned in a municipal dump. Although the state agreed to reopen the disappeared students' case, its response to criticisms by the IACHR was highly defensive.

The government's denial of the IACHR experts' request to interview soldiers stationed in Iguala kept rights watchers' eyes trained on the military, as did the slow pace of judicial proceedings against soldiers in connection with a June 2014 confrontation between criminals and an army unit in the

State of Mexico that left 22 people dead. The spotlight also shone on the federal police following two confrontations in Michoacán. The first, in January 2015, left 8 civilians dead, while a raid in May resulted in the deaths of 42 alleged gangsters and a police officer. In October, Human Rights Watch accused the federal police of committing extrajudicial executions in each incident. Also that month, the United States announced it was withholding a small portion of pledged military assistance due to the lack of progress on rights improvements. Meanwhile, the escape of El Chapo in July embarrassed the government, and a number of high officials were subsequently fired or arrested for corruption and incompetence.

The results of the June midterm elections offered the government some relief, as the ruling PRI continued to hold a majority in the lower house of Congress (with the help of its close allies the Green Party and the New Alliance Party). The elections also offered the first signs of potentially seismic changes in Mexican politics: the left fractured badly, and for the first time candidates were permitted to run as independents, resulting in the election of an outsider governor in the important northern state of Nuevo León.

## **Political Rights and Civil Liberties:**

### **Political Rights: 28 / 40 [Key]**

#### **A. Electoral Process: 9 / 12**

The president is elected to a six-year term and cannot be reelected. The bicameral Congress consists of the 128-member Senate and the 500-member Chamber of Deputies. Senators are elected for six-year terms through a mix of direct voting and proportional representation, with at least two parties represented in each state's delegation. In the Chamber of Deputies, 300 members are elected through direct representation and 200 through proportional representation, each for three-year terms. Under a December 2013 electoral reform, current members of Congress are no longer barred from reelection. As of 2018, elected senators will be eligible to serve up to two six-year terms; deputies will be permitted to serve up to four three-year terms. In Mexico's federal system, the elected governor and legislature in each of the 31 states have significant governing responsibility, including oversight of the majority of the country's beleaguered police forces.

Peña Nieto won the July 2012 presidential election with 38 percent of the vote, followed by veteran Party of the Democratic Revolution (PRD) leader Andrés Manuel López Obrador with 31 percent. Although López Obrador initially refused to accept the results, alleging infractions such as widespread vote buying, overspending, and media bias, the Federal Electoral Tribunal found insufficient evidence to invalidate the election. In June 2015, the PRI and allied parties overcame poor government approval ratings to garner a 260-seat majority in the lower chamber. The right-wing National Action Party (PAN) won 108 seats, while left-wing parties (the PRD, the López Obrador-led National Regeneration Movement [MORENA], and the Citizens' Movement) won 120. No coalition commands a majority in the Senate, where the PRI–Green Party alliance won 61 seats in 2012, the PAN took 38, and the PRD won 22.

Mexico's National Electoral Institute (INE, known until 2014 as the Federal Electoral Institute) supervises elections and enforces political party laws, including strict regulations on campaign financing and the content of political advertising—although control is weaker in practice. Both the 2012 and 2015 elections were generally considered free and fair, but complaints persisted. The primary accusations in 2012—which concerned alleged instances of vote buying and collusion between the PRI and dominant broadcaster Televisa—were instrumental in sparking a significant anti-PRI student movement. At the state level, allegations of misuse of public resources to favor specific gubernatorial candidates are frequent. The 2013 political reform broadened the INE's power to include oversight of state elections, and the agency was generally considered to have managed the 2015 balloting competently. However, political analysts faulted the INE's unwillingness to

adequately punish violations during the campaign, particularly repeated flouting of electoral rules by the Green Party.

## **B. Political Pluralism and Participation: 12 / 16**

Mexico's multiparty system features few official restrictions on political organization and activity. Power has changed hands twice at the national level since 2000, and opposition parties are also competitive in many states. However, in states with lower levels of multiparty contestation, locally dominant political actors often govern in a highly opaque manner that limits political activity and citizen participation and opens the door to corruption and organized crime.

