



CHAPTER V

Follow-up of recomendations issued by the IACHR in its Country or Thematics reports

Mexico

**ANNUAL REPORT OF THE INTER-AMERICAN
COMMISSION ON HUMAN RIGHTS**

2022

TABLE OF CONTENTS

**CHAPTER V FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN
ITS COUNTRY OR THEMATIC REPORTS**

México

CHAPTER V

FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY REPORTS OR THEMATIC REPORTS

SEVENTH FOLLOW-UP REPORT ON THE RECOMMENDATIONS ISSUED BY THE IACHR IN ITS REPORT ON THE SITUATION OF HUMAN RIGHTS IN MEXICO^{1 2}

I. INTRODUCTION

1. The purpose of this chapter is to follow up the recommendations issued in the report entitled “Situation of Human Rights in Mexico” adopted by the Inter-American Commission on Human Rights (the “Commission,” “Inter-American Commission,” or “IACHR”) on December 31, 2015, in accordance with Article 59(9) of its Rules of Procedure. According to that provision, in Chapter V of its Annual Report, the Commission shall follow up on measures adopted to comply with the recommendations issued in the country report. Through such monitoring, the main current human rights problems identified in the United Mexican States (“Mexico,” “Mexican State,” or “State”) are addressed. These are related to citizen insecurity and militarization, disappearances, torture, access to justice and impunity, the freedom of expression situation, as well as the situation of particular groups in this context.

2. At the invitation of the United Mexican States, the IACHR conducted an *in loco* visit to the country between September 28 and October 3, 2015. The IACHR drew up the Report on the Situation of Human Rights in Mexico, with a series of recommendations to the Mexican State, based on the findings and information obtained before, during, and after the on-site visit. It was also based on investigations carried out *ex officio*, information provided by the State, inputs from the various mechanisms through which the IACHR has kept track of the situation in the country, as well as newspaper articles, and decisions and recommendations of specialized international organizations, among other sources, as provided in Article 59(5) of its Rules of Procedure.

3. The Follow-up Reports on the Recommendations Issued in the Country Report corresponding to the years 2016, 2017, 2018, 2019, 2020, and 2021, respectively, included as relevant the observations received from the Mexican State and from civil society.

4. For this report, through a communication dated September 20, 2022, the IACHR asked the Mexican State to submit information on compliance with the recommendations contained in the Country Report with respect to the year 2022. The State’s response was received on October 21, 2022³ through Inter-American SIMORE. The Commission appreciates and is grateful for the information received, which was

¹ Pursuant to Article 17(2)(a) of the Commission’s Rules of Procedure, Commissioner Joel Hernández, a Mexican national, did not participate in the discussion, investigation, deliberation, or approval of this report.

² Commissioner Carlos Bernal Pulido approved the report and issued a partial reasoned vote. This reasoned vote is available at the Executive Secretariat of the IACHR.

³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through Inter-American SIMORE.

included as relevant in this report. The IACHR is grateful for the information provided by civil society organizations.⁴

5. Furthermore, in accordance with Article 59(10) of its rules of Procedure, on February 3, 2023, the IACHR transmitted this report to the Mexican State for its comments within a period of three weeks. On February 17, 2023, the State submitted its observations⁵, the relevant parts of which were incorporated in this final version of the report approved by the IACHR on March 7, 2023.

6. This follow-up report is divided into seven sections devoted to the consideration of the measures adopted by the State to comply with the Commission's recommendations and the remaining challenges. The recommendations are evaluated in accordance with the General Guidelines on the Follow-up of IACHR recommendations and decisions,⁶ following the structure used in the Commission's report that is the subject of this follow-up. Each section addresses the recommendations made by the IACHR in the corresponding chapters and analyzes the main aspects of the progress and challenges identified by the Commission in light of the information presented by the State and civil society organizations as well as the information garnered by the Commission during its monitoring of the overall situation of human rights in the country. For that purpose, the Commission has relied on the information received from the State during public hearings, ex officio investigations, input from the petitions and cases system, applications for precautionary measures, and requests for information under Article 41 of the American Convention on Human Rights, in addition to information available from other public sources and decisions and recommendations of specialized international agencies, among other sources. Finally, the IACHR presents its conclusions and recommendations.

II. FOLLOW-UP OF RECOMMENDATIONS

A. Citizen Security

7. The IACHR will refer to the recommendations in this section below.

- Develop a concrete plan for the gradual withdrawal of the Armed forces from public security tasks and for their resumption by civilian police.
- Strengthen the capacity of the police to carry out public security tasks in accordance with international human rights standards.
- Adopt a General Law on the Use of Force in accordance with international human rights standards.

⁴The IACHR received information submitted by the Mexican Commission for the Defense and Promotion of Human Rights (hereinafter "CMDPDH"), the Miguel Agustín Pro Juárez Human Rights Center (hereinafter the "PRODH Center"), EQUIS Justice for Women (hereinafter "EQUIS"), Servicios y Asesoría para la Paz (hereinafter "SERAPAZ"), IDHEAS Strategic Human Rights Litigation (hereinafter "IDHEAS"), Comunicación e Información de la Mujer (hereinafter "CIMAQ"), Reporters without Borders, and Article 19.

⁵ State of Mexico, [Observations and comments on the draft Chapter V on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Mexico" report](#), February 17, 2023.

⁶ IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 177, September 30, 2019.

- Take measures to ensure that federal and state officials refrain from issuing public statements on the legality of the actions of security forces in cases that may constitute an improper use of force before the results of an investigation are available.
- Adopt and implement accountability measures by a body independent of all security forces in relation to public security operations and tasks where there is a loss of life.
- Ensure that, in cases of forced disappearance, extrajudicial executions, and torture, the lines of inquiry not only seek to disclose the actual perpetrators, but also include the responsibility of the chain of command.
- Create information, data collection and analysis systems regarding violence affecting the different groups addressed in this report, such as women, children, and adolescents, migrants, human rights defenders, justice operators, LGBT persons, indigenous peoples, and persons deprived of liberty.
- Reorient the approach to the drug issue in Mexico from a focus on militarization and “frontal combat” using the security forces, to one with a comprehensive human right, and public health perspective on addictions and use of drugs not intended for distribution.

8. Regarding the **plan for the gradual withdrawal of the armed forces from public security tasks**, the State reported⁷ that an internal process to adapt its regulations in the area of domestic security⁸ ultimately led to the establishment of the National Guard through a constitutional reform. As reported, the National Guard is a disciplined and professional public security institution the purposes of which are to safeguard the people’s life, liberties, integrity, and property and to contribute to generating and preserving the public order and social peace, with full respect for human rights and fundamental liberties, as provided in the Constitution and laws on the subject, under the guidelines of the National Public Security Strategy established by the Secretariat for Citizen Security and Protection (hereinafter “SSPC”).⁹

9. For its part, the PRODH Center¹⁰ reported that on September 3, 2022, the Chamber of Deputies approved a series of amendments to the Organic Law of the Federal Public Administration, the Law on the National Guard, and the Organic Law of the Mexican Army and Air Force, transferring operational and

⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 21, 2022, through the Inter-American SIMORE.

⁸ Unconstitutionality action 6/2018 and joined actions wherein the Supreme Court of Justice of the Nation (hereinafter “SCJN”) analyzed the constitutionality of various articles of the Domestic Security Law, which had been challenged based on the argument that the Congress of the Union had exceeded its jurisdiction for legislating on matters of national security. It was also alleged that the law impinged on matters of public security because the purpose of the legislative instrument was to provide for the disposition of the Armed Forces in times of peace by incorporating the concept of domestic security within the concept of national security. Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 21, 2022, through the Inter-American SIMORE. The State clarified that the SCJN declared the law to be invalid because it violated the constitutional guarantee that public security institutions shall be — at all times — civilian, disciplined, and professional in nature. Specifically, the Supreme Court deemed that the law ignores the Constitution because, on the one hand, it allows the continuous participation of the Armed Forces in domestic security tasks — although this is constitutionally prohibited — and, on the other hand, because its substantive content exceeds the jurisdiction of the Congress to legislate on matters of national security. State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 21, 2022, through the Inter-American SIMORE.

¹⁰ PRODH Center. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” November 2022, pp. 1-3.

administrative control of the National Guard to the Secretariat of National Defense (hereinafter “SEDENA”).¹¹ The reform bill was forwarded to the Senate of the Republic, which ratified and approved the amendments on September 9, 2022, in general and specific terms. The legislation was sent to the Federal Executive for signature and publication¹² and on the same date the amendments were published in the Official Gazette of the Federation (hereinafter “DOF”).¹³ In this respect, they characterized these amendments as unconstitutional and questioned the purpose of expanding the country’s militarization.¹⁴

10. Along the same lines, the CMDPDH indicated¹⁵ that various areas of national life have become increasingly militarized. It states that, pursuant to the Agreement permanently assigning the armed forces to carry out public security tasks on an extraordinary, regulated, supervised, subordinated, and complementary basis and the provisions of the Law on the National Guard – including its recent amendments - the armed forces have practically unlimited powers to assume any public security task, as well as to intervene in the investigation of crimes, administrative failures, and other aspects.

