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FREEDOM IN THE WORLD

Mexico

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OVERVIEW:

Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) was elected president in July 2012. His victory signified the return to power of the PRI, which had used authoritarian methods to dominate Mexican politics from 1929 until 2000. Although violence between security forces and organized criminal groups, and among the criminal groups themselves, remained high, homicides decreased relative to 2011 amid signs that many of the larger crime syndicates had splintered into smaller, more localized groups.

Mexico achieved independence from Spain in 1810 and became a republic in 1822. Seven years after the Revolution of 1910, a new constitution established the United Mexican States as a federal republic. From its founding in 1929 until 2000, the Institutional Revolutionary Party (PRI) dominated the country through patronage, corruption, and repression. The formal business of government often took place in secret, and the rule of law was frequently compromised by arbitrary power.

In the landmark 2000 presidential election, Vicente Fox Quesada of the National Action Party (PAN) defeated the candidates of the PRI and the leftist Party of the Democratic Revolution (PRD), capturing 42.5 percent of the vote. Fox presided over the provision of more open and accountable government and the arrests of some leaders of the country's vicious drug-trafficking groups. However, solutions to the problems of poverty, corruption, crime, and unemployment proved elusive. Elections held in July 2003 confirmed the PRI as the most powerful party in Congress and in many state governments.

In the 2006 presidential election, PAN candidate Felipe Calderón defeated Mexico City mayor Andrés Manuel López Obrador of the PRD by a mere 244,000 votes in the initial count. López Obrador rejected the result and for several months led protests that paralyzed parts of Mexico City, but many Mexicans—and most international observers—were not convinced by the PRD's evidence of fraud. In September, after a partial recount, the Federal Electoral Tribunal formally declared Calderón the winner. Though the PAN won the most seats in the concurrent congressional elections, the PRD's share of deputies exceeded the PRI's for the first time.

In 2007, Calderón managed to forge coalitions with opposition lawmakers to pass modest pension, tax, electoral, and judicial reforms, but the PRI emerged from the July 2009 congressional elections with control of the Chamber of Deputies, forming a majority with the allied Green Party as the vote shares of the PAN and especially the PRD declined.

The PRI continued its comeback by outperforming its rivals in state and local elections, winning the governorship in 15 of 21 races held between 2009 and 2011, although alliances between the PAN and the PRD resulted in victories in several PRI bastions in 2010. In 2012 the PRI won three of six gubernatorial races, while the PRD won two as well as the mayoralty of Mexico City.

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

3.0

CIVIL LIBERTIES

3

POLITICAL RIGHTS

3

After years of deliberation and revision, a package of political reform legislation took effect in August 2012. Calderón had first proposed reforms in December 2009, aiming to alter key elements of the political system, particularly Mexico's nearly unique ban on reelection at all governmental levels. The final version was far less ambitious and did not lift the reelection ban, though it did authorize independent candidacies and create some mechanisms for citizen-initiated referendums.

Mexican politics in 2012 revolved around national elections held in July. The three main presidential candidates were the PRD's López Obrador, PAN legislator Josefina Vázquez Mota, and Enrique Peña Nieto, the former PRI governor of Mexico State. Peña Nieto entered the official campaign, which began in April, with a substantial lead in most polls. As the race proceeded, the Vázquez campaign foundered, allowing López Obrador to rise from third to second and consolidate support among the millions of Mexicans who were wary of a return to power by the PRI. Despite the Peña Nieto campaign's assurances that the party had fully embraced democratic procedures and principles, accusations that the PRI engaged in campaign improprieties—particularly collusion with the dominant broadcaster, Televisa—helped spark a significant anti-PRI student movement.

A preponderance of polls gave Peña Nieto a double-digit lead, but he won the July 1 balloting with 38 percent of the vote, followed by López Obrador with 32 percent. Vázquez trailed with 25 percent as voters punished the PAN for its mediocre performance in improving socioeconomic conditions during 12 years in power. López Obrador initially refused to accept the results, citing alleged infractions including widespread vote buying, manipulation of polls, overspending, and media bias. While many observers attested to the credibility of the PRD's claims, particularly regarding vote buying and media violations, the Federal Electoral Tribunal found insufficient evidence to invalidate the election, and Peña Nieto was formally declared the winner in August.

In concurrent congressional elections, the PRI emerged as the strongest force in both the 500-member Chamber of Deputies and the 128-member Senate. Including allied parties, the PRI garnered a narrow majority of 251 seats in the lower chamber. The PRD and its allies won 135, followed by the PAN with 114. No coalition gained a majority in the Senate, where the PRI–Green Party alliance held 61 seats, the PAN took 38, and the PRD won 22.

In November, during Calderón's lame-duck period, Mexico passed a significant labor reform and a law requiring greater transparency in state budgets. As Peña Nieto took office in December, the main parties agreed to a Pact for Mexico, intended to facilitate structural reforms in areas including security, justice, education, the economy, and anticorruption. An education reform passed in December, and a reorganization of the security sector began the same month.

