

FREEDOM IN THE WORLD

Mexico

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OVERVIEW:

Violence between security forces and organized criminal groups, and among the criminal groups themselves, continued to increase in 2011. Over 16,000 people were killed as the crime syndicates fought over territory and control of various illicit activities. The government maintained troop deployments in the regions most affected by violence, but a series of massacres and the discovery of mass graves belied official claims of progress. Civil society groups took a more vocal role in demanding changes in the government's approach. Some improved human rights standards were incorporated into the constitution, even as allegations of severe rights abuses continued to plague the security forces.

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, taking 237 seats and forming a majority with the 21 seats of the allied Green Party. The PAN's share fell to 143 seats, and the PRD declined to a distant third, with 71.

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

3.0

CIVIL LIBERTIES

3

POLITICAL RIGHTS

3

The PRI continued its comeback in 2009 by again outperforming its rivals in state and local elections, which were held in six states. Balloting was held in nine states in 2010, with PRI candidates winning the gubernatorial contests in six. Nonetheless, alliances between the PAN and the PRD led to the election of non-PRI governors in Oaxaca, Sinaloa, and Puebla. Although 2011 opened with wins for the PRD and PAN in Guerrero and Baja California Sur, respectively, the PRI swept the year's four subsequent elections, including in the populous and important state of Mexico.

Intermittent legislative actions and talks among the three major parties failed to yield concrete gains on a major political reform proposed by Calderón in December 2009. The package would, among other changes, allow limited reelection for many elected officials, permit candidates to run as independents, provide for a second round of voting in presidential elections, and reduce the size of Congress. Although the Senate approved a version of the reform in April 2011, the bill remained under consideration in the Chamber of Deputies at year's end.

Also in 2011, over 16,000 people were killed in violence associated with organized crime syndicates, which had increased each year since 2006 and become the dominant concern in Mexican politics. The violence had claimed approximately 50,000 lives during Calderón's presidency, despite—or to some observers, because of—his decision to deploy the military to the worst-affected areas soon after taking office. While a majority of Mexicans continued to support the government's offensive against organized crime, opinion polls also registered skepticism about official claims that the campaign was making progress, as well as a strong and increasing perception of generalized insecurity. In addition, mounting allegations of severe human rights violations have surrounded the security operations conducted by more than 45,000 soldiers in various parts of Mexico. While the rate of increase in the annual death toll declined in 2011, and there was an absolute fall in homicides in the notoriously violent Ciudad Juárez, other cities—notably Monterrey, the country's second most important economic center—experienced a sharp increase in violence. Moreover, the discovery of mass graves holding over 200 people in both Durango and Tamaulipas, and a series of massacres punctuated by an intentionally set fire that killed 52 people at a Monterrey casino in August, kept violence on the front pages throughout the year.

As a reaction to the onslaught, a new civil society initiative, the Movement for Peace with Justice and Dignity (MPJD), coalesced around Javier Sicilia, a well-known poet whose son was murdered in March in Cuernavaca. Sicilia and other prominent activists embarked on bus caravans in June and September, leading rallies along the way to demand a halt to the violence. Despite several meetings with Calderón, the MPJD's call for a "truce" between the government and the criminal groups went unheeded.

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. The 2006 elections were considered generally free and fair, but there were many complaints, especially by the opposition PRD, concerning negative advertising and the use of administrative resources on behalf of the presidential victor, Felipe Calderón of the ruling PAN. In response, 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. At the state level, allegations of abuse of public

resources to favor specific gubernatorial candidates have increased in recent years, and the closely fought November 2011 race for the mayorality of Morelia, the capital of Michoacán, was invalidated after the electoral tribunal determined that the PRI had violated the law through unauthorized promotions of the party and its candidate.

Signs of the vulnerability of politicians and municipal governments to pressure from organized crime have increased in recent years. Thirteen small-town mayors and the PRI candidate for governor of Tamaulipas were murdered in 2010, while in 2011 President Calderón decried the suspected influence of drug traffickers on the elections in Michoacán—where his sister narrowly lost the gubernatorial race—after several dozen candidates dropped out and one mayor was assassinated in the run-up to the balloting. 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. A federal lawmaker was killed in Guerrero in September, and no suspected organizer of the crime had been captured by year's end.

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. However, attempts to prosecute officials for alleged involvement in corrupt or criminal activity have generally failed due to the weakness of the state's cases. Although no senior politicians have been convicted of corruption in recent years, many officials have been dismissed or charged with links to drug traffickers. Two major arson incidents, a 2009 fire in a Sonora daycare center and the 2011 casino blaze in Monterrey, have drawn attention to corruption among permit issuers and safety inspectors, but punishment has been limited. Mexico was ranked 100 out of 183 countries surveyed in Transparency International's 2011 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.

