

FOLLOW UP TO THE PREVIOUS REVIEW

1. During its third review in 2018, Mexico received 264 recommendations, supporting 262, and noting two.¹

VIOLENCE AGAINST WOMEN AND GIRLS

2. Mexico supported recommendations regarding the right of women and girls to live a life free from violence, including the importance of the prevention and eradication of this form of violence,² the strengthening of the Gender-based Violence against Women Alert (AVGM),³ and ensuring access to justice and reparation.⁴ Four recommendations referred to femicide, in particular.⁵

EXCESSIVE USE OF FORCE

3. Mexico supported recommendations to ensure that human rights violations committed by, or with the acquiescence of, security and/or Armed Forces are investigated, sanctioned and reparations made.⁶ One recommendation stated the need to adopt additional measures regarding the limits on the use of force.⁷ Nonetheless, major challenges remain to address impunity for human rights violations committed by the Armed Forces.

RIGHT TO FREEDOM OF OPINION AND EXPRESSION

4. Mexico supported recommendations concerning the protection of journalists, including to strengthen the federal Mechanism for the Protection of Human Rights Defenders and Journalists;⁸ to combat violence and harassment suffered by them; and to investigate and prosecute such attacks.⁹ Nevertheless, investigations remain inadequate and impunity for such attacks is widespread.

ARRAIGO

5. Regrettably, despite supporting a recommendation regarding *arraigo*¹⁰ detention,¹¹ including to revoke all provisions in the Constitution and other laws that provide for it, and to investigate and prosecute every allegation of human rights violations committed under those laws, legal provisions for *arraigo* detention remain in force.

NATIONAL HUMAN RIGHTS COMMISSION

6. Mexico supported one recommendation regarding the National Human Rights Commission (NHRC),¹² specifically to strengthen its autonomy and capacities. Nevertheless, this recommendation has not yet been implemented.

ACCOUNTABILITY

7. In a welcome move, despite having only noted a recommendation to do so,¹³ Mexico ratified the Kampala amendments (Article 8) of the Rome Statute of the International Criminal Court in September 2021. This contributes to the protection, promotion and respect for the human rights of victims of crimes and human rights violations.¹⁴
8. In a positive move, Mexico formally recognized the competence of the UN Committee on Enforced Disappearances in 2020,¹⁵ as stated by four recommendations which were supported by this Government.¹⁶ This individual complaints mechanism helps in the prevention of the enforced disappearances and the

promotion of the rights of the disappeared and the families that have exhausted all domestic channels in their struggle for truth, justice and full reparation.¹⁷

THE NATIONAL HUMAN RIGHTS FRAMEWORK

9. A new law on the use of force,¹⁸ in force since 2019, does not regulate the use of lethal force and firearms by law enforcement officials according to international standards, and unduly restricts the right to peaceful assembly.
10. Despite the militarization of public security defended and promoted by the President and furthered by Congress, the National Human Rights Commission has not questioned these decisions, neither publicly nor in the courts. This has been considered by local organizations as a lack of impartiality.¹⁹ Speedy implementation of supported recommendations from both the second²⁰ and third reviews²¹ to strengthen the work of the NCHR would help address this concern.
11. When ruling against the president's initiatives, the Supreme Court has received consistent public attacks by the president that compromise the autonomy of the judiciary. For example, when the Supreme Court blocked the president's attempt to place the National Guard under the control of the military, the president accused the judges of "responding to the interests of the elites and not to the voice of people".²² Speedy implementation of supported recommendations would help to preserve the independence of the judiciary and guarantee the rights to truth and justice.²³
12. In January 2021, Mexico ratified the Escazú Agreement, which includes strong protections for Indigenous and environmental defenders.²⁴ However, the President responded by publicly accusing the human rights defenders who have expressed concern about the Mayan Train Project of being "false environmentalists".²⁵ Six UN Special Procedure mandate holders expressed concerns about that project, relating to Indigenous Peoples' rights to land, health, and environmental impacts.²⁶ This replicates concerns raised in Mexico's last UPR.²⁷
13. *Arraigo* has not been repealed despite the fact that the IACHR ordered Mexico to eliminate it in 2022²⁸ and again in 2023.²⁹ The IACHR also stated that legal and constitutional provisions must be amended to make the mandatory pre-trial detention compatible with the American Convention on Human Rights.