11. In addition, civil society organizations reported that as of October 6, 2020, the SEDENA assumed operational control of the National Guard so that the SSPC retains only administrative powers.¹⁶

12. The CMDPDH indicated that these reforms are a matter of great concern given that they significantly increase the SEDENA’s power without making it subject to civilian oversight. This is because the Secretariat is granted fundamental functions with respect to the National Guard, public security policy, and the budgets that will be transferred from the SSPC and the SEMAR (Secretariat of the Navy) to the SEDENA. The reform does not contain any control mechanisms, despite calls from the U.N., the Inter-American Court, the IACHR, and other agencies for the country to withdraw the militarization of public security due to the risk represented for human rights. In this context, it reported that, on the subject of human rights, between January 2021 and September 2022, 813 complaints were filed with the National Human Rights Commission (hereinafter “CNDH”) against the National Guard and 719 complaints were filed against the SEDENA for human rights violations.

13. The IACHR reiterates its concern regarding the approval of these legislative amendments that submit the National Guard to the operational and administrative control of the SEDENA. As the IACHR has observed, the Constitution and its reforms of 2019 establish that the National Guard is a civilian body with police functions, its transitory and subsequent regulation has consolidated the creation of a body comprised of military-type personnel and structures rather than an eminently civilian security institution. In this regard, this package of amendments maintains the observed trend in the problematic phenomenon of the militarization of

¹¹ Chamber of Deputies, [En lo general y en lo particular, la Cámara de Diputados aprobó reformas en materia de Guardia Nacional](#), September 3, 2022.

¹² Senate of the Republic, [Senado aprueba reformas a la Guardia Nacional; turna el dictamen al Ejecutivo federal](#), September 9, 2022.

¹³ Official Gazette of the Federation, [Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Ley Orgánica de la Administración Pública Federal; de la Ley de la Guardia Nacional; de la Ley Orgánica del Ejército y Fuerza Aérea Mexicanos, y de la Ley de Ascensos y Recompensas](#), September 9, 2022.

¹⁴ Animal Político, [Militarización: discernir la verdad](#), September 17, 2022.

¹⁵ CMDPDH, Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” of October 20, 2022, pp. 4-5.

¹⁶ PRODH Center, Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” November 20, 2022, pp. 1-3; CMDPDH, Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 4-5.

citizen security in Mexico.¹⁷ Moreover, the IACHR laments the decision to extend until the year 2028 the participation of permanent armed forces in public security tasks,¹⁸ which is contrary to the recommendation.

14. The IACHR recognizes the challenges that Mexico faces in view of the serious situation of violence that has affected the country for many years, which are the subject of follow-up in this report. Nonetheless, it is concerning that the justification for these amendments centrally emphasizes that only a structure like the SEDENA, with its territorial deployment, operational structure, and military discipline is capable of addressing the context of violence. That rationale proves insufficient in and of itself given the risk that militarization entails for ensuring respect for and guaranteeing human rights from a comprehensive human security perspective, even if the formulation of public security policy should remain in the hands of the Secretariat for Citizen Security and Protection.

15. The Commission notes that the model implemented provides that the armed forces are not only deployed in police tasks but also grants them a leading role in the tasks of controlling migration at the borders and in the construction of large infrastructure projects, among other tasks,¹⁹ tasks that are traditionally carried out by civilian public security authorities. This concern is shared by other international human rights bodies such as the UN Human Rights Committee,²⁰ the Committee on the Elimination of Discrimination against Women (hereinafter “CEDAW”),²¹ the Working Group on Forced or Involuntary Disappearance (hereinafter “WGEID”)²² in relation to increased human rights violations attributed to the State’s security agents. In a hearing before the IACHR on the militarization of public security in Mexico, civil society organizations noted that the broad powers of the armed forces in the area of security have created a de facto state of emergency, in violation of the provisions of Article 29 of the Constitution and Article 27 of the American Convention.²³

16. Based on the above, the IACHR reiterates that the maintenance of domestic public order and citizen security must be primarily enforced by civilian police forces. However, given the Mexican State’s

¹⁷ IACHR, Press Release No. 201/22, [IACHR Urges Mexico to Adopt a Citizen Security Policy in Line with the Country’s International Human Rights Obligations](#), September 9, 2022.

¹⁸ Congress of the Union, [Avalan ampliar periodo de las Fuerzas Armadas en tareas de seguridad pública hasta 2028](#), October 13, 2022.

¹⁹ WOLA, [México profundiza la militarización](#), September 2, 2022.

²⁰ UN. Human Rights Committee, Consideration of Periodic Reports Submitted by the States Parties under Article 40 of the Covenant, CCPR/CMEX/CO/5, April 7, 2010, para. 11. Similarly, the Special Rapporteur on Extrajudicial Executions stated that “[...] following a military approach to public security risks creates a situation where a civilian population is vulnerable to a wide range of abuses. Moreover, there is insufficient accountability for these abuses in the military justice system, which lacks independence and transparency [...]” Cfr. UN. Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Christof Heyns, Mission to Mexico, April 28, de 2014, supra, para. 21; In addition, the WGEID reiterated, among others, its recommendation that the Mexican State consider withdrawing military forces from public security operations and the enforcement of criminal law [...]” Cfr. WGEID, Follow-up on the recommendations made by the WGEID in its report on its visit to Mexico from March 18-31, 2011, September 11, 2015, A/HRC/30/38/Add.4, para. 25; Similarly, in 2015 the UN High Commissioner for Human Rights expressed concern regarding the seriousness of the human rights situation in the country and recommended, among other measures, adoption of a “time frame for the withdrawal of military forces from public security functions.” Cfr. Statement of the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, on his visit to Mexico, October 7, 2015, supra, and finally, the UN Special Rapporteur on the Situation of Human Rights Defenders has stated that in Mexico “the use of the armed forces in public security functions and the lack of a timetable for the return to a full-fledged civilian security approach raise a number of concerns in terms of democratic governance. Neither has it provided an end to the violence.” Cfr. UN. [End of Mission Statement by the United Nations Special Rapporteur on the Situation of Human Rights Defenders](#), Michel Forst, Visit to Mexico, January 24, 2017, p. 4.

²¹ UN. CEDAW, Concluding Observations. Mexico, CEDAW/C/MEX/CO/7-8, August 7, 2012, paras. 11-12, and Concluding Observations on the Ninth Periodic Report of Mexico, CEDAW/C/MEX/CO/9, July 25, 2018, paras. 9-10.

²² UN. WGEID, [Observaciones preliminares. Misión a México](#), March 31, 2011, p. 5

²³ IACHR, 185th Period of Sessions, Public hearing “Mexico: militarization of public security,” [Annex to Press Release 257/22](#), November 16, 2022.

determination to alter the structure of the National Guard by transforming it into an institution with military characteristics and organization, in conjunction with the amendment published to keep the armed forces in charge of public security tasks until 2028, the IACHR considers this recommendation to be **pending compliance**.

17. To guide the implementation of this recommendation, the Commission reiterates its call for the Mexican State to reconsider these changes in compliance with its international human rights commitments, given the militarization of citizen security. In addition, with a view to increasing compliance with this recommendation, the Commission suggests that the Mexican State adopt measures directed to reframing its security strategy, taking into consideration international standards in this area, in addition to adopting measures to strengthen civilian security forces and resume a plan for the gradual withdrawal of the armed forces.

18. In relation to the recommendation on **strengthening the capacity of the police in the area of citizen security and human rights**, the State reported²⁴ on training of the National Guard in the context of the National Public Security Strategy, indicating that the professionalization of personnel is a matter of priority within that body. In this regard, during the period from June 2019 to September 2022 it reported that in-person and on-line training programs have imparted training in the area of human rights, the use of force, gender, and non-discrimination.²⁵ In this regard, during the period from July 2019 to January 2023, it reported that the institution trained 112,661 members through comprehensive programs for the National Guard on the subject of human rights. In addition, it reported that it provided on-line training to 32,109 members during the period between January 2021 and December 2022.²⁶

19. It also reported that dissemination and prevention talk, campaigns, and activities have been carried out on the above-mentioned topics, emphasizing the 16 days of activism in the National Guard, covering the period from November 25 (International Day for the Elimination of Violence against Women) to December 2022 (International Human Rights Day). The First International Congress on Human Rights was planned for the month of December; its purpose is to serve as a forum where researchers, civil society organizations, government agencies, and international organizations can meet to discuss human rights theory and practices and challenges in public security.²⁷

²⁴Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 21, 2022, through the Inter-American SIMORE.

²⁵ These courses include: Use of Force in the National Guard; Human Rights in the National Guard; Introduction to Human Rights; Equality and Non-discrimination; Human Rights and Training on the Use of Force in the Context of Migration; Trainers'/Change Agents' Course on the Subject of the Rights of Children and Adolescents; Instructors' Training Course on the Use of Force and Humanitarian Principles; and On-line courses through virtual platforms of various institutions specializing in the subject of gender and human rights, such as: National System for Integral Family Development (SNDIF), National Council for the Prevention of Discrimination (CONAPRED), National Human Rights Commission (CNDH), Mexico City Human Rights Commission (CDHCM), National Search Commission (CNB), Civil Service Secretariat (SFP), Ministry of the Interior (SEGOB), and International Committee of the Red Cross (ICRC).