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 press freedom organization Article 19 reported nine journalists killed in 2011, 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. A special prosecutor's office devoted to investigating crimes against journalists has made only slow progress since opening in 2006, and a bill sought by journalists that would federalize crimes against reporters stalled in 2011.

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 September 2011 were found with notes from the Zetas gang that tied their deaths to their online crime-reporting activities, though only one victim's involvement with such reporting was confirmed. Authorities in Veracruz jailed two citizens in August on terrorism charges for using the Twitter microblogging platform to issue an alert about a possible attack at a school. They were released in September, but the state passed a law criminalizing the "perturbation of public order" through the use of any medium. In October the Mexican Supreme Court agreed to evaluate the law's constitutionality.

Religious freedom is constitutionally protected and generally respected in practice. However, it is limited in some regions. Political battles over issues such as abortion and homosexual rights 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. In December 2011, two student protesters were shot dead by police in Guerrero; the incident remained under investigation by the National Human Rights Commission (CNDH) at year's end. Nongovernmental organizations, though highly active, sometimes face violent resistance, including threats and murders. Three activists associated with the MPJD were killed in the last few months of 2011 and two more disappeared, leading to demands for greater protection by the authorities.

Although trade unions' role as a pillar of the PRI has diminished significantly, 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. Those attempting to form independent unions are frequently fired. Several large unions, particularly the teachers' union, are considered by many observers and citizens to pose obstacles to necessary policy reforms.

The justice system remains plagued by delays and unpredictability. A 2008 constitutional reform replaced the civil-inquisitorial trial system with an oral-adversarial one. An explicit presumption of innocence and stricter rules regarding evidence were also introduced, and the overhaul was widely expected to strengthen due process and increase efficiency and fairness. Nonetheless, 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 application of the reformed procedures continued slowly in 2011.

In many areas, coordination 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 moved slowly at the state and municipal levels in 2011, leading to tension between Calderón and some state governors. A bill sent to Congress in 2010 that mandates the merger of state and municipal police forces again failed to pass in 2011.

Lower courts and law enforcement in general are undermined by widespread bribery. A significant majority of crimes go unreported because the underpaid police are viewed as either inept or in league with criminals, and conviction rates are less than 10 percent even when investigations are opened. In 2011, new attorney general Marisela Morales initiated a purge of the prosecutorial service, with hundreds of officials dismissed on suspicions of corruption. Prisons are violent and overcrowded, and several prison riots in 2011 resulted in the deaths of scores of prisoners, while scores of others escaped during the year.

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 have risen dramatically in recent years, and a November 2011 Human Rights Watch report alleged violations including torture, forced disappearances, and extrajudicial executions. Military personnel are generally tried in military courts, but in July the Supreme Court ruled that Mexico must comply with a series of Inter-American Court of Human Rights decisions obliging the country to try cases of human rights violations in civilian courts. The ruling was facilitated by the June entry into force of constitutional amendments that granted new powers to the CNDH and explicitly incorporated international treaty obligations into the charter.

The number of deaths attributed to organized crime has risen sharply each year since 2007. An official figure of over 12,900 deaths in the first nine months of 2011 signaled deceleration in the pace of increase, but expert extrapolations indicated over 16,000 deaths for the year, a rise of roughly 10 percent from 2010. The carnage remained most acute in northern Mexico, although

homicides declined by roughly one-third in the previous epicenter of violence, Ciudad Juárez. Nonetheless, Juárez remained one of the world's deadliest cities, and violence spiked in several other key cities, including Acapulco, Veracruz, and Monterrey. 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 rose, including two massacres of over 30 people in Veracruz in September and October and the public dumping of 26 bodies in Guadalajara in November.

In addition to homicides, organized criminals have increased 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 government has pointed to the killing or arrest of several dozen criminal kingpins in recent years and the decline of violence in hotspots such as Tijuana and Ciudad Juárez as evidence of increased pressure on the syndicates, although few top criminal figures were arrested in 2011.

Mexican law bans all forms of discrimination, including those based on ethnic origin, gender, age, and religion. 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, particularly in Chihuahua and southern states, 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 October Calderón stated that 200 officials in the National Migration Institute had been removed for corruption or arbitrary conduct.

In several states in 2011, criminals impeded free movement by blocking major roads, and particularly in Tamaulipas, by boarding buses and removing passengers, who often disappeared or were later found dead.

Domestic violence and sexual abuse 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 hundreds of women killed each year. 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. Such bans in two states were upheld by Supreme Court rulings in September 2011; although a majority of justices voted to overturn the laws, the bloc fell shy of the supermajority needed to do so.

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