

Mexico | Freedom House

POLITICAL RIGHTS: 27 / 40 (+1)

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. López Obrador of the left-leaning MORENA party won the July poll with a commanding 53 percent of the vote. His closest rival, Ricardo Anaya—the candidate of the National Action Party (PAN) as well as of the Democratic Revolution Party (PRD) and Citizens' Movement (MC)—took 22 percent. The large margin of victory prevented a recurrence of the controversy that accompanied the 2006 elections, when López Obrador had prompted a political crisis by refusing to accept the narrow election victory of conservative Felipe Calderón. The results of the 2018 poll also represented a stark repudiation of the outgoing administration of President Peña Nieto and the PRI; the party's candidate, José Antonio Meade, took just 16 percent of the vote.

The election campaign was marked by violence and threats against candidates for state and local offices. Accusations of illicit campaign activities remained frequent at the state level, including during the 2018 gubernatorial election in Puebla, where the victory of PAN candidate Martha Érika Alonso—the wife of incumbent governor Rafael Moreno—was only confirmed in December, following a protracted process of recounts and appeals related to accusations of ballot manipulation. (Both Alonso and Moreno died in a helicopter crash later that month.)

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. Under 2013 electoral reforms, current members of Congress are no longer barred from reelection and candidates are permitted to run as independents. For legislators elected in 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.

In the 2018 elections, MORENA achieved a 255-seat majority in the Chamber of Deputies, and with the support of its coalition allies, the Workers' Party (PT) and the Social Encounter Party (PES), held just over 300 seats. The PAN won 79 seats, while the PRI plummeted from winning 202 seats in the 2015 midterms to just 47 seats in 2018. Similarly, the MORENA-led coalition now commands a clear majority in the 128-member Senate with 70 seats, compared to 24 for the PAN and 15 for the PRI.

Accusations of illicit campaign activities are frequent at the state level, and violations including vote buying, ballot stealing, and misuse of public funds were reported in 2018. The year's campaign was also marked by threats and violence against legislative candidates. In one of many incidents reflecting the poor security environment for campaign activities, in June, Fernando Puron, a congressional candidate in Piedras Negras, was shot dead in broad daylight while posing for photographs with supporters.

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. While the 2018 elections were generally considered free and fair, the INE and the Federal Electoral Tribunal (TEPJF) struggled to comprehensively address problems including misuse of public funds, vote-buying, and ballot stealing, and to ensure transparent campaign finance.

An October referendum on whether to continue construction of a new airport near Mexico City and a subsequent set of referendums on infrastructure and social spending held in November were not supervised by INE, had few protections against fraud, and featured the participation of only a tiny proportion of Mexico's electorate.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16 (+1)

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? 4 / 4 (+1)

Mexico's multiparty system features few official restrictions on political organization and activity. Opposition parties are competitive in many states, and independent candidacies are becoming more common despite continued registration hurdles. In 2018, the electoral victory of López Obrador and his relatively new MORENA party reflected the political system's openness to pluralistic competition, and ended leftist fears that powerful actors would block the left's electoral path to power.

In addition to the national election results, MORENA candidates won five of the governor's races at stake, the chief of government's office in Mexico City, and large numbers of legislative seats and mayoral offices at the state and municipal levels. The PRI's failure to win any gubernatorial elections was another manifestation citizens' rejection of the Peña Nieto administration.

Score Change: The score improved from 3 to 4 because the electoral victory of Andrés Manuel López Obrador and his relatively new MORENA party demonstrated the political system's openness to pluralistic competition.

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

Power has routinely changed hands at the national level since 2000. The dominant victory of López Obrador and MORENA in 2018 followed six years of government control by the PRI, which had ruled Mexico without interruption from 1929 to 2000, before losing consecutive presidential races to the right-leaning PAN in 2000 and 2006.