²⁶ The courses include: Initial Training Program incorporating human rights; Human Rights, Use of Force, Gender and Non-Discrimination; Use of Force in the National Guard; Human Rights in the National Guard; Introduction to Human Rights; Equality and Non-discrimination; Human Rights and the Use of Force in the Context of Migration; Trainers'/Change Agents' Course on the Rights of Girls, Boys, and Adolescents; Instructors' Training Course on the Use of Force and Humanitarian Principles; and on-line courses through the virtual platforms of several institutions specializing in gender and human rights such as: the National System for Integral Family Development (SNDIF), National Council for the Prevention of Discrimination (CONAPRED), National Human Rights Commission (CNDH), Mexico City Human Rights Commission (CDHCM), National Search Commission (CNB), Civil Service Secretariat (SFP), Ministry of the Interior (SEGOB), and International Committee of the Red Cross (ICRC).

²⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

20. In this regard, the IACHR appreciates the information provided and commends progress made in training for National Guard personnel. Nonetheless, the IACHR finds that the recommendation retains its rating as **pending compliance**.

21. To guide the implementation of this recommendation, the Commission suggests that the State provide information indicating current personnel who are currently attached to federal entities and how many of them have been trained, in addition to providing information on the courses conducted and whether they have affected the strengthening of the police force. In addition, follow-up of this recommendation would be enhanced with information on the frequency with which training is conducted and the type of personnel who are being trained.

22. In relation to the recommendation to **adopt a national law on the use of force** in accordance with international human rights standards, the State reported that the National Law on the Use of Force was published on May 27, 2019, the purpose of which is to govern the use of force exercised by public security institutions of the Mexican State. The State indicated that the National Guard and the various State security bodies adhere to the provisions of that law, as well as Article 1 of the Mexican Constitution and the international treaties to which it is a party, with unlimited respect for human rights and the principles of universality, interdependence, indivisibility, and progressivity.²⁸

23. In relation to this recommendation, the CMDPDH reported²⁹ that its unconstitutionality appeal 64/2019 was resolved on November 9, 2022³⁰ determining that legislative omissions relating to the mandatory exercise of jurisdiction on the part of the Congress of the Union were updated, consisting of: a) the failure to provide for the use of force; and, b) the failure to make the use of force subject to the principles of rationality and timing. In addition, it declared invalid the “non-lethal” regulatory portion of section VI of Article 6, which by regulating the gradation of the impact of the use of force on persons provides for serious injury through the use of non-lethal force. Nonetheless, they reported that all the remaining aspects challenged by the CNDH were rejected by the full Supreme Court of Justice of the Nation (SCJN), which upheld the use of technological devices for the purpose of audiovisual recording of operations for purposes of verification.

24. Regarding the appeal filed by the CMDPDH, they indicated that it is pending resolution. Its discussion has been proposed on two occasions, most recently on October 5, 2022. They indicate that the draft decision proposes to declare the constitutionality of the challenged provisions of the National Law on the Use of Force (LNUF) and deny the appeal. The CMDPDH established that in response to the argument that the challenged provisions have an inhibitory effect that limits the exercise of the right to protect and to defend human rights, the SCJN responded in a footnote that: “hypothetically, should it occur, an impact and consequently inhibition could occur in the event of an incorrect application of the provisions; however, this does not directly follow from the regulatory content subject to analysis.” In response, the organization considered that in a context like that existing in Mexico “it is extremely concerning that the first chamber, hemmed in by a very questionable decision handed down by the full Court, would validate the constitutional defects of the LNUF.”

25. For its part, the PRODH Center highlighted the deficiencies in the implementation of the law in that Article 32 thereof mandates that agents of security institutions shall prepare reports on the use of force

²⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁹ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” of October 20, 2022, pp. 6-7.

³⁰ SCJN. [Sesión pública de la primera sala de la suprema corte de justicia de la nación](#), held on Wednesday, November 9, 2022.

when this occurs in the performance of their duties,³¹ while Article 35 provides that security institutions must submit annual public reports on their activities involving the use of force. However, such events are opaque in Mexico, given that the National Guard has not made public the reports it should prepare in accordance with the articles cited.³² Thus, it emphasizes that the complaints against the National Guard submitted to the CNDH between January and April 2022 include reports on the arbitrary use of force.³³

26. On this point, as the IACHR indicated in its 2019,³⁴ 2020,³⁵ and 2021 reports,³⁶ the text of the cited law indicates that the use of force by security agents is governed by the principles of absolute necessity, legality, prevention, proportionality, and accountability and by full respect for human rights.²⁴ The Commission also noted in Chapters IX y X, respectively, the obligation to issue detailed reports on operations involving the use of force and lethal weapons when they occur, and the institutionalization of training and professionalization on the subject of the use of force (weapons, methods, and techniques), human rights, non-discrimination, the gender perspective, ethics, and police doctrine, among other aspects.²⁵

27. Similarly, the information provided by civil society would indicate that the constitutionality of Articles 27 and 28 of the LNUF would authorize the security forces to intervene in demonstrations and public meetings that could turn violent, in addition to the persistence of ambiguities regarding the classification of weapons and the preparation of reports by agents who use weapons, among other concerns.³⁷

28. Given that the law on the use of force has already been enacted, the IACHR considers that there has been **full compliance**, but it will continue to monitor the implementation of the law.³⁸

29. Regarding the recommendation to **take measures to ensure that federal and state officials refrain from issuing public statements on the legality of the actions of the security forces in cases that may constitute an improper use of force before the results of an investigation are available**, the State indicated that the National Guard adheres to the provisions of the General Law on Social Communication and the 2019 agreement establishing the Social Communication Policy of the Federal Government, the purpose of which is to establish public policy on social communication to be followed by agencies and entities of the federal civil service. In this regard and as of now, federal officials refrain from making statements in order to avoid unfavorable results.

30. In addition, the State indicated that state delegations of the Attorney General's Office (hereinafter the "FGR") do not issue public opinions. In the context of seeking justice, the measures indicated in this recommendation already exist in current laws, notably in the Constitution, Article 20 (B)(I) of which provides for the right that persons charged are assumed to be innocent until it is demonstrated otherwise. In addition, the National Code of Criminal Procedure indicates in section 113 (IVX) that anyone charged has the

³¹ Congress of the Union, [Ley Nacional sobre el Uso de la Fuerza \(diputados.gob.mx\)](http://ley.nacional.sobre.el.uso.de.la.fuerza.diputados.gob.mx). The text of Article 32 of the LNUF establishes as follows: "Whenever members of the security institutions use force in the performance of their duties, they must file a detailed report to their immediate superior, copy of which shall be included in the file of the officer in command of the operation and, where appropriate, of each of the participants. Hierarchical superiors shall be responsible when they should have or have knowledge that agents under their command have unlawfully used force, instruments, or firearms under their charge and do not prevent it or do not report it to the corresponding authorities."

³² Animal Político, [Ángel Yael: el impacto de la militarización](#), May 3, 2022.

³³ Expansión, [Las polémicas de la Guardia Nacional: entre agresiones y violaciones a DH](#), May 2, 2022.

³⁴ IACHR, [Annual Report, Chapter V](#), México, 2019, para. 28-29.

³⁵ IACHR, [Annual Report, Chapter V](#), México, 2020, para. 27.

³⁶ IACHR, [Annual Report, Chapter V](#), Mexico, 2021, para. 23.

³⁷ PRODH Center, [Valida SCJN normas ambiguas sobre uso de la fuerza letal y protesta](#), October 7, 2021.

³⁸ The IACHR will continue to monitor the implementation of the law in contexts of social protest, concerns over the use of lethal force in social protest contexts, and accountability mechanisms as indicated in paragraph 33 of this report.

right not to be exposed to the media. Finally, the State indicated that in the area of social communication officials are governed by the Federal Law on Transparency and Access to Public Information, the Federal Law on Transparency and Access to Public Information, and the General Law on the Protection of Personal Data Held by Regulated Entities.³⁹

31. In this regard, the PRODH Center related the case of the four-year-old child, Heidi Mariana, who was shot and killed by the Mexican Army on August 31, 2022, in the state of Tamaulipas.⁴⁰ The organization reported that Heidi's family members publicly reported that they have been harassed outside their home by members of the military and that an agent of the SEDENA asked the girl's mother to stop making reports to the authorities.⁴¹ Representatives of the family have indicated that Heidi's murder did not occur in a confrontation between the Army and organized crime, as the State claims, but rather involved a direct attack.⁴² To date, no one has been pursued or tried as responsible. In the context of this case, the PRODH Center emphasized that, as in other cases in this administration, the initial response from SEDENA and the President of the Republic himself was to minimize the events in view of the situation in Tamaulipas, indicating that it was an exception, a fortuitous event as it had happened in a "confrontation" between criminals and the army, even though at that time the family had no information regarding the investigation.⁴³

32. The IACHR expresses its concern regarding preemptive statements that high-ranking agents of the State made to the armed forces in response to possible accusations of human rights violations, even in conditions in which the victims have no knowledge of the content of investigations.⁴⁴ Based on the foregoing, the Commission considers that the recommendation remains in **partial compliance**.

33. To guide the implementation of this recommendation, the IACHR suggests the adoption of measures to ensure that public officials refrain from making preemptive statements regarding the legality of actions taken by the security forces, regarding possible cases of human rights violations.

34. In relation to the recommendation **that a body independent of all security forces adopt and implement accountability measures regarding public security operations and tasks involving loss of life**, the State reported the adoption of the 2021 Protocol on Accountability for the Use of Force. According to the Protocol, the agent or operational command must prepare the report on the use of force, making it possible to keep records of operations and reports related to the use of force as well as to report periodically on operations of this type.

