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Mexico

Country:

Mexico

Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

62

Freedom Rating:

3.0

Overview:

Mexico has been an electoral democracy since 2000, and alternation in power between the leading parties is routine at both the federal and state levels. However, the country suffers from severe rule-of-law deficits that limit full citizen enjoyment of political rights and civil liberties. Violence perpetrated by organized criminals, corruption among government officials, human rights abuses by both state and nonstate actors, and rampant impunity are among the most visible of Mexico's many governance challenges.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 26 / 40 (-2)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected to a six-year term and cannot be reelected. Peña Nieto won the 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 Mexico's federal system, the elected governor and legislature in each of the 31 states have significant governing responsibility. Accusations of illicit campaign activities are frequent at the state level, including during June 2017 gubernatorial elections in Coahuila and the State of Mexico, both of which were won by the PRI candidate following widespread accusations of vote buying and other irregularities.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

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, the lower house of the bicameral Congress, 300 members are elected through direct representation and 200 through proportional representation, each for three-year terms. In 2015 midterm elections, the PRI and allied parties overcame poor approval ratings to garner a 260-seat majority in the Chamber of Deputies. 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 128-member Senate, where the PRI–Green Party alliance won 61 seats in 2012, the PAN took 38, and the PRD won 22.

Under 2013 electoral reforms, current members of Congress are no longer barred from reelection and candidates are permitted to run as independents. As of 2018, elected senators will be eligible to serve up to two six-year terms, and deputies will be permitted to serve up to four three-year terms.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Mexico's National Electoral Institute (INE) 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 about vote buying and misuse of public funds persisted. Political analysts fault the INE's unwillingness to adequately investigate and punish violations at both the federal and state levels, exemplified by delays in resolving complaints regarding the 2017 state elections. The October firing of electoral crimes prosecutor Santiago Nieto was viewed as a government move to protect top PRI officials.

B. POLITICAL PLURALISM AND PARTICIPATION: 12 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Mexico's multiparty system features few official restrictions on political organization and activity. Power has changed hands twice at the national level since 2000, opposition parties are competitive in many states, and independent candidacies are becoming more

common. 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.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The PRI, which had ruled Mexico without interruption from 1929 to 2000, returned to national government in 2012 after losing two consecutive presidential races to the right-leaning PAN. 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 September 2017, the PAN joined with the PRD and the smaller Citizen's Movement to form an opposition alliance in anticipation of a showdown with López Obrador and the PRI in the 2018 general elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Politicians and municipal governments have been subject to significant pressure from criminal groups in recent years. Nine mayors were killed in 2017, adding to a tally of more than 50 mayors killed since 2006 and contributing to a spike in murders of politicians and officials in the run-up to the 2018 elections.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Indigenous groups are underrepresented in formal political institutions; however, they are not blocked from participating in the political process. The federal constitution and Oaxaca state law include some provisions for the integration of traditional community customs. Women play a prominent role in political life, and female representatives increased their share of seats in the Chamber of Deputies to 42 percent in the 2015 elections.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (-2)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Organized crime and related violence have limited the effective governing authority of elected officials in some areas of the country. Members of organized crime groups have persisted in their attempts to infiltrate local governments to ensure their own impunity. The mass student disappearance in Iguala in 2014 has been 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 face extortion.

C2. Are safeguards against official corruption strong and effective? 1 / 4 (-1)

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. The extent of state-level corruption uncovered in Veracruz—where former PRI governor Javier Duarte and his cronies are accused of pilfering hundreds of millions of dollars—led to a sharp outcry that prompted action against additional ex-governors. Duarte was extradited from Guatemala back to Mexico in July 2017. A former PRI governor of Tamaulipas, Tomás Yarrington, was arrested in Italy in April; he was wanted in both Mexico and the United States on drug-trafficking charges and for financial crimes. A former PRI governor of Chihuahua, César Duarte, fled Mexico in March to avoid corruption charges. In August, testimony by former employees of Odebrecht implicated former PEMEX head Lozoya in corruption allegations, but no charges had been filed as of year's end.