The PRI returned to national government in 2012 after losing two consecutive presidential races to the right-leaning PAN. The PRI ruled Mexico without interruption from 1929 to 2000, and many Mexicans still question its commitment to full democracy. Its ally the Green Party is viewed as a particularly feckless seeker of control over public funds. The left, which had previously been dominated by the PRD, fragmented prior to the 2015 midterms, with López Obrador forming his own party, MORENA. In addition to independent Jaime "El Bronco" Rodríguez's victory in Nuevo León, the most prominent independent wins were one federal deputy and a state legislator in Jalisco.

Politicians and municipal governments have been subject to significant pressure from criminal groups in recent years, with more than 300 attempted or successful assassinations of local officials registered between 2008 and 2013. There were at least 19 killings linked to the 2015 electoral process.

Indigenous Mexicans are not blocked from participating in the political process, and federal and state laws prescribe procedures for the integration of traditional community customs. However, indigenous groups remain underrepresented in formal political institutions.

## **C. Functioning of Government: 7 / 12**

Organized crime and related violence have limited the effective governing authority of elected officials in some areas of the country. Members of organized crime have persisted in their attempts to infiltrate local governments in order to ensure their own impunity. The mass student disappearance that occurred in Iguala in September 2014 was linked to a deeply corrupt local government working in conjunction with a drug gang. In the most violent regions, the provision of public services has become more difficult as public-sector employees such as teachers increasingly face extortion.

Official corruption remains a serious problem. Billions of dollars in illegal drug money—as well as large quantities of powerful firearms—enter the country each year from the United States, and such funds affect politics, particularly at the state and local levels. Attempts to prosecute officials for alleged involvement in corrupt or criminal activity have often failed due to the weakness of the cases brought by the state, prompting an attempt to purge the federal prosecutorial agency in 2015. Punitive measures have generally focused on low- and mid-level officials, hundreds of whom have been dismissed or charged with links to drug traffickers. Pressure for reform intensified during 2014 after it was revealed that the president's wife and the finance minister had purchased houses from an active government contractor in a conflict-of-interest scandal. In August 2015, all were cleared of wrongdoing following a widely derided investigation into the so-called mansion scandal. However, civil society outcry about lack of progress contributed to the April passage of constitutional amendments creating a new National Anticorruption System that grants more autonomy to auditors

and prosecutors. Mexico was ranked 103 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Despite some limitations, a 2002 freedom of information law has successfully strengthened transparency at the federal level, though implementation has slowed and many states lag far behind. A new and more extensive transparency law passed in April 2015 was mostly praised by good governance advocates, although controversies over denial of access to files pertaining to abuses by state security forces persisted.

## **Civil Liberties: 37 / 60 (+1)**

### **D. Freedom of Expression and Belief: 13 / 16 (+1)**

Legal and constitutional guarantees of free speech have been improving gradually, but the security environment for journalists remains highly problematic. While some major media outlets have reduced or eliminated their dependence on the government for advertising and subsidies, investigative reporting is scarce and the distribution of government advertising still affects coverage, particularly at the local level. Broadcast media are dominated by a corporate duopoly composed of Televisa and TV Azteca, which together control approximately 95 percent of the free-to-air market. Televisa has faced accusations of supporting specific politicians over the years, usually from the PRI. A 2013 telecommunications law established a new telecommunications regulator, strengthened the Federal Economic Competition Commission, and resulted in the creation of two new free-to-air channels. However, civil society groups have criticized the limited scope of the reforms, and the winners of the auctioned airwaves—one of which subsequently was stripped of its frequency for nonpayment—were not considered likely to offer significant new competition.

A major controversy emerged in March 2015, when famed investigative reporter Carmen Aristegui, whose team broke the presidential mansion story, was fired by MVS Radio. Aristegui accused the station of bowing to political pressures, while the station's owners accused her of repeated insubordination.

Reporters probing police issues, drug trafficking, and official corruption have faced an increasingly high risk of physical harm since 2006, when violence spiked. At least four journalists were killed in connection with their work during 2015. Two of the killings occurred in Oaxaca, and one in Veracruz; another Veracruz-based journalist, Rubén Espinosa, was murdered along with four other people in Mexico City in July after threats in his home state prompted him to flee. Given the broader context of impunity and lack of state protection, the government's rapid dismissal of a professional motive in the Espinosa shooting left Mexican journalists indignant. Self-censorship has increased, with many newspapers in violent areas avoiding publication of stories concerning organized crime. Press watchdog groups hailed the 2012 federalization of crimes against journalists as well as an August 2015 law in Mexico City aimed at protecting journalists and human rights defenders, but they have decried the slow pace of the federal government's special prosecutor for crimes against freedom of expression since the office gained authority in May 2013. Despite improvements in legal status, community radio stations continue to face occasional harassment from criminals and state authorities.