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

Criminal groups, while increasingly fragmented, exert powerful influence on the country’s politics through threats and violence against candidates, election officials, and campaign workers. At least 152 politicians were murdered between fall 2017 and election day in July 2018. Scores of politicians are believed to have withdrawn 2018 candidacies due to fears of violence.

Separately, in states and municipalities with lower levels of multiparty contestation, locally dominant political actors often govern in a highly opaque manner that limits political activity and citizen participation.

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

Mexico has a large indigenous population, and indigenous people and groups are free to participate in politics. There are some provisions for the integration of traditional community customs in electing leaders, and parties that serve indigenous communities often compete in states with large indigenous populations. However, in practice, indigenous people are underrepresented in political institutions.

The 2018 election confirmed the success of gender requirements for candidacies and party lists: female representatives increased their share of seats in the Chamber of Deputies to 48 percent and in the Senate to 49 percent.

C. FUNCTIONING OF GOVERNMENT: 5 / 12

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 in order to plunder municipal coffers and ensure their own impunity. The notorious mass disappearance of 43 students in Iguala, Guerrero in 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 face extortion and pressure to divert public funds.

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

Official corruption remains a serious problem. The billions of dollars in illegal drug money that enter the country each year from the United States profoundly affect politics, as does rampant public contract fraud and other forms of siphoning off state funds. 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.

In September 2018, federal charges of campaign finance violations against top PRI official Alejandro Gutiérrez were dismissed, generating accusations of a cover-up. In September, former Veracruz governor Javier Duarte, who was accused of kleptocratic management of the state, pleaded guilty to graft charges in exchange for a nine-year prison term. However, many of his alleged cronies were released from custody, prompting allegations of prosecutorial incompetence and political protection. In another high-profile case, corruption charges against longtime teachers' union leader Elba Esther Gordillo were dismissed and she was released from house arrest in August, after a judge ruled that prosecutors had obtained her financial records without a warrant.

In a positive development, Tabasco ex-governor Andrés Granier received a nearly 11-year sentence in March following an embezzlement conviction. However, the corruption cases that advanced during the year focused on out-of-favor former PRI governors such as Granier and Duarte, and the implementation of a new National Anticorruption System (SNA) that took effect in 2017 has been slow.

C3. Does the government operate with openness and transparency? 2 / 4

Despite some limitations, several freedom of information laws passed since 2002 have successfully strengthened transparency at the federal level, though enforcement is uneven across states. 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, since 2017, the contracts with an Israeli company that provided spyware that was used against journalists and activists.

CIVIL LIBERTIES: 36 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16

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

The security environment for journalists remains highly problematic. Reporters probing police issues, drug trafficking, and official corruption face an increasingly high risk of physical harm. Reporters Without Borders (RSF) tallied dozens of attacks against the press in the months preceding the election, while the Committee to Protect Journalists (CPJ) said four journalists were killed in direct connection with their work in 2018. 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.

News coverage in many media outlets is affected by dependence on the government for advertising and subsidies. In 2017, the Supreme Court ordered Congress to pass statutes regulating the distribution of government advertising. Congress complied in April 2018, but media watchdogs criticized the new law, which will take effect in 2019, as failing to adequately ensure equity and transparency in the awarding of public advertising contracts.

Broadcast media are dominated by a corporate duopoly composed of Televisa and TV Azteca. 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.

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, though religious minorities, particularly indigenous Evangelical communities in Chiapas, face occasional persecution by local authorities.

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

E1. Is there freedom of assembly? 3 / 4

Constitutional guarantees regarding free assembly and association are largely upheld, and protests are frequent. However, political and civic expression is restricted in some regions, and in recent years have resulted in violence against protesters which at times has been deadly.

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

Although highly active, nongovernmental organizations (NGOs) sometimes face violent resistance; in 2018 alone, 10 activists had been murdered by mid-September. 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. It has offered protection to hundreds of people, though rights groups say it is neglected by the government and tends to operate slowly.