In 2012, Mexico registered over 20,500 murders, a majority of which were linked to violence associated with organized crime syndicates, and the issue remained the dominant concern in Mexican society. Nonetheless, the number of murders fell over 8 percent from 2011, the first decrease since violence exploded in 2008. Progress was particularly visible in Ciudad Juárez, the previous epicenter of the violence, where murders fell by over 75 percent from a peak in 2010. Despite this shift, the homicide rate remained more than twice as high as when Calderón took office; overall, the violence claimed approximately 63,000 lives during his presidency. In addition, allegations of severe human rights violations continued to surround the security operations conducted by more than 45,000 soldiers in various parts of Mexico. While a majority of Mexicans still supported the government's military-led offensive against organized crime, opinion polls also registered skepticism about official claims that the campaign was making progress. The leader of an especially feared criminal group, the Zetas, was killed by federal forces in October, marking one of the most visible successes for the Calderón administration's focus on eliminating kingpins. Many analysts noted, however, that the apparent fragmentation of larger syndicates into smaller gangs would require a strategic shift by the Peña Nieto administration.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Mexico is an electoral democracy. The president is elected to a six-year term and cannot be reelected. The bicameral Congress consists of the 128-member Senate, elected for six years through a mix of direct voting and proportional representation, with at least two parties represented in each state's delegation, and the 500-member Chamber of Deputies, with 300 elected directly and 200 through proportional representation, all for three-year terms. Members of Congress are also barred from reelection. Each state has an elected governor and legislature.

The Federal Electoral Institute (IFE), which supervises elections and enforces political party laws, has come to be viewed as a model for other countries. Following complaints about the fairness of the 2006 elections, an electoral reform was passed in 2007 to strictly regulate campaign financing and the content of political advertising. Opinion has been mixed regarding the efficacy and fairness of the reform. The 2012 elections were considered generally free and fair, but complaints persisted, especially by the opposition PRD, concerning media coverage and alleged vote buying. At the state level, allegations of abuse of public resources to favor specific gubernatorial candidates have increased in recent years.

Signs of the vulnerability of politicians and municipal governments to pressure from organized crime have mounted over the past five years. Over a dozen small-town mayors and candidates for office were killed between 2010 and 2012. In the most violence-plagued regions, provision of public services has become more difficult, and public-sector employees such as teachers are subject to extortion.

Official corruption remains a serious problem. Billions of dollars in illegal drug money is believed to enter the country each year from the United States, and there is a perception that such funds affect politics, particularly on 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 state's cases. Most punishment has focused on low- and mid-level officials, hundreds of whom have been dismissed or charged with links to drug traffickers. A former governor of Tamaulipas, Tomás Yarrington, was charged in 2012 with accepting bribes from drug traffickers and also faced civil cases in the United States; he remained a fugitive at year's end. Several army generals were formally charged with similar offenses in July. Mexico was ranked 105 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. A 2002 freedom of information law, despite some limitations, has been considered successful at strengthening transparency at the federal level, though momentum has slowed and many states lag far behind.

Legal and constitutional guarantees of free speech have been gradually improving, but the security environment for journalists has deteriorated markedly. Some major media outlets are no longer dependent on the government for advertising and subsidies, and the competitive press has taken the lead in denouncing official corruption, though serious investigative reporting is scarce, particularly at the local level. Broadcast media are dominated by two corporations that control over 90 percent of the market. The biggest, Televisa, faced accusations in 2012 that it actively supported the PRI's Enrique Peña Nieto during both his term as governor and his presidential campaign.

Since a sharp increase in violence in 2006, reporters probing police issues, drug trafficking, and official corruption have faced a high risk of physical harm. The National Human Rights Commission (CNDH) reported 82 journalists killed between 2005 and 2012, making Mexico one of the world's most dangerous countries for media workers. Self-censorship has increased, and many newspapers in high-violence zones no longer publish stories involving in-depth reporting on organized crime. Press watchdog groups celebrated the June 2012 ratification of a constitutional amendment federalizing crimes against journalists.

The government does not restrict internet access, but criminals have extended their reach to citizens attempting to report on crime via online outlets. Three individuals killed in Nuevo Laredo in 2011 were found with notes from the Zetas gang that tied their deaths to their online crime-reporting activities. A 2011 law passed in Veracruz to criminalize the "perturbation of public order" was viewed as an attempt to intimidate users of the microblogging service Twitter; efforts by

the state to revise the law in order to pass constitutional muster continued in 2012.

Religious freedom is constitutionally protected and generally respected in practice. A constitutional amendment allowing increased public worship passed Congress in March 2012 but had not yet taken effect by year's end. Political battles over issues such as abortion and equal rights for LGBT (lesbian, gay, bisexual, and transgender) people have led to an increase in religious discourse in the public sphere in recent years. The government does not restrict academic freedom.