Mexico has been at the forefront of citizen-led efforts to ensure internet access. The government amended Article 6 of the constitution in 2013 to make access to the internet a civil right. However, gangs have targeted bloggers and online journalists who report on organized crime, issuing threats and periodically murdering online writers.

Religious freedom is protected by the constitution and is generally respected in practice. The government does not restrict academic freedom, though university students are sometimes threatened for their political activism. While there are no formal impediments to free and open discussion, fear of criminal monitoring restricts citizens' willingness to converse publicly about crime issues in some areas of the country.

## **E. Associational and Organizational Rights: 8 / 12**

Constitutional guarantees regarding free assembly and association are largely upheld, but political and civic expression is restricted in some regions. Protest activity slowed in 2015 compared to 2014's highly-publicized mobilizations in Guerrero and Mexico City related to the student disappearances.

Although highly active, nongovernmental organizations sometimes face violent resistance, including threats and murders. Activists representing indigenous groups contesting large-scale infrastructure projects have been particularly vulnerable. In 2012, civil society pressure prompted the government to create a Protection Mechanism for Human Rights Defenders and Journalists, which has offered protection to several hundred people but has been critiqued by rights groups as slow and suffering from insufficient governmental commitment.

Trade unions, long a pillar of the PRI, have diminished significantly, but independent unions still face interference from the government. Informal, nontransparent negotiations between employers and politically connected union leaders often result in "protection contracts" that govern employee rights but are never seen by workers. Several large unions are considered opaque and antagonistic to necessary policy reforms. Longtime teachers' union leader Elba Esther Gordillo—widely perceived as extremely corrupt—was arrested in February 2013 and charged with embezzling more than \$150 million; she remained in prison throughout 2015.

## **F. Rule of Law: 6 / 16**

Mexico's justice system is plagued by delays, unpredictability, and corruption, leading to pervasive impunity. A 2008 constitutional reform replaced the civil-inquisitorial trial system with an oral-adversarial one. Although it was expected to strengthen due process while increasing efficiency and impartiality, human rights groups raised concerns about the weak protections it affords to those suspected of involvement in organized crime. Implementation of the new system is expected to take eight years; in 2015, civil society groups noted progress in some states but significant delays in many others.

Abuses during criminal investigations are rife; in March, a UN special rapporteur released a report characterizing torture as "generalized" within Mexican police forces, generating a diplomatic spat. The government has also faced domestic and international pressure to confront the problem of forced disappearance, which may have affected up to 24,000 Mexicans, although figures remain murky. In December, the government submitted a law to end the statute of limitations for both disappearances and torture and create a system of registering the disappeared and coordinating the state's response.

Coordination among Mexico's many federal, state, and local law enforcement entities has long been problematic, and the Peña Nieto administration has pursued streamlined chains of command. In zones plagued by crime, federal troops have temporarily replaced local police forces. Critics contend that federal intervention decreases incentives for governors to undertake systemic reforms, and in practice implementation of such reforms at the local level has been largely unsuccessful.

Despite a 2009 law ordering all members of the police to be vetted, thousands of police who failed to meet requirements have remained on the job.

Lower courts—and law enforcement in general—are undermined by widespread bribery and suffer from limited capacity. According to a government survey released in September 2015, nearly 93 percent of crimes committed in 2014 went unreported because the underpaid police are viewed as either inept or in league with criminals. Even when investigations are conducted, only a handful of crimes end in convictions. Prisons are violent and overcrowded, and it is not uncommon for prisoners to continue criminal activity while incarcerated. El Chapo's escape led to the arrest of 34 people. The National Human Rights Commission, long maligned due to its perceived passivity in the face of rampant rights abuses, began to regain some credibility following the appointment of a new director in November 2014.