35. In addition, the State indicated that the FGR, through its Internal Oversight Body, is the authority charged with investigating the facts when someone dies during the course of an operation conducted by security institutions. The FGR also issues its accountability report in which it provides quantitative and qualitative information on its duties in the pursuit of justice. Finally, the State indicated that the General Law on Transparency and Access to Public Information establishes obligations that extend to elements of the security forces so as to ensure that they provide the information requested of them, which can only be

³⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁴⁰ Animal Político. [Matan a niña en enfrentamiento en Nuevo Laredo: se investiga si disparó el Ejército o crimen organizado: AMLO](#), September 2, 2022.

⁴¹ Proceso, [Familia de Heidi Mariana, niña asesinada en Nuevo Laredo, exige a AMLO investigación imparcial](#), September 8, 2022.

⁴² Aristegui. [No hubo enfrentamiento en muerte de Heidi Mariana, 'tenemos evidencia': AMLO sostiene 'versión falsa'](#): Ramos. September 5, 2022.

⁴³ Aristegui, [Asesinato de Heidi Mariana, excepción a la regla en operación de Sedena en seguridad pública: AMLO](#), September 5, 2022; Aristegui. [No hubo enfrentamiento en muerte de Heidi Mariana, 'tenemos evidencia': AMLO sostiene 'versión falsa'](#): Ramos. September 5, 2022.

⁴⁴ El Financiero, [AMLO defiende a militares "fue una excepción"](#), September 5, 2022.

categorized as “restricted” on an exceptional and temporary basis. Information related to serious human rights violations or crimes against humanity cannot be classified as restricted.⁴⁵

36. In addition, with respect to sexual torture committed against women and in view of the judgment of the Inter-American Court of Human Rights in operative paragraphs 360 and 371 in the “Case of Women Victims of Sexual Torture in Atenco v. Mexico,” the State indicated that 1,280 questionnaires were administered to women deprived of liberty in 66 penitentiaries throughout the country in 2021. It stated that these questionnaires were used to produce the “National Diagnostic on Sexual Torture Committed against Women Deprived of Liberty in Mexico,” which was used as the basis for acknowledging at least 62 cases of women who probably suffered sexual torture at some point in their judicial process. It reported that said cases are being documented and addressed so they can be included in the Follow-up Mechanism on Cases of Sexual Torture Committed against Women.⁴⁶

37. For its part, on the implementation of this recommendation, the CMDPDH reported⁴⁷ that, as of the date the report was sent, no initiative has been developed to create a body independent of the security forces to ensure impartiality regarding the processing of information reported and related to the loss of life when the authorities use lethal force. They indicated that this recommendation becomes more relevant upon analysis of the number of people who have died in confrontations with the security forces. They indicated that as of 2021 the ratio of civilians who died to each military person who died was 11 dead civilians for every member of the military.

38. In response to the reparations ordered by the Inter-American Court in the case titled *Women Victims of Sexual Torture in Atenco* and the creation of an independent observatory on accountability and monitoring the use of police force, the PRODH Center indicated that the State would be in discussions with the Mexican office of the UN High Commissioner for Human Rights to address implementation of the measure. As reported, the representatives of the victims in the case submitted a proposal to the State on the design of the observatory, but received no formal response so that to date no progress has been made in this respect.

39. The IACHR reiterates⁴⁸ that in the case of *Women Victims of Sexual Torture in Atenco v. Mexico*, the Inter-American Court ordered as a reparation measure that the Mexican State should establish at the federal level an “independent observatory to follow up on the implementation of policies regarding accountability and monitoring of the use of force by the Federal Police and the police of the State of Mexico, allowing the participation of members of civil society. That observatory should also generate information that will allow for institutional improvements in this area. For such purposes, the State shall generate information systems that make it possible to: (i) evaluate the effectiveness of existing mechanisms for supervision and oversight of police operations before, during, and after the use of force, and (ii) provide feedback on appropriate institutional improvements based on the information obtained through the observatory.”⁴⁹

40. The IACHR notes that the State repeated the information provided the previous year⁵⁰ on the internal process for overseeing the use of lethal force as stipulated in the National Law on the Use of Force, but

⁴⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE

⁴⁶ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁴⁷ CMDPDH. Follow-up on Compliance with Recommendation in the Report on the “Situation of Human Rights in Mexico,” of October 20, 2022, pp. 7-8.

⁴⁸ IACHR, [Annual Report, Chapter V](#), Mexico, 2020, para. 36.

⁴⁹ I/A Court H.R., *Women Victims of Sexual Torture in Atenco v. Mexico*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 28, 2018. Series C No. 371, para. 356.

⁵⁰ IACHR, [Annual Report, Chapter V](#), Mexico, 2021, para. 33.

again it did not provide information on the operation of these accountability mechanisms. The IACHR also notes that no information was provided on the status of compliance with the Court's reparation order in the *Atenco* case. The IACHR has also noted the information provided by the State regarding questionnaires administered to identify cases of women who were the victims of torture while facing judicial proceedings. In this regard, it is awaiting additional, specific information regarding the status of compliance with the reparations ordered by the Court in the *Atenco* case. Based on the above, the Commission concludes that there is **partial compliance** with the recommendation.

41. In order to guide the process of implementing this recommendation, the IACHR encourages the adoption of measures to ensure, in addition to the appropriate legislative authorization, accountability mechanisms headed by a body independent of the security forces, precisely to ensure impartiality regarding the processing of the information reported. The Commission suggests that the State provide information on this aspect as well as on progress made in creating the observatory ordered as reparations in the *Atenco* case.

42. Regarding the recommendation on **ensuring that, in cases of forced disappearance, extrajudicial executions, and torture, the lines of inquiry not only seek to disclose the actual perpetrators, but also include the responsibility of the chain of command**, the State indicated that Article 29 of the General Law on the Forced Disappearance of Persons, Disappearance Committed by Private Parties, and the for the Search for Persons (hereinafter the "General Law on the Subject of Disappearance") establishes that hierarchical superiors shall be considered perpetrators of the crime of forced disappearance in accordance with the provisions of corresponding criminal legislation. In addition, Article 9 of the Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment establishes that obeying orders or instructions from a hierarchical superior who orders, authorizes, or encourages the commission of torture does not constitute grounds for excluding this crime. Hierarchical superiors' orders to commit the crime of torture are manifestly illegal and subordinates have the duty to disobey them and report them.⁵¹

43. Along the same lines, the FGR emphasized that Article 11 of the General Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment refers to the responsibilities that can be attributed to public servants who violate the law. In addition, it stated that Article 17 of the General Law on the Subject of Disappearance indicates that responsibility is not excluded for those who follow superiors' orders.⁵²

44. Similarly, the State indicated that the responsibility of the chain of command already exists in Chapter III ("Persons Responsible for Crimes"), Article 13 of the Federal Criminal Code. In addition, in cases of this kind, there is a Specialized Prosecutor's Office to handle cases of torture, in which detailed and exhaustive investigations are carried out regarding crimes of this type and, when appropriate, criminal action is taken against all those involved. In particular, the Standardized Protocol for the Investigation of the Crimes of Forced Disappearance and Disappearance Committed by Private Parties (hereinafter "PHI") establishes a specific and differentiated technique for the investigation of these crimes, offering a detailed guide regarding the investigation of these crimes during the initial criminal proceeding phase, as well as guidelines for conducting the investigation using a methodological scheme of a plan of investigation, the use of investigative actions that take into consideration the specific characteristics of the victims and their vulnerable status, the development

⁵¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE; State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁵² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

of investigative approaches according to the subject under investigation, whether or not a public servant is involved.⁵³

45. In particular, it pointed out that the PHI⁵⁴ establishes a specific and differentiated investigative technique for investigating these crimes, offering a detailed guide on the investigation of these crimes during the initial stage of the criminal proceeding, as well as guidelines for conducting the investigation under a methodological scheme with a Plan of Investigation on the application of investigative actions that take into consideration the specific characteristics of the victim and their vulnerable status, the development of investigative approaches according to the subject under investigation, whether or not a public servant is involved.⁵⁵ According to the State, the PHI also provides for a theoretical analysis of the criminal offenses being investigated, an investigative technique for cases of persons disappeared from political movements of the past, notification and delivery of someone who is found without life, procedures used after a minor is found in order to return him to his nuclear family, as well as inter-American jurisprudence on the subject. It also indicated that the PHI provides the Model Protocol for the Legal Investigation of Extralegal, Arbitrary, and Summary Executions (“Minnesota Protocol”) as a source of good practices and an instrument to be utilized in cases in which victims are found without life.⁵⁶

46. In this regard, the CMDPDH reported⁵⁷ that during 2020 and 2021 no senior civilian or military authority was sentenced for torture or forced disappearance, according to the public sentences record. They reported that, for example, in the case of Rosendo Radilla Pacheco v. United Mexican States, the investigation into the disappearance continues to focus on seeking the direct perpetrators (i.e., on finding the persons who directly detained the person who has disappeared. They argued that the FGR has been incapable of working from a contextual perspective, that it uses tools from international criminal law developed to address cases of this kind. The result has been that with the passage of time it becomes substantively impossible to investigate and prosecute the highest levels of command.

