

# **Mexico: Corruption within military and police units, including ties with organized crime groups; state and military response to corruption, including effectiveness; state protection for victims and witnesses of corruption, including complaint mechanisms to report such cases (2022–August 2024) [MEX201994.E]**

Research Directorate, Immigration and Refugee Board of Canada

## **1. Overview**

Transparency International, an international non-profit NGO aiming to "stop corruption and promote transparency" through advocacy, campaigning, and research (Transparency International n.d.), in its 2023 *Corruption Perceptions Index*, which measures perceptions of public-sector corruption in countries worldwide, gives Mexico an index score of 31 on a scale of 0 ("highly corrupt") to 100 ("very clean") (2024). This score ranks Mexico as 126th of 180 countries, in order of least corrupt to most corrupt (Transparency International 2024).

Based on figures from the 2023 National Survey on Governmental Quality and Impact (Encuesta nacional de calidad e impacto gubernamental, ENCIG) conducted by Mexico's National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI), from which INEGI was able to generate [translation] "representative estimates" at the national and state levels for the population aged 18 and over in cities with populations over 100,000, based on a sample size of 46,000 households surveyed between 30 October and 15 December 2023, 83.1 percent of the population surveyed considered acts of corruption to be "prevalent" or "very prevalent" in their state; this figure was 86.3 percent in 2021 (Mexico 2024-03, 3, 4, 172). According to the same source, the biggest proportion of state corruption experienced by survey respondents in 2023 occurred when interacting with public security authorities; 59.4 percent indicated that they encountered [translation] "some act of corruption" when "in contact with public security authorities" (Mexico 2024-03, 189). Additionally, the same 2023 survey found that, at the national level, 86.7 percent of respondents identified police as the actors with the highest prevalence of corruption; 37.1 percent reported having [translation] "trust" in the police, and reported perceptions of trustworthiness were 65.6 percent for the National Guard (Guardia Nacional) and 71.5 percent for the army and navy (Mexico 2024-03, 212, 270).

According to sources, [former] president Andrés Manuel López Obrador [replaced by Claudia Sheinbaum on 1 October 2024, who was elected in June 2024 (Reuters 2024-10-02)], suspended the federal police [in 2019 (CNN 2024-06-26)] and created a new civilian-controlled National Guard in its place (AP 2021-06-15; CNN 2024-06-26). However, an International Crisis Group (Crisis Group) report on Mexico's military and crime states that the National Guard has been "closely associated with the military" since its inception, adding that the "entire command structure and 86 per cent of its personnel are military officers" (2024-05-24, 7). *Bertelsmann Stiftung's Transformation Index (BTI) 2024*, which "assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries," states that Congress approved transferring operative and administrative control of the National Guard from the Public Security Ministry to the Secretariat of National Defense (Secretaría de la Defensa Nacional, SEDENA) despite the constitution stating that the National Guard is a civil institution (Bertelsmann Stiftung 2024, 2, 9–10). Sources report that the transfer of the National Guard to being under the military was overturned by the Supreme Court in 2023 for being unconstitutional, but that in

September 2024, Congress and the Senate approved a constitutional reform to legislate the move (Reuters 2024-09-25; AP 2024-09-25).

Crisis Group states that the López Obrador government was "not always transparent" about its crime-fighting strategy or the ways it targets criminals, "particularly when it comes to the military's place therein" (2024-05-24, 2). According to the same source, the government has not been successful in addressing state corruption or judicial impunity in crime-affected areas (Crisis Group 2024-05-24, 3). Similarly, *BTI 2024* states that the results of the country's fight against corruption "have been poor" (Bertelsmann Stiftung 2024, 39).

Crisis Group indicates that the government's National Peace and Security Plan (Plan nacional de paz y seguridad) from 2018 laid out "a number of alternative objectives for the security forces and judicial system" that included "'eradicating' corruption by prosecuting white-collar crimes such as money laundering and promising to end the widespread practice of public officials taking kickbacks" (2024-05-24, 4). According to *BTI 2024*, the Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery noted that Mexico's efforts to fight corruption were "insufficient," and that it was "very concerned that Mexico has not fully implemented any of those recommendations" from its 2018 evaluation" (Bertelsmann Stiftung 2024, 39).

Crisis Group indicates that according to a report by Mexico's Superior Auditor of the Federation (Auditoría Superior de la Federación, ASF), the "percentage of state contracts signed without going to public tender [was] at its highest rate ever" under the López Obrador administration, while embezzlement of state funds "allegedly remains commonplace" (2024-05-24, 5).