THE HUMAN RIGHTS SITUATION ON THE GROUND

VIOLENCE AGAINST WOMEN AND GIRLS: FEMINICIDES

14. Instances of gender-based violence against women and girls have continued to rise since the last review in 2018. According to official data from the Executive Secretariat of the National Public Security System,³⁰ between 2018 and May 2023, at least 20,292 women were killed. This implies that almost 11 women are killed daily in Mexico. The prosecutors' offices decided to investigate 5,065 of these killings as alleged feminicides.
15. Since 2015 the "Gender-based Violence against Women Alert" (AVGM)³¹ has been active in Mexico. It relies on coordinated efforts to prevent and address/respond to gender-based violence against women. Despite the activation of 25 AVGMs in 22 states of the country, impunity in the investigations of feminicides remain unabated.³²

16. In 2021, Amnesty International documented four emblematic cases of feminicides.³³ The report shows shortcomings in the investigations such as loss of evidence, lack of proper investigations, failure in applying gender perspective, and threats to and revictimization of the victim's families. These patterns are similar to those found in Ciudad Juárez's feminicides investigations, as has been repeatedly highlighted by NGOs and rights holders.³⁴

SOCIAL PROTEST

17. People exercising their right to peacefully protest often face violations of their rights, including stigmatization, repression, unnecessary or disproportionate use of force, threats, digital harassment, lack of due process and access to justice, impunity, and sexual violence in case of women.
18. Stigmatization often comes from the highest authorities, including the president's daily morning press conference, where he often expresses strong criticism of journalists, human rights defenders and NGOs that question government actions, accusing them of being "conservatives", "opponents" as well as of resorting to "hammers, torches and Molotov cocktails" when participating in protests.³⁵
19. Amnesty's report *The Age of Women: Stigma and violence against women protesters*³⁶ documented human rights violations committed by law enforcement officials against women demanding a life free from violence in Sinaloa, the State of Mexico, Mexico City, Guanajuato, and Quintana Roo in 2020. These violations include excessive and unnecessary use of force, illegal and arbitrary arrests, gender-based verbal and physical abuse, and sexual violence, stigmatization of feminist demonstrations as "violent" as well as discriminatory bias against women covering their faces. Currently, no one has been held to account for these abuses.
20. The criminal justice system is often used as a deterrence mechanism for those protesting especially for land, territorial, environmental and climate rights. Since the last review, Amnesty has documented cases of the criminalization of protest.³⁷ These cases show a tendency to criminalize leaders and human rights defenders by using vague or broad criminal offences or fabricating criminal charges against them. Violations of rights in these cases include lack of due process and access to justice, prolonged trial processes with the constant threat of deprivation of liberty, as well as lack of prior informed consent in the cases of indigenous communities, and impunity.

SAFETY OF JOURNALISTS

21. Mexico is one of the most dangerous countries in the world for journalists. 2020³⁸ and 2022³⁹ were some of the deadliest years in Mexican history for the press, with at least 19 and 13 journalists killed respectively because of their work, more than in 2021⁴⁰ and 2019.⁴¹
22. At the federal level, since 2012, Mexico has had a Mechanism for the Protection of Human Rights Defenders and Journalists ("the Mechanism"),⁴² which provides certain protection measures for people who have received attacks or threats. Currently, the Mechanism benefits more than 500 journalists,⁴³ but from 2017 to 2021, at least seven journalists have been killed despite having been afforded protection by the Mechanism.⁴⁴
23. Furthermore, many cases remain without adequate investigation and the Mechanism continued to fall short of its goal to safeguard the lives and safety of these groups.⁴⁵ The Mechanism has not yet provided a strategy to respond to digital attacks and unlawful surveillance, such as from the NSO Group's spyware