Constitutional guarantees regarding free assembly and association are largely upheld, but political and civic expression is restricted in some regions. Civic observers criticized both protester vandalism and excessive force used by Mexico City police during demonstrations coinciding with Peña Nieto's presidential inauguration in December 2012. Nongovernmental organizations, though highly active, sometimes face violent resistance, including threats and murders. Although arrests were made in several prominent cases of activists killed in 2011, groups continued to demand greater protection by the authorities.

Trade unions' role as a pillar of the PRI has diminished significantly, but independent unions have long faced government and management interference. 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, particularly the teachers' union, are considered opaque and overly antagonistic to necessary policy reforms. The education reform passed by Congress in December 2012 offered a potential challenge to the power of the teachers' union, but the labor reform passed in November was viewed as a missed opportunity to increase union transparency.

The justice system remains plagued by delays and unpredictability. A 2008 constitutional reform replaced the civil-inquisitorial trial system with an oral-adversarial one. The overhaul was widely expected to strengthen due process and increase efficiency and fairness, but human rights groups raised concerns about the vague definition of organized crime and weaker protections afforded to organized crime suspects. Implementation of the new system was expected to take eight years, and in 2012 civil society groups noted progress in some states but significant delays in others.

In many areas, coordination between different branches of the federal government, as well as between federal authorities and the state and local police, is problematic. In crime-plagued zones, local police have been purged and temporarily replaced by federal troops. A 2009 law requires all members of the police to be vetted, but the process faced delays in 2012 as several states lagged behind in vetting officers or dismissing those with violations. A bill sent to Congress in 2010 that mandates the merger of state and municipal police forces again failed to pass in 2012.

Lower courts and law enforcement in general are undermined by widespread bribery and incapacity. A 2012 survey found that 92 percent of crimes go unreported because the underpaid police are viewed as either inept or in league with criminals. Only a small minority of crimes end in convictions even when investigations are opened. Prisons are violent and overcrowded, and several prison riots in 2012 resulted in the deaths of scores of prisoners, including 44 in a Nuevo León prison in February. Several hundred others escaped during the year, including 131 in one incident in Coahuila in September.

Presidential authority over the armed forces is extensive, but the military has historically operated beyond public scrutiny, and human rights advocates have warned that its strengthened counternarcotics role has not been accompanied by increased oversight of its conduct. Complaints of abuse including torture, forced disappearances, and extrajudicial executions have risen dramatically in recent years. Military personnel are generally tried in military courts, but in a series of cases starting in August 2012, the Supreme Court ruled that human rights violations against civilians must be tried in civilian courts.

The number of deaths attributed to organized crime declined in 2012 after rising sharply each year between 2007 and 2011. Although homicides plummeted in

the previous epicenter of violence, Ciudad Juárez, violence remained acute in much of the north and spiked in several other cities, including Acapulco and Torreón. The murders often featured extreme brutality designed to maximize the psychological impact on civilians, authorities, and rival groups. The number, severity, and geographic range of massacres also declined in 2012, although several horrific episodes did occur, including the discovery in May of 49 bodies in Nuevo León and 18 near Guadalajara the same month.

In addition to homicides, organized criminals have engaged in kidnappings, extortion, oil theft, and other offenses. The government has taken a number of steps in recent years to curb the violence and ease popular frustration, including consultations with civic leaders, the signing of a \$1.5 billion counternarcotics aid agreement with the United States, the continued deployment of troops, the reformation of the federal police, and the decriminalization of possession of small quantities of drugs. The administration of outgoing president Felipe Calderón touted the killing or arrest of 25 of the 37 most wanted criminal kingpins and the decline of violence in hot spots such as Tijuana and Ciudad Juárez as evidence of progress, but polls have revealed consistent pessimism about the effectiveness of Calderón's strategy.

Mexican law bans discrimination based on categories including ethnic origin, gender, age, and religion. Discrimination based on sexual orientation is banned in some states. Nevertheless, social and economic discrimination has marginalized indigenous peoples, with many relegated to extreme poverty in rural villages that lack essential services. The government has attempted to improve indigenous-language services in the justice system, an area of major concern. Indigenous groups have been harmed by the criminal violence in recent years. In addition, disputes over land issues within indigenous groups at times become violent.

Rights groups frequently detail the persecution and criminal predation faced by migrants from Central America, many of whom are bound for the United States. Mass graves containing hundreds of bodies found in Tamaulipas in 2011 included many migrants. In several states in recent years, criminals have impeded free movement by blocking major roads.

Domestic violence and sexual abuse are common. According to a 2012 study, 46 percent of women have suffered some form of violence, 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 hundreds of women killed each year. More positively, female legislators make up over one-third of the Congress elected in 2012. Mexico is both a major source and a transit country for trafficked persons. 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.

Same-sex marriage is legal in Mexico City and the state of Quintana Roo, and same-sex civil unions are permitted in the state of Coahuila.

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