Presidential authority over the armed forces is extensive, but the military has historically operated beyond public scrutiny. Human rights advocates have long complained about a lack of accountability for rights abuses including torture, forced disappearances, and extrajudicial executions. Military personnel are generally tried in military courts, but a bill passed in April 2014 shifted the venue of trials for violations of civilians' rights to civilian courts. Of the seven soldiers indicted for the 2014 State of Mexico massacre, four had charges dismissed in October 2015, while three remained in custody pending trial.

The number of deaths attributed to organized crime rose sharply each year between 2007 and 2011, declined from 2012 to 2014, but ticked upward again in 2015. Violence was particularly acute in Guerrero, and also rose sharply in Mexico City. In March and April 2015, the Jalisco New Generation Cartel carried out a series of attacks that killed more than 20 police in Jalisco. Gang murders often feature extreme brutality designed to maximize the psychological impact on civilians, authorities, and rival groups.

In recent years, the government has taken a number of steps to curb violence and ease popular frustration. These include engaging in consultations with civic leaders, the continued deployment of troops, the reformation of the federal police and development of the National Gendarmerie, and the decriminalization of possession of small quantities of drugs. The Peña Nieto administration has been less vocal on matters of public safety than its predecessor, but it has maintained many of the former administration's strategies, including use of the military. However, after three straight years of declines, the murder rate increased by more than 8 percent in 2015.

Mexican law bans discrimination based on ethnic origin, gender, age, religion, and sexual orientation. Nevertheless, the large indigenous population has been subject to social and economic discrimination, with many groups relegated to extreme poverty in rural villages that lack essential services. Southern states with high concentrations of indigenous residents suffer from particularly deficient services. Indigenous groups have been harmed by criminal violence; in recent years, a series of communities in Guerrero and Michoacán have formed self-defense groups, some of which were subsequently legalized. In addition, disputes over land issues within indigenous groups have occasionally become violent, particularly in the states of Chiapas and Oaxaca.

## **G. Personal Autonomy and Individual Rights: 10 / 16**

Criminals have impeded freedom of movement by blocking major roads in several states in recent years, and ordinary citizens avoid roads in many rural areas after dark. Rights groups frequently detail the persecution and criminal predation faced by migrants from Central America, many of whom move through Mexico to reach the United States. Despite government initiatives to improve protections, pressure from the United States to crack down on migrants generated increasing accusations of abuses against migrants in 2015.

Property rights in Mexico are protected by a modern legal framework, but the weakness of the judicial system, frequent solicitation of bribes by bureaucrats and officials, and the high incidence of criminal extortion harm security of property for many individuals and businesses. A series of demonstrations in March 2015 drew attention to brutal working conditions endured by many indigenous Mexicans working in northern agricultural fields.

Women play a prominent role in social and political life, and female representatives increased their share of seats in the Chamber of Deputies to 42 percent in the 2015 elections. However, sexual abuse and domestic violence against women are common. According to a 2012 study, 46 percent of women have suffered some form of violence, and perpetrators are rarely punished. Implementation of a 2007 law designed to protect women from such crimes remains halting, particularly at the state level, and impunity is the norm for the killers of hundreds of women each year. In July 2015, authorities in the State of Mexico issued a “gender alert,” thereby triggering greater scrutiny and an influx of resources to combat an epidemic of violence against women; women’s rights advocates expressed hope it would serve as a precedent for other similarly afflicted regions. Abortion has been a contentious issue in recent years, with many states reacting to Mexico City’s 2007 liberalization of abortion laws by strengthening their own criminal bans on the procedure.

Mexico took significant steps toward LGBT (lesbian, gay, bisexual, and transgender) equality in 2015, courtesy of the Supreme Court. In June, the chamber struck down as discriminatory a state law stating that the purpose of marriage is procreation, and in August, it extended protections to include adoption of minors by same-sex couples. However, implementing the jurisprudence in all Mexican states will take time, as the court’s rulings do not apply in blanket form to all states that have yet to legalize same-sex marriage.

Mexico is a major source, transit, and destination country for trafficking in persons, including women and children, many of whom are subject to forced labor and sexual exploitation. Organized criminal gangs are heavily involved in human trafficking in Mexico and into the United States. Government corruption is a significant concern as many officials are bribed by or aide traffickers.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

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