Pegasus.⁴⁶

MILITARIZATION

24. Mexico has relied on a heavily militarized public security strategy. A constitutional amendment in 2019⁴⁷ created the National Guard (GN), which was intended to be under civilian control. However, the GN is heavily influenced by the Armed Forces (AF); a former army general is in command, and most of its members were formerly part of the AF. The fifth transitory article in the constitutional reforms provided that the AF would participate in public security tasks for up to five years while the GN becomes fully operational.⁴⁸
25. In 2020, an executive decree formally involved the AF in public security tasks until 2024,⁴⁹ a period that was recently extended after the Congress agreed to keep the army on the streets until 2028,⁵⁰ without a strategy for demilitarization of public security and law enforcement agencies and police reform. In November 2022, the Supreme Court resolved that the Presidential Decree of 2020 allowing the permanent participation of AF in public security operations until 2024 was constitutional.⁵¹
26. In September 2022, Congress approved an initiative that places the GN formally under the control of Mexico's Ministry of National Defence (SEDENA).⁵² However, on 18 April 2023, the Supreme Court struck down the transfer of the GN to SEDENA.⁵³
27. The GN is among the ten federal institutions with the highest number of complaints for human rights violations. The NHRC has received 1,200 complaints against the GN, since its creation in 2019 up to September 2022.⁵⁴ These complaints related to arbitrary detentions, torture and other ill-treatment, enforced disappearances and other violations. As for SEDENA and SEMAR (Secretariat of the Navy), from 2019 to September 2022, the NHRC collected 1,604 complaints and 1,553 respectively, regarding multiple violations of human rights, including torture and other ill-treatment, unlawful killings, enforced disappearances and arbitrary detentions.⁵⁵
28. Participation of the AF in the public life of Mexico has increased the probability of being a victim of sexual torture when detained; led to more violations of judicial guarantees during detention; and fostered a lack of truth, transparency and accountability in its operations.⁵⁶
29. In addition, military personnel have been directly linked to the enforced disappearance of the 43 Ayotzinapa students, extrajudicial executions and cases of torture and other ill-treatment.⁵⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Mexico to:

National human rights framework

30. As Mexico previously agreed to do, strengthen the National Human Rights Commission so that it complies with the Paris Principles and ensure that its recommendations are in line with international human rights norms and standards, including consideration of the needs of victims as well as of standards on comprehensive reparations.
31. Ensure that law enforcement personnel and those working in the criminal justice system are provided with adequate resources to carry out their functions efficiently and in accordance with international human rights standards, including decent and appropriate compensation and working conditions.

Violence against women and girls

32. Publicly acknowledge the scale of the problem of feminicides and disappearances in Mexico, as well as the failings in the investigations into these crimes, and send a clear message that these crimes will no longer be tolerated or go unpunished.
33. Guarantee full reparations family members of femicide victims in line with the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" and the CEDAW General Recommendation 35.
34. Investigate the problem of failures in criminal investigations of crimes of violence against women, especially feminicides and disappearances and issue recommendations that address the aspects highlighted in this report, such as excessive workloads, failure to investigate, the application of a gender perspective, the collection and safeguarding of evidence and the need for training of public servants in Public Prosecutors' Offices.