Pressure for reform has intensified since 2014, when it was revealed that Peña Nieto's wife and the finance minister had purchased multimillion-dollar houses from an active government contractor. In 2015, all were cleared of wrongdoing following a widely derided investigation; however, the civil society outcry about lack of progress in combatting corruption contributed to the 2015 passage of constitutional amendments creating the SNA. Some elements of the SNA were implemented in 2017, including a Citizens' Participation Committee, but others continued to lag. Corruption accusations involving fraudulent building permits followed two earthquakes in September that killed hundreds of people.

Score Change: The score declined from 2 to 1 as a result of a number of corruption scandals with few high-level prosecutions or convictions, and delays in implementing a new National Anticorruption System.

C3. Does the government operate with openness and transparency? 2 / 4 (–1)

Despite some limitations, a 2002 freedom of information law successfully strengthened transparency at the federal level, though implementation has slowed and enforcement is uneven across states. A new and more extensive transparency law passed in 2015 was mostly praised by good governance advocates. However, in recent years the government has failed to release relevant information on some of the country's most controversial issues, including abuses by the security forces, the investigation into the missing 43 students, and, in 2017, the contracts with the Israeli company that provided the spyware used against journalists and activists. The Internal Security Law has been criticized for limiting openness and transparency by restricting public access to information related to the enforcement of the law on national security grounds.

Score Change: The score declined from 3 to 2 because government transparency regarding controversial issues has stalled.

CIVIL LIBERTIES: 36 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

D1. Are there free and independent media? 2 / 4

Legal and constitutional guarantees of free speech have been improving gradually, but the security environment for journalists remains highly problematic. News coverage in many media outlets is affected by dependence on the government for advertising and subsidies. In November 2017, the Supreme Court ordered Congress to pass statutes regulating the distribution of government advertising. Broadcast media are dominated by a corporate duopoly composed of Televisa and TV Azteca. Televisa has faced accusations of supporting specific politicians over the years, usually from the PRI. A 2013 telecommunications law established a new telecommunications regulator and the Federal Economic Competition Commission. However, civil society groups have criticized the limited scope of the reforms and their effectiveness in promoting increased broadcast diversity.

Reporters probing police issues, drug trafficking, and official corruption face an increasingly high risk of physical harm. The watchdog group Article 19 logged at least 12 murders of journalists in possible connection with their work in 2017. The slayings of widely recognized print reporters Miroslava Breach in March in Chihuahua and Javier Valdéz in May in Sinaloa generated particularly wide coverage and uproar. 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 a 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 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.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is protected by the constitution and is generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

The government does not restrict academic freedom, though university students and some academics are occasionally threatened for their political activism.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While there are no formal impediments to free and open discussion, fear of criminal monitoring restricts citizens' willingness to converse publicly about crime in some areas of the country.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 7 / 12 (-1)**E1. Is there freedom of assembly? 3 / 4**

Constitutional guarantees regarding free assembly and association are largely upheld, but political and civic expression is restricted in some regions. Protests across the country over increased gas costs led to five deaths, including one police officer, in January.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4 (-1)

Although highly active, nongovernmental organizations sometimes face violent resistance, including threats and murders. Environmental activists and representatives of 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 had offered protection to more than 500 people as of October 2017 but has also been critiqued by rights groups as slow and suffering from insufficient governmental commitment. The spyware scandal that broke in 2017 accelerated the already rapid decline of civil society trust in the government. In addition to the surveillance, several of the victims, especially anticorruption advocates, were subjected to repeated tax audits.

Score Change: The score declined from 3 to 2 due to endemic violence and threats against human right defenders, revelations of extensive government surveillance of activists, and abuses of authority targeting critical groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

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 2013 and charged with embezzling more than \$150 million; she alternated between detention, hospital stays, and finally house arrest in 2017.

