



## UPR Submission: Mexico March 2018

### Summary

During its previous UPR review in 2013, Mexico accepted recommendations to address a range of chronic human rights problems. This submission focuses on Mexico's implementation of recommendations related to the prohibitions on torture, enforced disappearances, and extrajudicial executions. These violations remain a serious problem, and perpetrators are rarely brought to justice. Since 2003, Mexico has adopted laws on torture and disappearances that contain positive provisions. However, these laws have not been fully implemented. Reliable, comprehensive statistics on torture, enforced disappearances, and extrajudicial executions remain lacking.

### Torture

During the 2013 UPR, Mexico accepted recommendations to ensure a proper investigation into allegations of torture and the prosecution and effective punishment of perpetrators. Mexico also agreed to bring its laws in compliance with its international obligation to prevent and punish torture, and to set up a system to register complaints of torture and ill-treatment.

However, torture continues to be a problem. While available data is limited, state-level human rights commissions received 1,985 complaints of torture by state and municipal officials and authorities in 2015. At the federal level, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos, CNDH*) received 274 complaints of torture by federal officials and authorities between January 2015 and August 2017. In a 2016 survey by the National Institute for Statistics and Geography (*Instituto Nacional de Estadísticas y Geografía, INEGI*) of more than 64,000 prisoners in 37 detention centers throughout the country, of whom 61.8% had been arrested between 2012 and 2016, and 63.8% indicated they suffered physical violence at the time of their arrest.

Impunity for these abuses remains the norm. In response to an information request by Human Rights Watch, the Attorney General's Office (*Procuraduría General de la República, PGR*) indicated that between December 1, 2012 and February 1, 2018, it had opened 9,466 investigations into torture allegations but had not obtained a single

conviction. In March 2018, OHCHR Mexico published a report about the investigations in the case regarding the disappearance of 43 students from Ayotzinapa, Guerrero state. It found “solid” proof that at least 34 of 129 detainees had been tortured, and condemned the response of Mexico’s institutions to these reports of torture as inadequate.

In April 2017, Mexico enacted a law against torture following a process involving citizen participation. The law contains positive provisions, like the exclusion of evidence from criminal proceedings that was obtained under torture, the creation of a national registry of torture cases, special prosecutor’s offices, including on the state level, to investigate and prosecute torture, and an autonomous National Mechanism to Prevent Torture that conducts periodic visits to detention centers. However, a year later, implementation of the law has only just begun and has not shown positive results yet.

### Recommendations

To curb the problem of torture, Mexico should:

- Ensure that allegations of torture are effectively investigated and prosecuted.
- Ensure prompt and effective implementation of the General Law on Torture and other laws prohibiting torture and the use of coerced evidence in trial; and
- Build reliable information systems to collect data on the number of torture complaints, investigations, and prosecutions, and make this information publicly available.

### **Enforced disappearances**

During the 2013 UPR, Mexico accepted recommendations to conduct in-depth and systematic investigations into enforced disappearances, bring these case to justice, and provide reparations to victims. It also committed to taking measures to fight enforced disappearances, developing a national protocol to search for the disappeared, and implementing the recommendations from the Working Group on Enforced or Involuntary Disappearances’ December 2011 report, such as the compilation and publication of statistical data on enforced disappearances. However, impunity continues to reign.

According to the official database, as of January 2018, more than 34,000 people have been reported missing since 2007—more than 21,000 of whom went missing between January 2013 and January 2018. However, the lack of adequate investigations—and, until the adoption of the law on disappearances, of a consistent definition throughout all states of what constitutes an enforced disappearance—makes it impossible to know exactly how many of these cases were enforced disappearances in which security forces are directly or indirectly implicated.

Mexican police and prosecutors routinely fail to take basic investigative steps to identify those responsible for enforced disappearances, including registering complaints that family members try to file. They often tell the families to investigate on their own, according to Mexican nongovernmental organizations who work with victims and families.

Impunity for enforced disappearances continues to be the norm. In response to an information request from Human Rights Watch, the Attorney General's Office (which has had a specialized office to investigate disappearances since June 2013) replied that between December 2012 and December 2017, it had started 369 investigations into enforced disappearances but had not obtained any convictions. And, as mentioned above, the March 2018 report by OHCHR Mexico documented what it described as human rights violations in the investigation of the high-profile case regarding the disappearance of 43 students from Ayotzinapa, Guerrero state—such as the likely torture of detainees—and excessive delays in judicial proceedings.

In August 2015, Mexico's federal Attorney General's Office and its counterparts at the state level adopted a special protocol to search for and investigate (enforced) disappearances. However, the CNDH found that the protocol has not produced meaningful results. In November 2017, Mexico adopted a law on disappearances following a process of public participation. The law contains positive provisions: for instance, it establishes a definition of enforced disappearances and holds that the crime does not prescribe, and mandates the creation of a national registry for missing persons, a national forensic database, and national and state-level search councils. However, the law still needs to be implemented and the institutions it created have not started operating.

#### Recommendations:

To address the widespread problem of enforced disappearances, Mexico should:

- Ensure that allegations of enforced disappearances are effectively investigated and prosecuted.
- Ensure prompt and effective implementation of the General Law on Disappearances and the institutions it creates; and
- Build reliable information systems to collect data on the number of enforced disappearances, investigations, and prosecutions, and make this information publicly available.

#### **Extrajudicial executions**

During its 2013 UPR, Mexico committed to ensuring that human rights violations committed by security forces would be fully investigated and brought to justice. Extrajudicial executions are examples of such human rights violations

The number of homicides in Mexico has increased dramatically in the last five years. In 2013, there were 18,106 intentional homicides, but in 2017, that number was 25,339—an increase of almost 40 percent, and the highest number in the past two decades. Mexico does not produce statistics on the number of extrajudicial executions. Authorities only register the number of homicides and do not specify who might be alleged perpetrators. However, there is some information about the number of civilians killed by security forces. According to the Department of Defense, between January 2013 and March 2014, 540 civilians and 41 soldiers were killed in “acts of aggression” (“*agresiones*”) and 67 civilians and 235 soldiers were injured. And between 2012 and 2014, 193 civilians and three Marines died during “acts of aggression.” (The Department of Defense stopped collecting this data after 2014 and the Navy erases this information from its archives after a maximum of three years.)

Impunity for extrajudicial executions is the norm. Following an information request from Human Rights Watch, the Attorney General’s Office responded that between December 2012 and January 2018, 44 public officials were charged with homicide, but it did not report any convictions. Between 2012 and 2016, only three soldiers were convicted for extrajudicial executions.

In its March 2018 report on the investigations of the disappearance of students from Ayotzinapa, OHCHR Mexico found indications that interrogating agents might have tortured a detainee to death: a possible extrajudicial execution. There have been no convictions for the extrajudicial executions that occurred in such high profile cases as the killing of 22 civilians by soldiers in Tlatlaya, Mexico state, in 2014, or the killing by federal police of at least 10 civilians in Tanhuato and of 42 civilians in Apatzingán, both in Michoacán state, in 2015.

#### Recommendations:

To address the problem of extrajudicial executions, Mexico should:

- Ensure that allegations of enforced disappearances are effectively investigated and prosecuted;
- Provide reliable statistics on the number of killings by security forces, as well as the number of criminal investigations of alleged extrajudicial executions, and the number of convictions for these crimes; and
- Oblige all security forces to publish updated information on killings and injuries of civilians, and investigate these incidents.