Reuters notes that the López Obrador government "increasingly turned traditionally civilian-led duties in the aviation sector over to the military" (2023-08-10), while Crisis Group states that this administration gave a "wide array of responsibilities to the armed forces" (2024-05-19). According to sources, the military oversees the following:

- the construction of a new airport (Crisis Group 2024-05-24, 9; Bertelsmann Stiftung 2024, 9) in Mexico City (Bertelsmann Stiftung 2024, 9);
- the administration of Mexico City's International Airport (Reuters 2023-08-10);
- the construction of the Maya Train (Bertelsmann Stiftung 2024, 9; Crisis Group 2024-05-24, 8–9), a "nearly 1,610km railroad through the Yucatan Peninsula";
- the administration of Mexicana, a new airline (Reuters 2023-08-10; Crisis Group 2024-05-24, 9); and
- customs (Bertelsmann Stiftung 2024, 9).

According to a commentary article written by two staff members of the Center for Strategic and International Studies (CSIS), "a bipartisan, nonprofit policy research organization" based in the US researching "on both short- and long-term issues that will determine American prosperity and security" (CSIS n.d.), the Mexican government has been giving the army "manifold public contracts without the requisite anticorruption safeguards, violating transparency and tender requirements in Mexico, and bestowing the armed forces with civilian functions" (Berg & Polo 2023-09-05).

Vanda Felbab-Brown, a foreign policy Senior Fellow at the Brookings Institution, a non-profit public policy research organization based in Washington, DC (Brookings Institution n.d.), in testimony submitted to the US House of Representatives Committee on Homeland Security in July 2023, stated that López Obrador "abolished the Federal Police," due to "its infiltration by Mexican criminal groups, a systematic and pervasive problem for all of Mexico's law enforcement forces for decades" (Felbab-Brown 2023-07-19). The same source noted that the National Guard, created in its place, "has no investigative mandates and very little capacity" when compared to the former Federal Police (Felbab-Brown 2023-07-19).

## **2. Corruption Within Military and Police Units**

The Crisis Group report on crime and the military in Mexico cites the National Peace and Security Plan tabled by former President López Obrador in 2018 as stating that "many police forces were 'controlled by organised crime and moved by self-interest and corruption'" (2024-05-24, 6). For the same report, Crisis Group conducted more than 80 interviews with "military commanders, police officers, state officials of all levels, civil society activists, civilians, journalists, and academics, in addition to criminal leaders, intermediaries and combatants," in Colima, Mexico City, Michoacán and Veracruz, with Michoacán and Veracruz having "large military deployments" (2024-05-24, 2). According to the report, a "modus vivendi has taken shape" in areas with military presence, whereby "the armed forces refrain from intervening in criminal groups' affairs so long as certain informal rules are respected" and authorities are willing to "tolerate" violence so long as it does not create "'that many deaths'" (Crisis Group 2024-05-24, 13). According to a Crisis Group interview conducted in Michoacán in November 2021, a member of the Knights Templar (Los Caballeros Templarios) criminal group stated that the government "'can and wants to turn a blind eye'" (2024-05-24, 13). Sources from criminal organizations interviewed by Crisis Group stated that "members of the armed forces" and representatives "from the federal government, who were dispatched soon after López Obrador took office – both directly and tacitly explain the extent of violence they will tolerate" (2024-05-24, 13).

Leaders of criminal organizations in Michoacán interviewed by Crisis Group between 2021 and 2023 stated that law enforcement checkpoints and patrols are "easily avoidable," and that they had forged "live-and-let-live arrangements under which security and criminal forces cohabit" (2024-05-24, 14). The same source indicates that the army and navy carried out arrests, but "all" the arrests in 2022 occurred while the crime was being committed and not as "part of a systematic effort to dismantle criminal groups' middle and upper echelons" (Crisis Group 2024-05-24, 14).

Citing figures from Mexico's INEGI, an article by Mexican online news platform Proceso reports that in 2022, the National Guard apprehended 177,166 migrants, which represents a 432.5 percent increase compared to 2021, but arrested 2,814 alleged criminals, [translation] "mainly" on charges of theft and drug dealing, which represents a 59.9 percent decrease compared to 2021 (2023-11-17). Additionally, the same source reports that INEGI figures show that the National Guard arrested 38 individuals on organized crime related charges in 2022 (Proceso 2023-11-17).

Human Rights Watch's report for 2023 states that "[t]orture is widely practiced by police, prosecutors, and soldiers to obtain confessions and extract information," and adds that in a 2021 survey of incarcerated people conducted by INEGI, "nearly half of respondents said that police or soldiers had subjected them to physical abuse after they were detained" and that 38 percent of those who had confessed to a crime said they had done so because "authorities had beaten or threatened them" (2024-01-11, 422–423). According to Human Rights Watch, law enforcement agencies are required by law to record detentions in the National Detention Registry (Registro Nacional de Detenciones); however, "[b]oth the army and the navy continue to detain civilians without reporting these detentions in the registry" (2024-01-11, 423). The National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) of Mexico indicates that they received 441 complaints against SEDENA and 385 against the National Guard in 2023 (Mexico 2024-01, 15), while they received 359 complaints against SEDENA and 350 against the National Guard in 2020 (Mexico 2020-12, 54).