Revelations emerged in 2017 that a number of civil society activists and journalists had been the victims of attempts to spy on their electronic communications, presumably by government agencies. The scandal has accelerated the already rapid decline of civil society trust in the government; there was no visible progress toward accountability for the spying in 2018.

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, and independent unions have faced 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.

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 implementation has slowly proceeded and some elements of due process have improved, human rights groups have 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 and a lack of commitment to the initiative by authorities have produced poor prosecutorial results.

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 2018, more than 90 percent of crimes committed in 2017 went unreported, in large part because the underpaid police were 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 2017, a comprehensive General Law on Torture took effect that attempts to modernize protection from torture. Rights advocates suggest it has contributed to mild progress in excluding torture-based confessions from prosecutions, but remain concerned about gaps in implementation.

Human rights advocates for years have expressed concern about a lack of accountability for rights abuses committed by members of the military, including torture, forced disappearances, and extrajudicial executions. Only a handful of soldiers have been convicted in civilian courts for abuses against civilians.

In 2017, the Congress passed a General Law on Disappearances intended to confront the problem of forced disappearance, which affects an unknown portion of the more than 36,000 Mexicans registered as disappeared in a national database. The 2014 disappearance of the 43 students in Iguala highlighted shortcomings on both torture and missing persons investigations. In 2016, 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. In April 2018, the local office of the UN High Commission on Human Rights published a report alleging that dozens of key detainees in the Iguala case had been subjected to torture, potentially nullifying the evidentiary value of their statements. Subsequently, one of López Obrador’s first acts as president was to decree the creation of a truth commission to investigate the incident.

Prisons are violent, and it is common for prisoners to continue criminal activity while incarcerated. 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 and has since issued multiple reports implicating state security forces in grave human rights abuses.

The number of deaths attributed to organized crime has increased since 2014, and in 2018, homicides reached a record number; violence was particularly acute in Colima, Baja California, Guerrero, and Guanajuato. Gang murders continue to feature extreme brutality designed to maximize the psychological impact on civilians, authorities, and rival groups. As of the end of 2017, the Internal Displacement Monitoring Center estimated that there were more than 345,000 internally displaced people (IDPs) in Mexico, many of whom had fled cartel-related violence.

As in previous years, the government’s primary response to insecurity was the deployment of various military units to violence hotspots. However, the high rate of violence in 2018 generated renewed pressure for strategic changes in state efforts to contain the carnage. During and after his campaign, López Obrador and his allies pledged a new tack on security issues, and a National Plan for Peace and Security released in November contained provisions for drug law reform and crime prevention programs. However, the strategy centered on creating a new security force, the National Guard, which was sharply criticized by rights advocates for deepening the

militarization of public security. The National Guard proposal came despite a November Supreme Court ruling that the Internal Security Law, passed in 2017 to regulate the deployment of the military to fight crime, was unconstitutional.

In August and September 2018, officials in the incoming López Obrador administration also held a series of listening forums to receive feedback from victims about their needs and demands. Some of their suggestions, especially greater spending on programs for youth employment and other alternatives to criminality, were incorporated into the National Plan for Peace and Security and the 2019 budget.

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 indigenous people live 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.

Mexican law has strong protections for LGBT (lesbian, gay, bisexual, and transgender) people, but they are not uniformly enforced. Transgender women in particular face discrimination and violence.

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 2018.

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

Citizens are generally free to change their place of residence, employment, or education. However, 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.

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,

exemplified in 2018 by the conflict over the construction of a new airport to serve Mexico City, which was plagued by accusations of land expropriation from local communities and corrupt contracting processes. The airport project appeared to be dead following the October referendum, though negotiations with the project's bondholders continued as of the end of 2018.

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 October 2018 a European Union (EU) report described various problems inhibiting the effectiveness of the mechanism. 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 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. Migrant agricultural workers face brutally exploitative conditions in several northern states. In December the Supreme Court ruled that Mexico's millions of domestic workers—the vast majority of whom are women—must be incorporated into the formal sector and receive social security and health benefits.

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.