F. RULE OF LAW: 6 / 16**F1. Is there an independent judiciary? 2 / 4**

Mexico's justice system is plagued by delays, unpredictability, and corruption, leading to 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 was technically completed in 2016, but deficient training at all levels, from police to judges, led to poor prosecutorial results, which harmed the credibility of the system.

F2. Does due process prevail in civil and criminal matters? 1 / 4

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 2017, more than 90 percent of crimes committed in 2016 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.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Abuses during criminal investigations are rife; in 2015, a UN special rapporteur released a report characterizing torture as “generalized” within Mexican police forces. In June 2017, a comprehensive General Law on Torture took effect that attempts to modernize protection from torture. In October, the Congress responded to domestic and international pressure by passing a new General Law on Disappearances intended to confront the problem of forced disappearance, which affects an unknown portion of the more than 33,000 Mexicans registered as disappeared in a national database. The weakness of forensic investigations was notably highlighted in 2016, when international experts cast doubt on numerous crucial pieces of evidence backing the government's claims that the murdered Iguala students were incinerated at a dump, with the ashes thrown in a nearby river. The government made little progress in 2017 in efforts to prosecute alleged perpetrators, convince the public of its version of events, or pursue new lines of investigation.

Prisons are violent and overcrowded, and it is not uncommon for prisoners to continue criminal activity while incarcerated. In July 2017, 28 prisoners died in a riot in a prison in Acapulco, while 18 more were killed in a Monterrey prison in October. The National Human Rights Commission (CNDH), 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 2014.

Presidential authority over the armed forces is extensive, but the military has historically operated beyond public scrutiny. Human rights advocates for years have expressed concern about a lack of accountability for rights abuses including torture, forced disappearances, and extrajudicial executions. Only a handful of soldiers have been convicted in civilian courts for abuses against civilians. A wide range of rights observers harshly criticized the Internal Security Law as an unconstitutional expansion of the military's mission that would grant the armed forces greater autonomy without ensuring transparency, effective civilian oversight, or a strategy for eventual military withdrawal from policing functions. Peña Nieto promulgated the law in December, but stated that implementation would await Supreme Court validation.

The number of deaths attributed to organized crime rose sharply each year between 2007 and 2011, declined from 2012 to 2014, and subsequently began trending upward. In 2017, homicides reached a record number and the highest rate since the beginning of the country's "drug war" in 2006. Violence in 2017 spiked in Baja California Sur, Nayarit, and Guanajuato, while remaining acute in Guerrero. Gang murders continue to 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 with the problem. These include engaging in consultations with civic leaders, the continued deployment of troops, the strengthening of the federal police and development of the National Gendarmerie, and the decriminalization of possession of small quantities of drugs. The high rate of violence in 2017 generated renewed pressure for strategic changes in state efforts to contain the carnage.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

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, and at least 70 percent of the indigenous population lives in poverty. 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

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

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 migration pathways generated ongoing accusations of abuses against migrants in 2017. As of mid-2017, the Internal Displacement Monitoring Center estimated that there were more than 311,000 internally displaced people (IDPs) in Mexico, many of whom had fled cartel-related violence.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

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. Large-scale development projects have been accompanied by corruption and rights-related controversy in recent years.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Sexual abuse and domestic violence against women are common, 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. State authorities can issue “gender alerts” that trigger greater scrutiny and an influx of resources to combat an epidemic of violence against women, but in March 2017 a CNDH representative described meager results in six states that had activated the alerts. 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 has taken significant steps toward equality for the LGBT (lesbian, gay, bisexual, and transgender) population, courtesy of Supreme Court rulings in 2015 that struck down state laws defining the purpose of marriage as procreation. However, implementing the jurisprudence in all Mexican states will take time, as the court’s rulings do not apply in blanket form.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Equality of opportunity is limited in Mexico, which has one of the highest rates of income inequality in the developed world.

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 aid traffickers.

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