Social Protest

35. Publicly recognize the legitimacy of the right to peaceful protest, facilitate and protect persons exercising this right, and abstain from their stigmatization and criminalization.
36. Carry out prompt, thorough, independent and impartial investigations, with a gender and intersectional perspective, into violations of human rights occurring before, during and after protests.
37. Guarantee access to justice and full reparation for victims of human rights violations in the context of protests in line with the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law".
38. Amend the National Law on the Use of Force (specifically Articles 27, 28 and 36) in line with international human rights law, the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", the UN Code of Conduct for Law Enforcement Officials, and in accordance with relevant judgments issued by the IACHR.
39. Create an enabling legal framework for the exercise of the right to protest, and undertake analysis of state, municipal and federal legislation, particularly the types of offences used to criminalize the right to peacefully protest, with a view to their amendment or repeal to ensure they fully align with relevant international human rights standards.
40. Create an independent national observatory, with the participation of civil society, for accountability and monitoring the deployment of the National Guard in relation to social protest, including the use of force.
41. Establish an ongoing monitoring and oversight national mechanism to measure and evaluate the effectiveness of existing policies, protocols and guidelines on the use of force.

Safety of Journalists

42. Guarantee the autonomy of the Attorney General's Office by ensuring the necessary infrastructure to carry out its function efficiently and with decent working conditions, and training programs focused on the technical aspects of investigations with a gender perspective, human rights and intercultural approach in order to reduce impunity for access to truth and justice for crimes and human rights violations committed against journalists.
43. Investigate public servants responsible for misconduct or crimes against the victims and victims' families and impose adequate disciplinary measures when appropriate.
44. Provide the Mechanism for the Protection of Human Rights Defenders and Journalists with enough resources and adequate personnel to meet the demands for effective protection measures.
45. Guarantee that risk assessments and the implementation of protection measures for journalists are carried out in a timely manner ensuring that these also fully incorporate both a gender and intersectional approach to ensure their effectiveness.

Militarization of Public Security

46. Develop a plan for the withdrawal, by 2028, of the Armed Forces from public security and administrative tasks, while strengthening effective and respectful human rights public security policies.
47. Strengthen the accountability of military institutions to civilian institutions, particularly between the Armed Forces and the legislative and judicial branches.

1 UN General Assembly, Report of the Human Rights Council on its Fortieth Session, UN Doc. A/HRC/40/2, 11 January 2021, paragraph 54. In its response to the outcome report, Mexico supported 262 recommendations, and noted two recommendations: one regarding the ratification of the Kampala amendments to the Rome Statute (Liechtenstein), and another regarding the respect and defense of life from conception to natural death (Holy See). Human Rights Council, Report of the Working Group on the Universal Periodic Review– Mexico (Addendum), A/HRC/40/8/Add.1, 12 February 2019, paragraph 5.

2 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review– Mexico, A/HRC/40/8, 27 December 2018, UN Doc. A/HRC/40/8, Recommendations: 132.37 (Australia), 132.45 (Liechtenstein), 132.192 (Guyana), 132.195 (Serbia), 132.198 (Sri Lanka), 132.202 (Cuba), 132.203 (Ecuador), 132.207 (Albania), 132.208 (Italy), 132.211 (Lithuania), 132.213 (Nepal), 132.215 (Philippines), 132.216 (Portugal), 132.218 (Armenia), 132.219 (Korea), 132.220 (Republic of Moldova), 132.221 (Spain), 132.222 (Syrian Arab Republic).