47. For its part, the PRODH indicated that, in the context of the Tlatlaya massacre case and according to information from hacking the SEDENA servers, access was gained to information that the person who was head of the CNDH at the time tried to negotiate the content of the recommendation in the cases, in exchange for which the army would support his effort to become a Justice of the SCJN. The same document reports that the Military Justice Prosecutor sought to reach agreement with the then head of the Executive Commission for Attention to Victims (hereinafter “CEAV”) to do whatever was necessary so that Clara Gómez (one of the survivors represented by the PRODH Center and mother of a minor child who died in the events) would not file an appeal against the release of military personnel.⁵⁸

48. In this regard, the IACHR reiterates that Chapter XI of the National Law on the Use of Force on the Rules Governing Responsibilities establishes advances in the fight against impunity in public security and sets quite tight limits on the use of public force in official operations and by identified agents. However, as mentioned on previous occasions, acts of torture, forced disappearance, and extrajudicial executions can be

⁵³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁵⁴ The PHI was approved on July 13, 2018, under Agreement CNPJ/SE-II/1/2018 and the abstract of the PHI was published on July 16, 2018, in the DOF. State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁵⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁵⁶ State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁵⁷ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 9–11.

⁵⁸ Latinus, [Correos Sedena: presidente de la CNDH negoció la recomendación del caso Tlatlaya a cambio de apoyo para ser ministro de la SCJN](#), October 6, 2022.

committed in clandestine operations, and by omission or with the acquiescence of state agents or third parties.⁵⁹ On such occasions, the IACHR has also pointed out that, according to the applicable regulations on forced disappearance, investigations into this crime must include the chain of command.⁶⁰

49. Based on the foregoing considerations, the IACHR finds the information sent by the State in its last three reports on the regulations that provide for including the chain of command in investigations into serious human rights violations to be repetitive. However, the evidence provided does not show progress in the implementation of this practice at the jurisdictional level. Thus, the IACHR finds **partial compliance** with its recommendation.

50. In order to guide the implementation of this recommendation, the Commission urges the State to adopt measures to ensure that the chains of command are investigated in cases of torture and extrajudicial executions. In this regard, the IACHR considers that, in addition to reporting on the legislative framework in this area, it is important in the process of following up this recommendation to report on actions and measures adopted to apply it, which may consist of specific institutional strengthening measures.

51. In relation to the recommendation on the **creation of information, data collection, and analysis systems regarding violence affecting women, children, and adolescents, migrants, human rights defenders, justice operators, LGBT persons, indigenous peoples, and persons deprived of liberty**, the State indicated as follows.⁶¹

52. With respect to **women**, the State indicated that, based on the General Law on Women's Access to a Life Free of Violence, the Mexican State has the National Data and Information Bank on Cases of Violence against Women (BANAVIM), which is a public policy instrument that takes account of the dimension of gender-based violence against women. The BANAVIM provides information on violent acts that are more frequently endured by women, as well as data on likely aggressors who carry out that violence, with data illustrative of the national level and by federal entity, making it possible to envisage recurring contexts of violence, helping to detect geographic areas and areas of society that involve risk for women. It indicated that training actions have been conducted for public servants charged with administering and operating the data collection system of the National Data and Information Bank on Cases of Violence against Women and coordination and work meetings with liaisons at three levels of government for the purpose of strengthening the National Databank. In addition, the FGR noted that statistical information under this heading is compiled through the Executive Secretariat of the National Public Security System.⁶²

53. In addition, within the framework of the Inter-institutional Group for Strategies against Violence against Women, Girls, and Adolescents (GIEV), the State reported that monthly presentations are prepared on the indicators of violence, wherein the National Institute of Women (INMUJERES) included indicators on sexual crimes and trafficking, as well as information on female indigenous language speakers in the section on structural violence, adding a section on disappeared persons, whether they were found or not. In September INMUJERES called upon the Mechanisms for the Advance of Women in federal agencies to attend a meeting to analyze the results of the 2021 National Survey on the Dynamic of Household Relationships (ENDIREH) and dissemination activities.⁶³

⁵⁹ IACHR, [Annual Report, Chapter V](#), Mexico, 2021, para. 37.

⁶⁰ IACHR, Annual Report, Chapter V, Mexico, 2020, para. 41; IACHR, Annual Report, Chapter V, Mexico, 2019, para. 43.

⁶¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁶² State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁶³ INMUJERES, [Colección de boletines mensuales de la serie "Desigualdad en cifras"](#).

54. Similarly, the State indicated that, since it was created on February 1, 2008, the Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking (hereinafter “FEVIMTRA”) has had records with general data on the crimes of sexual harassment, pedophilia, sexual abuse, human trafficking, and comparable family violence, among other crimes.⁶⁴

55. With respect to **children and adolescents**, the State indicated that the injuries and births subsystems of the Health Secretariat provide data on injuries due to violence by type of violence, which in 2019 were: abandonment and violence 1,209 cases, economic violence 513, physical violence 6,698, psychological violence 12,181, and sexual violence 5,575 cases. Of the total number of cases of injuries due to violence in children and adolescents (26,176), 81.23% corresponded to girls and adolescent females. The subsystem for births occurring in 2019 provides data on childbirth in mothers from the ages of nine to seventeen, with 146,268 births. In the group of mothers aged nine to fourteen, there were 9,902 births. In addition, the State reported on the development of the National Protocol of Interinstitutional Coordination for the Protection of Children and Adolescent Victims of Violence within the framework of Mexico’s 2019-2024 Action Plan in the Global Alliance on putting an end to violence against children.⁶⁵

56. With regard to **migrants**, the State reported that the National Migration Institute (INM), in order to produce a specialized registry on migrant children, developed the Information System and Registry of Children and Adolescents and Accompanying Adults (SIRENNA) whereby it will be possible to record the most relevant data on foreigners and provide prompt follow-up on migration-related administrative procedures, thus ensuring better attention and protection for them. The State also reported that it completed the creation of the Registry System. The implementation of that system by the INM is pending and will be carried out gradually in the Representative Offices until completion in the 32 states. In addition, the State reported that it has the “For Your Rights” platform for recording information on girls, boys, and adolescents, for which the Attorney General’s Office for the Protection of Children and Adolescents (PFPNNA) is responsible and indicated that training sessions were conducted with those responsible for operating the system.⁶⁶

57. The State reported that the INM’s Directorate of Migrant Protection has the Simplified Migration Management System for concentration and analysis of information on the 22 Migrant Protection Beta Groups. In addition, it submits for publication the data on migrants served by these Beta Groups such as: guidance (information for migrants on their rights), social assistance, first aid, migrants lost and located, repatriated persons served, legal assistance, rescues, coordination with agencies and institutions, and trips made.

58. It also established that actions were taken between the INM and the National Commission for the Search for Persons (CNBP) to ensure the effectiveness of the search for nationals and foreigners who have disappeared or are missing, regardless of the migration status of foreigners. In addition, within the framework of the powers of the Migration Policy, Registry, and Identity of Persons Unit (UPMRIP), there is a monthly bulletin of statistical data on crimes.⁶⁷ In addition, the monthly statistical bulletin’s section on documentation and condition of stay, table 2.10.3, Visitor Cards for Humanitarian Reasons (TVRH) issued, by continent, native country, gender, and reason for stay, identifies the data for those who were the victims or witnesses of crime in Mexico.

⁶⁴ Estado de México, Nota OEA 517 del 17 de febrero de 2023. Observaciones a la versión preliminar del informe.

⁶⁵ Estado de México, Nota OEA 517 del 17 de febrero de 2023. Observaciones a la versión preliminar del informe.

⁶⁶ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁶⁷ UPMRIP, [Boletín de estadísticas sobre delitos perpetrados en contra de personas migrantes irregulares en México.](#)

59. Regarding **LGBT persons**, the State reported that on June 28, 2021, in collaboration with the National Institute of Statistics and Geography (INEGI), the CONAPRED concluded the conceptual and operational analyses of the field test of the National Survey on Sexual Diversity and Gender Identity (ENDISEG), which were presented in a public event held by the Ministry of the Interior (SEGOB). During the six-month period (January-June 2021) work was also carried out to revise the questionnaire for taking the survey. It indicated that this statistical exercise would make it possible for the first time to have representative information on the population with non-normative sexual orientations and gender identities in the country, as well as the discriminatory conditions they face. It is also a pioneer at the global level in the collection of information on the subject using probabilistic household surveys.

60. INEGI's national survey was conducted between August 2021 and January 16, 2022. In addition, the Web ENDISEG was conducted between February 21 and April 12, with the participation of 14,364 persons aged 15. They indicated that with the ENDISEG 2021 project⁶⁸ the Mexican State is in the international vanguard in the design and implementation of a specific statistical instrument for identifying the LGBTI population in the country.

61. With regard to **indigenous and afro-descendant persons**, the State indicated that it is currently in the process of analyzing the 2022 National Survey on Discrimination (ENADIS), the results of which will be published during the first half of 2023. The new edition of the ENADIS will make it possible to update the information on racist expressions and practices, as well as their effects on the violation of rights. The State also reported programmatic and budgetary information on the implementation of projects promoting the rights of indigenous peoples and Afro-Mexican people.⁶⁹ In addition, the State pointed out that the National Institute of Indigenous Persons (INPI) reports on the development of participatory diagnostics in which information is compiled regarding the structural violence endured by indigenous peoples, the purpose being to provide comprehensive care.⁷⁰

62. Regarding **human rights defenders and journalists**, the State reported that through the Mechanism for the Protection of Human Rights Defenders and Journalists it has information on persons who have been subject to an assault, identifying the location of the assault, the generic gender identity, type of assault, and profile of the person assaulted. In addition, it indicated that by monitoring open sources it develops an annual report recording the incidents of assaults on human rights defenders and journalists. Distinctions are made based on the type of victim, type of assault, attackers, and georeferencing of the incidents. Along with other tools, it is an analytical tool for launching strategic actions in specific locations.