An investigation published jointly by the *New York Times* and ProPublica, a nonprofit media publication that investigates "abuses of power and betrayals of public trust" (ProPublica n.d.), reports the case of a Mexican general and former Secretary of Defense who was arrested on drug trafficking charges by the US in October 2020, but later released due to "'broader interests' in preserving cooperation" between Mexico and the US in fighting drug trafficking groups, which "had been deemed more important than his prosecution" (ProPublica & *The New York Times* 2022-12-08). The same source reports that former president López Obrador called those charges "'garbage'" and said that US authorities were trying to "frame an innocent, respected military leader"; the former Secretary of Defense was eventually found innocent by a Mexican court in January 2021, though the prosecution had not interviewed various potential witnesses and associates (ProPublica & *The New York Times* 2022-12-08).

According to an opinion piece written by Shannon O'Neil, a senior fellow with the Council on Foreign Relations (CFR), an "independent" and "nonpartisan" US-based think tank and publisher on international affairs (CFR n.d.), though the Mexican military is "more trusted" than many other institutions, it has been the subject of several "credible accusations," including allegations of unnecessary use of force, corruption, and criminal ties (O'Neil 2023-04-26). The same source writes that "[h]acked" military documents released by Guacamaya, which operates similarly to Wikileaks in Latin America, "reveal [that] officers illegally spied on journalists, sold weapons to cartels, and siphoned millions from government contracts" (O'Neil 2023-04-26).

## 2.1 Military and Organized Crime

The Global Initiative Against Transnational Organized Crime (GI-TOC), "an independent civil-society organization, headquartered in Geneva" (GI-TOC n.d.), writes in its 2023 crime index for Mexico that the government "has relied on militarization to combat organized crime, but with little success," and describes the government's efforts in battling "state-embedded corruption and organized crime" as "symbolic" (2023, 6).

According to Crisis Group interviews "[o]ver the course of years,"

criminal leaders have described how they have gained footholds in institutions – with the aim of obtaining impunity, acquiring additional revenues or using state forces to their benefit. These relations are generally seen as *sine que non* for survival and for outperforming criminal competitors. In many cases public officials are obliging partners. (2024-05-24, 23, italics in original)

The same source interviewed a criminal leader from Michoacán in 2023 who stated the following about "agents from the federal prosecutor's office and other security bodies":

As soon as they get here, they're looking [to engage]. The old one leaves the new one the [communication] line: 'That guy will call you up, strike a deal with him'. We chat and that's that. And if not, I'll send someone to go knock on their door and tell them that I worked in this or that way with the guy before and I want that to continue working that way. Very rarely they tell you no. They don't want to die for something that isn't working. They won't risk their lives for a *quincena* [a bimonthly salary]. (Crisis Group 2024-05-24, 23, italics and square brackets in original)

Without providing further details, the US Drug Enforcement Administration (DEA), in its 2024 *National Drug Threat Assessment (NDTA)* report, states that the Jalisco Cartel manufactures and traffics drugs with "relative impunity in some parts of Mexico by bribing and intimidating government, military, and law enforcement officials at all levels" (US 2024-05, 15). According to the same source, the Jalisco Cartel "has directed some high-profile attacks against the Mexican military and police, including the downing of an army helicopter that killed six soldiers, and the attempted assassination of the Mexico City police chief," while the Sinaloa Cartel is "able to operate freely in some parts of Mexico because they have a network of corrupt law enforcement, military, and political contacts" (US 2024-05, 10).

Sources report that in February 2023, Mexico's former Secretary of Public Security was convicted in a US court for taking bribes from the Sinaloa Cartel that were worth "millions" (US 2024-05, 10; BBC 2023-02-22). The DEA's 2024 *NDTA* report writes that the former Secretary of Public Security "used his official position to help the Sinaloa Cartel traffic multi-ton quantity drug loads ... to the United States," and adds that the "bribes increased over the years as the Sinaloa Cartel grew in size and power through the former Secretary's support" (US 2024-05, 10).

*BTI 2024* reports that in January 2023, 25 Sinaloa cartel members escaped from a jail in Ciudad Juárez, "resulting in the deaths of 10 guards and security officers"; this incident "sheds light on the extent of narcos' control over the prison system and has sparked a debate on the president's nearly nonexistent security policy" (Bertelsmann Stiftung 2024, 6).

