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FREEDOM IN THE WORLD

4

Mexico

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OVERVIEW:

President Enrique Peña Nieto completed his first full year in power in 2013, having assumed office in December 2012. His Institutional Revolutionary Party (PRI) had previously ruled Mexico without interruption from 1929 to 2000, then lost two consecutive presidential races to the National Action Party (PAN) in 2000 and 2006. Contrary to the fears of many Mexicans, the PRI's return did not herald a rapid reversion to its old authoritarian mode of governance. Instead, the new administration offered a mix of reforms in some areas and continuity with the PAN government of former president Felipe Calderón in others. The three major parties—the ideologically amorphous PRI, the right-leaning PAN, and the left-wing Party of the Democratic Revolution (PRD)—maintained a tenuous alliance known as the Pact for Mexico for most of the year, allowing passage of a series of laws and constitutional amendments in areas including education, telecommunications, tax collection, political procedures and representation, and energy. The last of these opened the door to foreign and private investment in order to modernize Mexico's creaky energy sector, thereby altering a powerful symbol of Mexican nationalism and causing the PRD to withdraw from the Pact. However, the remaining parties have sufficient votes to continue with passage of both major reforms and the slew of secondary regulations necessary for their implementation.

Significantly less progress was made on Mexico's foremost governance challenge, establishing the rule of law. Although murder rates declined for a second straight year, the incidence of other serious crimes, including kidnapping and extortion, rose as increasingly fragmented crime syndicates diversified their operations beyond drug trafficking. In the state of Michoacán, frequent violence and crippling levels of extortion prompted residents in several municipalities to establish armed community self-defense groups. Despite the Peña Nieto administration's early rhetoric advocating demilitarization of the anticrime fight, several thousand troops were dispatched to Michoacán in May, and soldiers took over security duties in the port city of Lázaro Cárdenas in November following reports of large-scale smuggling by criminal groups. In a possible sign of progress, authorities

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

3.0

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

3

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

3

captured the leaders of both the Gulf cartel and Zetas syndicates during the year, along with several dozen other important underworld figures.

Allegations of severe human rights violations continued to emerge from the security operations conducted by more than 45,000 soldiers in various parts of Mexico. In February, Human Rights Watch issued a report documenting 249 specific cases of disappearance, of which 149 were attributed to police and military units. Also that month, the government announced that it possessed a list containing the names of over 26,000 people registered as disappeared between 2007 and 2012. Officials subsequently claimed that the list would shrink substantially after further vetting, while rights groups criticized the methodology and demanded a more rigorous system of registering and tracking disappeared persons. Separately, a new Victims Law that entered into force in February established a set of rights for victims of state or criminal violence, including compensation.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 28 / 40 [Key]

A. Electoral Process: 9 / 12

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. As a result of the political reform approved in December, current members of Congress are barred from reelection; starting in 2018, elected senators will be allowed two six-year terms, and deputies up to four three-year terms. As a federal state, the elected governor and legislature in each of Mexico's 31 states have significant governing responsibility, including oversight of the bulk of Mexico's beleaguered police forces.

Peña Nieto won the July 2012 presidential election with 38 percent of the vote, followed by veteran PRD leader Andrés Manuel López Obrador with 32 percent. The PAN candidate trailed with 25 percent. López Obrador initially refused to accept the results, citing alleged infractions including widespread vote buying, manipulation of polls, overspending, and media bias, but the Federal Electoral Tribunal found insufficient evidence to invalidate the election. In concurrent congressional elections, the PRI emerged as the strongest force. Including allied parties, it 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.

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. The 2012 elections were considered generally free and fair, but complaints persisted, particularly regarding vote buying and PRI collusion with the dominant broadcaster, Televisa, which helped spark a significant anti-PRI student movement. The 2013 political reform broadened the power of the national electoral authority to include supervision of state-level elections, while changing the agency's name to the National Electoral Institute (INE) and giving it the power to annul elections in which exceeding expenditure limits was deemed to have affected the outcome. Several current IFE members and outside analysts protested that several of the new provisions threatened to overwhelm INE's capacity as well as institutionalize electoral conflict.

At the state level, allegations of abuse of public resources to favor specific gubernatorial candidates have increased in recent years. Leaked audio recordings of PRI functionaries in Veracruz discussing ways of diverting social spending to purchase votes in July 2013 local elections raised political tensions at the national level in April. The July elections involved local races in 14 states as well as one gubernatorial race, won by a PAN-PRD candidate in Baja California.

B. Political Pluralism and Participation: 12 / 16

Mexico's multiparty system features few official restrictions on political organization and activity. Power has changed hands twice at the national level since 2000, and opposition parties are also competitive in many states. However, in states with lower levels of multiparty contestation, locally-dominant political actors often govern in a highly opaque, caudillo-style manner that limits political activity and citizen participation and opens the door to corruption and the influence of organized crime. Politicians and municipal governments have faced growing pressure from criminal groups over the past five years. More than a dozen small-town mayors and candidates for office were killed between 2010 and 2013. In the run-up to local elections in 2013, several local functionaries and candidates, mostly from the PRD, were killed in Oaxaca, Guerrero, and Michoacán.

Female legislators make up over one-third of the Congress elected in 2012. Although indigenous Mexicans are not blocked from participating in the political process and provisions exist for the integration of traditional community customs with procedures prescribed by federal and state laws, indigenous groups remain underrepresented in formal political institutions.

C. Functioning of Government: 7 / 12

Organized crime and related violence have limited the effective governing authority of elected officials in some areas. 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. In Michoacán in October 2013, gang attacks on gas stations and electrical installations left hundreds of thousands of residents without power.