63. With respect to **persons deprived of liberty**, the State reported that in order to comply with the legal mandate contained in Article 29 of the National Criminal Enforcement Law, the National Institute of Statistics and Geography (INEGI) conducted the 2021 National Survey of the Population Deprived of Liberty (ENPOL) in order to produce relevant statistical information on the prosecution and incarceration conditions of the population aged 18 or more who have been legally deprived of their liberty in penitentiaries for the alleged commission of a crime, their demographic and socio-economic profile, the crimes for which they were tried and convicted, among other characteristics.

64. In addition, it indicated that the 2021 ENPOL is the second edition of this statistical program, complements the information produced by the National Census of Public Security, Penitentiary Systems,

⁶⁸ ENDISEG, [2021 Results](#).

⁶⁹ Progress report of the Mexican State on compliance with and follow-up to recommendations from the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁷⁰ Estado de México, Nota OEA 517 del 17 de febrero de 2023. Observaciones a la versión preliminar del informe.

Administration and Enforcement of Justice conducted by INEGI, as well as the National Penitentiary Statistical Information produced by the Decentralized Administrative Body for Prevention and Social Rehabilitation, and the National Diagnosis of Penitentiary Supervision produced by the National Human Rights Commission.

65. For their part, civil society organizations indicated that according to the public version of the National Register of Disappeared and Missing Persons⁷¹ as of August 30, 2022, 105,082 persons were disappeared or missing. Of these, at least 88,551 have disappeared since the year 2006, including 21,113 women (23.84%). Men who have disappeared are mostly concentrated in the 25–29-year-old age range (15% of male cases), while women most commonly disappear between the ages of 15 and 19 (26% of female cases). This means that the dynamics of disappearance vary according to the gender of the victim. During the first eight months of 2022, 1,991 reports of women were recorded compared to 4,255 men (plus eight persons whose gender was undetermined); this means that women represent 31.84% of disappeared and missing persons during this year, while in 2010 they represented 15.9% of the reports.

66. The IACHR appreciates the information on the creation of the SIRENNA and awaits updated information regarding its implementation. On this subject, it recalls how important it is that any information and data compilation program include as one of its components the violence that affects the population being analyzed, as an item separate from the person's conditions or the specifics of the case. Although the IACHR sees progress in compliance with the recommendation with respect to women; children and adolescents; migrants; defenders; LGBTI persons, indigenous peoples, and afro descendants; and persons deprived of liberty, compliance with the recommendation is pending with respect to justice operators. Based on the foregoing, it declares that the measure is still the subject of **partial compliance**.

67. In addition, in order to guide the implementation of this recommendation, the Commission urges the State to create a uniform registry with disaggregated information to facilitate an accounting of the current context with respect to guarantees for the human rights of women, children, and adolescents, LGBTI persons, defenders, migrants, indigenous peoples, and persons deprived of liberty. In this regard, the implementation of this recommendation will be enhanced to the extent that this registry allows authorities with access to information in this regard to contribute to and enhance its updating. To do this, institutions must work in coordination and the disaggregated information systems of each system need to be uniformly systematized in a single database that allows for an accounting of content and information with respect to the entire civil service. Similarly, the IACHR asks the State to provide specific information on the development of the "For Your Rights" platform.

68. With regard to **reorienting the approach to the drug issue**, the State indicated that in Mexico the "focus on militarization and frontal combat" using government forces is shifting to a comprehensive, human rights and public health approach with regard to addiction and use of drugs not intended for distribution. In this regard, discussions are held in basic and higher education institutions in order to create awareness of drug use and its consequences. It also indicated that during the period from October 2021 to September 2022 the FGR's General Directorate for the Promotion of Culture and Human Rights, Complaints, and Inspections trained a total of 4,496 participants (civil servants). It did so by means of 94 activities included in 26 courses in this area. During the period from October 2021 to September 2022, the FGR's General Directorate on Crime Prevention and Community Services conducted a total of 749 informative sessions with 54,700 people in attendance; these sessions relate to various crime prevention topics and also focus on the use of psychoactive substances in various sectors of the population in different locations at the national level.

⁷¹ National Search Commission, [National Register of Disappeared and Missing Persons](#).

Similarly, the FGR emphasized that Article 479 of the General Health Law has since 2009 established the quantities that must not be exceeded in order for narcotics to be considered strictly for personal use.⁷²

69. Similarly, the State indicated that during the last quarter of 2021 and the first three quarters of 2022, three working meetings were held in the months of November 2021 and January 2022. At the first meeting, it was agreed that the facilitator's manual and tools for the *Repensar* program would be sent in order to strengthen the program. The second meeting addressed the activities report that the Prosecution sent to CONADIC, as well the RENASME format as an alternative report to standardize the information provided by institutions in addition to the National Strategy. The third meeting agreed to establish the linkage between REPENSAR and other mental health and addictions programs on behalf of the program's beneficiaries. A meeting is planned for follow-up as well as to evaluate the agreements reached in the previous three meetings.⁷³ In addition, the State indicated that in recent years the National Commission against Addictions has carried out various activities to include the topic of human rights for those working in residential facilities. It also indicated that a strategy has been implemented that conducts interviews with drug users in residential facilities to identify practices that violate human rights. It also pointed out that the guidelines for the Recognition and Approval of residential facilities have been updated to include conceptualizations of human rights.⁷⁴

70. Similarly, in its observations regarding this report, the State reported that training sessions were conducted for civil servants on the subject of access to justice with respect to the recommendations made by the CNDH and that the General Directorate on Crime Prevention and Community Services has conducted informative sessions with topics that include the use of psychoactive substances, in addition to working meetings with the National Commission against Addictions to plan and evaluate the conduct of workshops on the subject. In addition, the State reported on the implementation of the National Addiction Prevention Strategy (ENPA) "Together for Peace," on July 5, 2019, to put the community at the center of efforts for peace, health, well-being, and democracy in order to address the problem of addictions and have an impact on preventing and reducing the use of psychoactive substances in childhood, leaving behind a policy of criminalization. On the ENPA, the State reported that this strategy seeks coordination among the three levels of government in order to promote reconstruction of the social fabric with the participation of different entities and addressing the factors underlying the problem, combating discrimination and stigmas, and giving priority to mental health. Notable components of the ENPA's lines of work include the subject of violence and the National Suicide Prevention Program.⁷⁵

71. The CMDPDH reported⁷⁶ that the government's priority in the public security strategy is to combat drugs and drug trafficking. They reported that the proposal to legalize recreational use of marijuana again failed to gain approval in the Congress this year. Nonetheless, in a decision issued on June 28, 2021, the SCJN eliminated the prohibition on the recreational use of marijuana in Mexico in small amounts, in that it does not support its import, sale, and distribution.

72. The IACHR notes that the direction of the drug policy adopted by the Mexican State continues to follow a prohibitionist strategy in that the current drug policy is not being designed, implemented, or

⁷² State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁷³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁷⁴ State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁷⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁷⁶ CMDPDH. Follow-up on Compliance with the Recommendations from the report on the "Situation of Human Rights in Mexico, October 20, 2022, p. 8.

evaluated from a public policy perspective focused on human rights. According to the United Nations Office on Drugs and Crime (UNODC), that policy has generated a series of “unanticipated negative consequences,” notably including the creation of an enormous criminal market, displacement of production and trafficking toward new areas (balloon effect), diversion of resources from the area of health to law enforcement, a trend toward the use of new drugs, and stigmatization and marginalization of drug users.⁷⁷

73. In this regard, the IACHR considers that human rights should be an integral part of the development, implementation, and evaluation of any policy on drugs. Based on the foregoing, the IACHR find that the recommendation is the subject of **partial compliance**.

74. In order to guide the implementation of this recommendation, the Commission urges the State to adopt compliance measures intended to strengthen public policies from a human rights perspective, allowing the reorientation of the prohibitionist approach of Mexico’s drug policy.

B. Disappearances and Forced Disappearances

- Adopt a General Law on Disappearances and Forced Disappearances, and take all necessary measures to ensure that, at both the federal and state levels, legislation and practices conform to international standards in this area.
- Establish immediate search mechanisms for missing persons throughout the national territory.
- Improve the National Register of Missing Persons as a single registry of disappearances that also allows registering a person as a victim of forced disappearance. A database should contain personal information on missing persons, the personal data needed – mainly genetic and cellular samples – information regarding the relatives of missing persons, obtained with their consent; and genetic and cellular samples from the bodies of any unidentified persons who were deprived of life. Such personal information shall be protected on the Registry’s website in accordance with international standards on access to information.
- Strengthen existing early warning and urgent search mechanisms in cases of disappearance of women and girls to ensure their effective application at the federal, state, and municipal level. Likewise, strengthen the National Register of Data on Missing or Disappeared Persons so that it provides accurate and reliable information on missing and forcibly disappeared women and girls.
- Comply with the recommendations of the GIEI in accordance with its mandate, specifically its repeated request to meet with members of the army, as well as to visit Battalion 27 and continue the investigation in the case. Consider using similar mechanisms for other cases of gross human rights violations.