### 3. State Response

According to a member of a congressional armed forces oversight committee interviewed by Crisis Group in July 2023, some regions experiencing armed conflict are considered to be "unfixable" and noted that there is reluctance among decision-makers "to assume the political costs for something that they see as a lost cause" (2024-05-24, 14). Similarly, a "former high-level federal security official" interviewed by Crisis Group in February 2023 stated that "adopting a more active approach toward criminal groups and insecurity is seen as a political 'liability, not an asset'" (2024-05-24, 14).

According to Vanda Felbab-Brown, criminal groups in Mexico "increasingly govern a large scope of territories, economies, and institutions and a significant number of people" while "[i]nvestigative and prosecutorial capacities in Mexico remain limited" (2023-07-19). The same source states that Mexican law enforcement institutions along with investigative authorities are "overwhelmed by the level of crime in Mexico and suffering from criminal infiltration, corruption, and political interference despite decades-long efforts at reform" (Felbab-Brown 2023-07-19).

In an interview with the Research Directorate, a research professor at the Center for Research and Higher Studies in Social Anthropology (Centro de Investigaciones y Estudios Superiores en Antropología Social, CIESAS) in Mexico City, who conducts research on Mexico's drug trafficking organizations, stated that the [López Obrador] administration has said that "corruption is not present anymore," though according to the Research Professor this is seen as a "narrative to gain favourable public opinion," as there is no hard evidence that would suggest that concrete changes have been made in tackling corruption (Research Professor 2024-08-15).

*BTI 2024* states that the administration under Andrés Manuel López Obrador had prioritized tackling corruption; however, "results so far have been sparse, if not contradictory," and adds that "numerous corruption cases at lower levels have not been prosecuted, including some within the army" (Bertelsmann Stiftung 2024, 12).

According to GI-TOC's 2023 crime index for Mexico, the [López Obrador] leadership campaigned for anti-corruption during the elections "but has since consolidated power, reducing state transparency and accountability"; GI-TOC adds that criminality and impunity "persist," even though laws and policies to deter corruption exist (2023, 6). The same source notes that there are "[c]oncerns" "over corruption and autonomy with the military's control over ports and customs activities" (GI-TOC 2023, 6). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Human Rights Watch report states that a federal government program that provides bodyguards and panic buttons to at-risk journalists and human rights defenders "lacks" resources and coordination with state and local officials, and adds that 8 journalists and 2 human rights defenders were "killed while under the program's protection" (2024-01-11, 426).

### 4. State Protection

#### 4.1 Mechanisms to Report Corruption

According to the Research Professor, though mechanisms to report corruption within police units exist, "it is unlikely that people will feel safe to report and denounce misconduct" since there is a risk that police phone lines may be tapped or a possibility that information may be shared, especially if the police itself is the one engaging in instances of corruption (2024-08-15). The Research Professor added that reporting measures are "unlikely to serve their function," or "provide help to whistle-blowers," and are "more for the public eye to show that these institutions exist but their effectiveness in battling corruption and exposing corruption is yet to be seen" (2024-08-15).

*BTI 2024* notes that the Secretariat of Public Service (Secretaría de la Función Pública, SFP) and the Financial Intelligence Unit (Unidad de Inteligencia Financiera, UIF) are the country's "main

anti-corruption agencies," both of which are "linked to the government," while the Federal Institute for Access to Information and Data Protection (Instituto Nacional de Acceso a la Información y Protección de Datos Personales, INAI) is the "only" autonomous body (Bertelsmann Stiftung 2024, 35). However, *BTI 2024* reports that López Obrador vetoed two INAI commissioners elected by the Senate, citing high costs, leaving only four members left, which contradicts federal legislation stating that "there should be seven commissioners, and sessions should be held with the attendance of at least five of them" (Bertelsmann Stiftung 2024, 35).

In an interview with the Research Directorate, a professor emeritus of Political Science at Middle Tennessee State University, whose research focuses on corruption in Latin America, including Mexico, stated that the military has "gained a lot of autonomy, they have control over their oversight, [and] they have their own criminal justice system"; the Professor Emeritus explained that the Secretariat of Public Service, the country's anti-corruption institution, "does not deal with the military" (Professor Emeritus 2024-08-16). The same source noted that the military is "more opaque" than the police, with information tightly controlled by government officials citing national security concerns and other barriers to transparency; this lack of transparency along with the military's expanding scope can create "opportunities for corruption," as indicated by the military's involvement in banking, railroads, airports, and customs (Professor Emeritus 2024-08-16). According to the same source, people do make complaints to anti-corruption institutions, and there is "a tremendous number of bureaucrats" at the federal level that are sanctioned for corruption and abuse of power for "often minor" offences like administrative misbehaviour and who get a "slap on the wrist" (Professor Emeritus 2024-08-16). However, the source noted that the same does not apply to those who witness police links to organized crime and added that "blowing the whistle on a drug trafficking organization is different and very dangerous" (Professor Emeritus 2024-08-16).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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