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. Some signs have emerged in recent years of more vigorous anti-graft efforts. A former governor of Tabasco, Andrés Granier, was arrested in August 2013 and charged with embezzling public funds. However, several army officers and other security personnel were released in 2013 after being arrested in 2012 on suspicion of accepting funds from drug traffickers. Mexico was ranked 106 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index. A 2002 freedom of information law, despite some limitations, has been considered successful at strengthening transparency at the federal level, though implementation has slowed and many states lag far behind.

Civil Liberties: 37 / 60

D. Freedom of Expression and Belief: 13 / 16

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 a two-corporation duopoly that controls over 90 percent of the market, and the biggest, Televisa, has faced accusations of supporting specific politicians, usually from the PRI. Nonetheless, a constitutional amendment approved in 2013 establishes a new telecommunications agency and strengthens the Federal Economic Competition Commission, thereby potentially opening the spectrum to new competitors in television as well as cellular and internet service. Key secondary regulations were pending at year's end.

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. At least three more journalists were killed during 2013, according to the Committee to Protect Journalists, though the motives were unconfirmed. Self-censorship has increased, and many newspapers in high-violence zones no longer publish stories involving in-depth reporting on organized crime. A 2012 constitutional amendment federalized crimes against journalists, and in May 2013 a federal special prosecutor gained authority to investigate such crimes, though press watchdog groups decried the office's slow initial pace.

The government does not restrict internet access, but criminals have extended their reach to citizens who attempt 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” via social media was viewed as an attempt to intimidate Twitter users, though no prosecutions were reported in 2013.

Religious freedom is constitutionally protected and generally respected in practice. A constitutional amendment allowing increased public worship was promulgated in July 2013. 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.

E. Associational and Organizational Rights: 8 / 12

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. Protests carried out by teachers’ unions led to violence and arrests in several states in 2013, as well as months of serious disruptions in Mexico City. Nongovernmental organizations, though highly active, sometimes face violent resistance, including threats and murders. The local chapter of press freedom group Article 19 received threats in April and October 2013. Three peasants’ rights activists in Guerrero were found dead in June shortly after stating fears that they would be targeted by local police and government officials.

Trade unions’ role as a pillar of the PRI has diminished significantly, but independent unions face 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, have long been considered opaque and overly antagonistic to necessary policy reforms. The day after the promulgation of an education reform in February 2013, longtime teachers’ union leader Elba Esther Gordillo—widely perceived as extremely and visibly corrupt—was arrested and charged with embezzling over \$150 million.

F. Rule of Law: 6 / 16

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 2013 civil society groups noted progress in some states but significant delays in many others. As of the end of 2013, approximately one-third of Mexican municipalities had implemented the reformed system.

Coordination on law enforcement between different branches of the federal government, as well as between

federal authorities and the state and local police, has been problematic, and the Peña Nieto administration has pursued improved cooperation and streamlined chains of command. 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 several states lagged behind on implementation in 2013, and analysts raised questions about the rigor of the procedures.

Lower courts and law enforcement in general are undermined by widespread bribery and incapacity. Most crimes go unreported because the underpaid police are viewed as either inept or in league with criminals. Moreover, only a small minority of crimes end in convictions even when investigations are opened. As of July 2013, sentences had been issued for less than 2 percent of the murders registered in 2012. Prisons are violent and overcrowded, and the CNDH had reported 108 deaths and 392 escapes as of mid-November 2013.

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. In 2013 rights groups criticized both the weakness and the pace of legislative reforms that would formally limit military courts' jurisdiction.

The number of deaths attributed to organized crime declined for a second straight year in 2013, after rising sharply each year between 2007 and 2011. Violence remained acute in many areas, however, including Acapulco and parts of Jalisco and Michoacán. The murders often featured extreme brutality designed to maximize the psychological impact on civilians, authorities, and rival groups. In addition, citizen perceptions of insecurity increased in line with rising rates of extortion, kidnapping, human trafficking, 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 Peña Nieto administration has adopted a far less vocal, bellicose approach in its public discussions of the issue, but it has maintained many of the Calderón administration's basic strategies, particularly the use of the military. Starting in his 2012 campaign and continuing in 2013, Peña Nieto called for the formation of a hybrid military-police gendarmerie to help decrease the military role, but implementation was postponed to 2014 amid changing plans on the size, role, and composition of the force.

Mexican law bans discrimination based on categories including ethnic origin, gender, age, religion, and sexual

orientation. Nevertheless, social and economic discrimination has marginalized much of Mexico's large indigenous population, with many groups relegated to extreme poverty in rural villages that lack essential services. Southern states with high indigenous concentrations suffer from particularly deficient services and limited political voice. 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, and in 2013 a series of indigenous communities in Guerrero formed community defense groups, several of which were legalized by the state government. In addition, disputes over land issues within indigenous groups at times becomes violent.

G. Personal Autonomy and Individual Rights: 10 / 16

In several states in recent years, criminals have impeded freedom of movement by blocking major roads. In 2013, the Knights Templar criminal group responded to the challenge from self-defense groups in several Michoacán municipalities by imposing a blockade on the communities in question. 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. Mass graves containing hundreds of bodies found in Tamaulipas in 2011 included many migrants, and a wide range of abuses against migrants continued to be reported in 2013, despite some government initiatives to improve migrant rights protection undertaken by the Calderón and Peña Nieto administrations.

Sexual abuse and domestic violence against women 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. Mexico is a major source, transit, and destination country for trafficking in persons, including women and children for sexual exploitation and forced labor. 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 marriages performed there are recognized nationwide. Same-sex civil unions are permitted in a number of other states.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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