75. Regarding the recommendation to **adopt a General Law on Disappearance and Forced Disappearance, and to adopt all necessary measures to ensure that, at both the federal and state levels, legislation and practices are in line with international standards on the matter**, as already reported earlier, the State reported that the General Law on Forced Disappearance, Disappearance Committed by Private

⁷⁷ UNODC, [World Drug Report](#), 2009.

Parties, and the National System for the Search for Persons was adopted in 2017. In accordance with the Law on the Attorney General's Office (FGR), the State indicated that the Special Prosecutor's Office on Human Rights shall be responsible for the prosecution of these crimes.⁷⁸ The law has been amended four times so far. The latest amendment dates from May 2022 and creates the National Center for Human Identification (hereinafter "CNIH"). The State indicated that in July 2022 a regular meeting of the National Search System unanimously approved the Guidelines for the External Support Mechanism for Search and Investigation (hereinafter "MAEBI"), the purposes of which include ensuring that all embassies, consulates, and attaché offices in Mexico will provide assistance to the families of the disappeared in Mexico in the search and in initiating procedures following their disappearance. In addition, on March 31, 2022, the President sent to the Chamber of Deputies an initiative on reform of the General Law on Disappearances, in which he suggested the creation of a National Human Identification Center (hereinafter "CNIH") in addition to assigning some forensic capabilities to the CNBP. The work of the CNIH will begin with mass focused training of its personnel, as well as with the implementation of concrete and varied actions in coordination with already existing human identification centers, parallel to the adaptation of the building.

76. In addition, in the area of the administration of justice, the State indicated that the SCJN through Amparo in Review 51/2020 determined that when analyzing forced disappearance as a human rights violation, the amparo judge must adhere to an attenuated standard of proof that allows him to analyze evidence and indirect proof and witness testimony regarding the context in which the events occurred, in that forced disappearance is characterized by a lack of direct evidence. Thus, in order to have certainty regarding the acts claimed in the amparo appeal, on the subject of forced disappearance, it is not necessary to have first demonstrated the criminal responsibility of the public servants involved. In addition, in cases of forced disappearance, the *amparo* authorities may establish measures designed to achieve comprehensive reparations, given the nature of these actions, as they involve one of the most serious human rights violations.⁷⁹

77. The State also indicated that on December 22, 2022, under agreement CNPJ/XLVII/01/2022, the XLVII Plenary Assembly of the National Conference of Judicial Prosecutors (hereinafter "CNPJ") unanimously approved the collaborative bases for the operation of the National Forensic Database; the National Register of Unidentified and Unclaimed Deceased Persons; the National Register of Common Graves and Clandestine Graves; and the National Genetic Database.⁸⁰

78. The CMDPDH reported⁸¹ that the law in this area has not been fully implemented. They indicate that, on the contrary, it is increasingly more common for the FGR to refrain from hearing cases of disappearances and to send them to the local jurisdiction, even though federal officials may be involved in the disappearances; or the attraction of the investigations may be rejected. They indicated that the necessary National Forensic Data Bank of the National System for the Search for Persons (SNBP) had not been established. They indicated that although the government approved the creation of the CNIH in April, it has not been launched. There is only a Regional Human Identification Center in Coahuila. It reported that the FGR owned a previous genetic database that consisted of 63,000 profiles and was responsible for the new database. They reported that the previous platform lacked interconnectivity among the states and was unsuccessful in effectively connecting families with the remains of their disappeared relatives.

⁷⁸ Estado de México, Nota OEA 517 del 17 de febrero de 2023. Observaciones a la versión preliminar del informe.

⁷⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

⁸⁰ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

⁸¹ CMDPDH. Follow-up on Compliance with the Recommendations in the Report on the "Situation of Human Rights in Mexico," October 20, 2022, pp. 13- 14.

79. For its part, the PRODH Center emphasized that the United Nations Committee on Forced Disappearances (CED), in its report on its visit to Mexico in 2021, lamented the fact that four years after the entry into force of the General Law on Disappearances the regulations for that law have still not been published.⁸² It also emphasized that most federal entities do not have a public policy on the subject of disappearances and some have not harmonized their legal frameworks with the General Law.⁸³ Other shortfalls in the implementation of the law are the failure to create the National Forensic Data Bank and the National Register of Unidentified Dead, for which the FGR is responsible. These should have been in operation since January 2019 but have not materialized to date. In response to this, on October 5, 2022, the First District Court of the Ninth Region Auxiliary Center granted an amparo appeal⁸⁴ in favor a relative of a disappeared person in response to the FGR's failure to create the Bank and Registry and ordered the FGR to implement those tools within a period of 40 days after the judgment became enforceable,⁸⁵ which judgment was appealed by the FGR.

80. In this regard, the IACHR emphasizes the human identification work done by the CNB by strengthening the forensic capabilities of states with federal subsidies. Based on follow-up of the recommendations analyzed in this report, the IACHR considers that one of the central axes for the appropriate implementation of the General Law is the adoption of positive measures to create institutional structures specializing in the search for the disappeared and the investigation of crimes related to disappearance, as well as the operational launch of the tools on the disappearance of persons.

81. The IACHR notes that five years after the entry into force of the General Law, it still has no regulations. Moreover, the national forensic data bank, the National Register of unidentified and unclaimed dead persons, the National Register of Graves, and the National Exhumations Program have not been created.⁸⁶ Added to this, the CED expressed its concern over the fact that many of the tools available continue to be unknown and are not used. Few prosecutors develop the contextual analysis or apply the search and investigation protocols. Moreover, lamentably, very few judges apply *habeas corpus* or the "*amparo buscador*."⁸⁷ Along the same lines, according to the information provided by the State Party, as of November 26, 2021, only a very small percentage of cases involving disappeared persons, between 2% and 6%, have been prosecuted and only 36 judgments have been handed down in cases of the disappeared at the national level.⁸⁸

82. In relation to the forensic crisis, the IACHR notes that the CED, in its 2022 report, emphasized that according to public data more than 52,000 remains of deceased persons are being kept in state custody using various methods.⁸⁹ This figure, despite its magnitude, does not include bodies that have still not been found not the thousands of fragments of human remains that families and search commissions gather each week in clandestine graves.

83. In summary, although the Commission appreciates that Mexico continues to adopt measures for the full implementation of the General Law on Disappearances, in concrete terms the installations and operation of all the Local Search Commissions, the creation of the National Panel on the Search for Disappeared

⁸² CED. [Informe del Comité contra la Desaparición Forzada sobre su visita a México](#), Information on the visit, findings, and first part of the recommendations, para. 58

⁸³ CED. [Informe del Comité contra la Desaparición Forzada sobre su visita a México](#), Information on the visit, findings, and first part of the recommendations, para. 58

⁸⁴ PRODH Center. [Poder Judicial revisará incumplimiento de FGR ante el rezago forense](#), January 5, 2022.

⁸⁵ PRODH Center. [Ordena juez a FGR implementar el Banco Nacional de Datos Forenses en 40 días](#), October 19, 2022.

⁸⁶ CED. [Informe del Comité contra la Desaparición Forzada sobre su visita a México](#), Information on the visit, finding, and first part of the recommendations, para. 58.

⁸⁷ CED. [Informe del Comité contra la Desaparición Forzada sobre su visita a México](#), Information on the visit, findings, and first part of the recommendations, para. 59.

⁸⁸ Report of the National Search Commission to the Committee against Forced Disappearance, pp. 39 and 40.

⁸⁹ Movement for our disappeared in Mexico, [La Crisis Forense en México: más de 52 mil personas fallecidas sin identificar](#), p. 4

Migrants, as well as the publication of the PABNNA are pending with respect to the publication of the regulations of the CNB, public policies at the local level on the subject of disappearances, as well as the harmonization of local laws. Added to this, the IACHR recognizes that extraordinary measures have been taken to strengthen the forensic capabilities of the various states through the human identification centers, but it also notes with concern that the operational launch of the Extraordinary Mechanism for Forensic Identification (hereinafter “MEIF”) has lost its initial momentum and its composition in the Coordinating Group has been reduced.⁹⁰

84. In addition, the Commission notes the advances made for the development of the National Search Program and the National Exhumation and Identification Program, as well as for the launch of the National Forensic Data Bank, the National Register of Unidentified Deceased Persons, and the National Register of Graves. Nonetheless, the IACHR notes that the aforementioned programs and databases have not been created yet. Likewise, it is a matter of concern to the Commission that, despite the creation of a comprehensive institutional and legislative framework, various deficiencies persist in the search and investigation processes. This is due to the lack of a comprehensive strategy for developing searches and investigations, despite the instructions to promote the use of this type of strategy contained in the standardized protocols. In view of the foregoing, the Commission finds that **substantial compliance** with the recommendation remains **partial**.

85. To guide the implementation of this recommendation, the Commission takes the liberty of expressing how important it is for the State to adopt measures ensuring the harmonization of the legislative framework not only at the federal but at the local level as well, and to take actions to ensure that this framework is also implemented by the authorities charged with the pursuit of justice. In addition, the Commission urges the State to implement the regulations subject to the recommendation through preventive measures to address the structural problem of disappearances in Mexico.