3 A/HRC/40/8. Recommendations 132.200 (Austria), 132.205 (France), 132.214 (Norway).

4 A/HRC/40/8. Recommendations 132.76 (Lithuania), 132.212 (Malaysia), 132.219 (Korea), 132.201 (Cuba).

5 A/HRC/40/8. Recommendations 132.66 (Belgium), 132.67 (Canada), 132.204 (Estonia), 132.205 (France).

6 A/HRC/40/8. Recommendations on enforced disappearances: 132.7 (Paraguay), 132.8 (Benin), 132.9 (Uruguay), 132.10 (Costa Rica), 132.47 (Botswana), 132.48 (Czechia), 132.49 (Germany), 132.51 (Italy), 132.53 (Republic of Korea), 132.54 (Spain), 132.55 (Switzerland), 132.56 (Turkey), 132.58 (Belarus), 132.63 (United States of America), 132.65 (Belgium), 132.68 (Canada), 132.69 (Chile), 132.72 (France), 132.74 (Ghana), 132.76 (Lithuania), 132.77 (Argentina), 132.81 (Poland), 132.83 (United States of America), 132.50 (Greece), 132.52 (Montenegro), 132.157 (Ireland), 132.156 (Hungary); recommendations on preventing torture: 132.11 (Belarus), 132.56 (Turkey), 132.57 (Finland), 132.58 (Belarus), 132.59 (Ghana), 132.60 (Norway), 132.83 (United States of America), 132.100 (New Zealand); recommendations on extrajudicial, summary or arbitrary executions: 132.11 (Belarus), 132.81 (Poland); recommendations on grave human rights violations: 132.71 (France), 132.86 (United Kingdom of Great Britain and Northern Ireland), 132.89 (Denmark).

7 A/HRC/40/8, recommendation 132.41 (Brazil)

8 A/HRC/40/8, recommendations: 132.23 (Bolivia), 132.73 (Germany), 132.79 (New Zealand), 132.110 (Austria), 132.113 (Cameroon), 132.114 (Canada), 132.115 (Colombia), 132.116 (Costa Rica), 132.118 (Czechia), 132.121 (France), 132.122 (Greece), 132.123 (Albania), 132.124 (Lithuania), 132.126 (Netherlands), 132.128 (Korea), 132.129 (Slovakia), 132.131 (Slovenia), 132.132 (Spain), 132.133 (Australia), 132.134 (Sweden), 132.136 (Switzerland).

9 A/HRC/40/8. Recommendations: 132.70 (Czechia), 132.73 (Germany), 132.75 (Hungary), 132.78 (Argentina), 132.79 (New Zealand), 132.82 (Sweden), 132.99 (Italy), 132.105 (Poland), 132.111 (Brazil), 132.112 (Belgium), 132.120 (Finland), 132.126 (Netherlands), 132.137 (Estonia), 132.138 (Lithuania).

- 10 Arraigo: The Law allows the Public Prosecutor's Office (in the investigation of a crime and integration of a Preliminary Investigation) to request an order from a Judge in order to prevent a person from leaving a specific place. It is requested when an Investigation has already been initiated, but evidence is still being gathered to prove the probable responsibility of the person. Gobierno de México, ¿Qué es un arraigo o impedimento judicial?, 3 March 2020, consulmex.sre.gob.mx/atlanda/index.php/component/content/article/44-faqs/217-arraigo
- 11 A/HRC/40/8. Recommendation 132.61 (Pakistan).
- 12 A/HRC/40/8. Recommendation 132.12 (Ukraine).
- 13 A/HRC/40/8/Add.1, 12 February 2019, paragraph 5(a).
- 14 Senado de la República, Dictamen de las Comisiones Unidas de Relaciones Exteriores y de Justicia, por el que se Aprueban las Enmiendas al Artículo 8 del Estatuto de Roma de la Corte Penal Internacional, 31 August 2021, infosen.senado.gob.mx/sgsp/gaceta/65/1/2021-09-07-1/assets/documentos/Dict_RE_Justicia_Corte_Penal_Internacional.pdf
- 15 Secretaría de Relaciones Exteriores, "El Gobierno de México reconoce formalmente la competencia del Comité contra la Desaparición Forzada de la ONU", 04 October 2020, gob.mx/sre/prensa/el-gobierno-de-mexico-reconoce-formalmente-la-competencia-del-comite-contra-la-desaparicion-forzada-de-la-onu
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- 21 A/HRC/40/8/Add.1 - Para. 6, recommendation 132.12 (Ukraine)
- 22 Presidencia de la República, "Postura ante resolución de la SCJN sobre la Guardia Nacional y SEDENA. Conferencia de Prensa del Presidente Andrés Manuel López Obrador", 19 April 2021, youtube.com/watch?v=xPKt2tSnM2A
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- 24 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018, treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-18&chapter=27&clang=_en, Chapter 27.
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