86. Regarding the recommendation to **establish immediate search mechanisms for missing persons**, the State indicated that provision is made for the mechanism in the General Law on Disappearances. In addition to the existence of the Alba Protocol and the Amber Alerts, the State indicated that the gradual implementation of the Alba Protocol has allowed for coordination among local and federal authorities. The FGR has the “Have you seen?” institutional dissemination system, the objective of which is to provide support to the families of the disappeared, which began to operate in June 2015. The State emphasized that in addition to the mechanisms mentioned, calls for searches are issued in all of the FGR’s state offices.

87. The State indicated that it adopted the guidelines for granting subsidies to the states through their State Search Commissions (CLBs) for conducting actions to search for individuals in the context of the General Law on Disappearances for fiscal year 2022. In addition, the Specialized Prosecutor’s Office for the Investigation of Forced Disappearance Crimes (hereinafter “FEIDDF”) reported that the Standardized Protocol for the Investigation of the Crimes of Forced Disappearance and Disappearance Committed by Private Parties specifies the process for receiving the search report and initiating the investigation of the crimes of disappearance within the process of receiving notice of the incident, as well as the conduct of urgent and immediate actions for promptly locating the person who has disappeared within the Investigative Acts Process.⁹¹

88. For its part, the FGR indicated that, on an exceptional basis, the Specialized Unit on the Investigation of Kidnapping Crimes (UEIDMS) of the Special Prosecutor’s Office on Organized Crime Matters

⁹⁰ Information provided to the IACHR at a meeting with civil society organizations in Mexico held on November 26, 2022.

⁹¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

participates in search work, consistent with the guidelines of the Standardized Protocol on the Search for Disappeared and Missing Persons (PHB) published on October 6, 2020.⁹²

89. In this regard, the IACHR indicated that it has the National Information System on Unidentified Missing and Deceased Persons, which facilitates collaboration in the search for the disappeared. Thus, when reports on disappeared persons become known to the CNDH, their data are entered in the SINPEF database and are transmitted for purposes of various procedures in primary federal and state authorities to provide them with the respective information on the person who has disappeared.⁹³

90. With regard to this recommendation, the Commission reiterates its observations that the Standardized Search Protocol makes provision for an immediate search mechanism. Nonetheless, the Commission continues to receive reports regarding obstacles in inter-institutional coordination for implementing the Standardized Search Protocol (PHB), particularly with respect to law enforcement officials.⁹⁴ For these reasons, the IACHR considers it important to continue following up the implementation of the PHB during the next year, particularly with respect to immediate search actions deployed by subject officials in the area of their jurisdiction, and hopes that the State will report in its next report on the measures adopted in this regard. Based on the foregoing, the IACHR considers that **substantial compliance** with the recommendation remains **partial**.

91. In order to guide progress in the implementation of this recommendation, the IACHR urges the State to adopt measures ensuring the effective implementation of the Standardized Search Protocol and its provisions in the area of immediate search, including various institutional strengthening actions. In this regard, it will be useful to adopt mechanisms ensuring the implementation of this instrument and to provide information on the implementation of the PHB and how it has strengthened immediate search processes in Mexico.

92. Regarding the recommendation to **improve the National Register of Missing Persons as a single register of disappearances with genetic and protected information**, the State indicated that based on the entry into force of the General Law on Disappearances, the Mexican State has obligations on the subject of the search for missing persons under international conventions on the subject to which it is a party as well as under domestic law. In this regard, on August 6, 2020, the Coordinating Office on Methods of Investigation issued the General Guidelines for the Installation and Operation of the National Genetic Database L/CMI/001/2020. In addition, on December 11, 2020, under agreement CNPJ/XLIV/07/2020 of the XLIV Plenary Session of the National Conference of Judicial Prosecutors (hereinafter “CNPJ”), leaders of the attorney general’s and prosecutor’s offices who are members of the Conference acceded to the L/CMI/001/2020 Guidelines, the Technical Annex, and the technical standards of the BNIG.

93. The State indicated that, in addition to the Alba Protocol and the Amber Alert, it has implemented the AM/PM (ante- and post-mortem) databases, which operate in coordination with the International Red Cross. The purpose is to create a database of genetic material to facilitate the effective identification of human remains that have been found. In addition, there is the database called the National Register of Disappeared and Missing Persons (hereinafter “RNPDO”). This site presents statistical data on the information included in the National Register of Disappeared and Missing Persons, compiled and incorporated therein by the authorities of the Federation and the states using the technological tools implemented by the

⁹² Estado de México, Nota OEA 517 del 17 de febrero de 2023. Observaciones a la versión preliminar del informe.

⁹³ CNDH, Follow-up on Compliance with Recommendations from the Report on the “Situation of Human Rights in Mexico,” October 21, 2022, p. 5.

⁹⁴ CNB, [Second Session of the National Search System 2021](#), November 9, 2021.

CNBP: Single System of the National Register of Disappeared and Missing Persons (SU), Bulk Upload (*Carga Masiva* - CM), Web Service (WS), and the Website of reports on disappeared and missing persons (PW), by means of which any information not displayed can be checked with the original authority.

94. Within the context of the work done by the Special Prosecutor's Office for the Investigation of Forced Disappearance Crimes, the State indicated that it has a program in which the report to the FGR must be filed. The number of the federal preliminary inquiry and/or investigation file can be used to access the program under the consult bulletin or search for relatives' headings or to contact the Complaint and Citizen Support Center. In addition, the FGR's National Genetic Database has compiled 15,177 genetic profiles of unidentified corpses, which are kept in the event that their relatives appear and, through laboratory tests, are able to prove a biological link allowing them to complete the search for one of the more than 100,000 disappeared persons in the country. A research tool is the Codis (acronym for the United States' Combined DNA Index System), which makes it possible to exchange information among forensic laboratories using standardized data and processes to compare genetic samples.

95. The State emphasized that the FGR also keeps records of the fingerprints of 777,057 people from unidentified corpses or relatives of the disappeared as well as from alleged criminals or people convicted of various crimes. In addition, the CNB has constructed a tool that allows the public and other authorities to file reports or notify the CNB of a disappeared or missing person without the need for a complaint filed with a prosecutor's office and even allows individuals to do so anonymously, as it is known that many people do not report disappearances due to their fear or mistrust of the authorities.⁹⁵

96. In addition, the MEIF submitted a report specifying that it has signed two collaboration agreements on which operational work has begun (with San Luis Potosí and Tamaulipas) and there is potential for collaboration with another six states. Twenty-four meetings and workshops have been held with groups made up of the relatives of disappeared persons in 17 Mexican states and three Central American countries. The Commission appreciates the progress made and efforts initiated to record and update the data through the National Register of Disappeared and Missing Persons, which have been keyed to highlighting the dimensions of disappearances in Mexico. Nonetheless, the Commission notes that challenges remain, including duplicate information or the lack of records on disappeared persons. Thus, despite the progress reported above, the IACHR emphasizes that other basic tools are still pending implementation in the search for missing persons as provided in the General Law. These include the National Forensic Database, the National Register of Deceased and Unclaimed Persons, the National Register of Graves, and the Exhumations Program, which the FGR is required to construct. In view of this situation, the IACHR understands that there is **partial compliance** with this recommendation.

97. To guide the implementation of this recommendation, the IACHR urges the State to adopt measures to complete the creation and effective implementation of the National Forensic Database, the Register of Unidentified and Unclaimed Deceased Persons, the National Register of Graves, and creation of the Exhumations Program. The IACHR also suggests that these instruments, as well as the RNPDNO, be created using an established methodology that allows society in general to access reliable records when searching for persons who have disappeared.

98. Regarding the recommendation to **strengthen existing early warning and urgent search mechanisms in cases of disappearances of women and girls** and to **strengthen the ability of the National Registry of Data on Missing or Disappeared Persons to provide accurate and reliable information**, the

⁹⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

State indicated that the PHB establishes differentiated, gender-based approaches on boys, girls, and adolescents and supplements the Alba Protocol and Amber Alert. There is also a public version of the RNPDO, with technological tools that make it possible to break down information on disappeared, missing, and found persons by gender and age, as well as other categories. The Alba Protocol is also a specialized mechanism providing support, immediate response, and coordination when searching and investigating the disappearance of women, girls, and adolescents, prioritizing the protection of life, personal liberty, and victim safety. For its part, the Amber Alert is responsible for the search for girls, boys, and adolescents who might find themselves in an at-risk situation due to absence, disappearance, misdirection, unlawful deprivation of liberty, or any other circumstance that presupposes the possibility of a crime. In addition, and in view of the context of violence against women, the Standardized Search Protocol believes that there are no missing women but all of them must be considered disappeared from the outset even though there may be no indications regarding the commission of a crime against them. This means that, in addition to the immediate search applicable to anyone whose whereabouts is unknown, an investigation file should be opened immediately.

99. In addition, the State reported on the development of the National Protocol of Interinstitutional Coordination for the Protection of Children and Adolescent Victims of Violence to put an end to violence against children, providing the basis for Line of Action 2.3, which consists of strengthening the child and adolescent rights approach in the operation of emergency lines and anonymous reporting. In this regard, the State pointed out that one of the specific objectives of this protocol is to enable the 9-1-1 Emergencies Service as a user-friendly and immediate response mechanism for children and adolescents who are suffering some form of violence, so that they can report incidents and seek help directly that is provided at the time they need it. The protocol describes the interinstitutional coordination procedures that should be carried out by federal authorities of the federative and municipal entities, within the framework of their respective jurisdictions, for the immediate and emergency protection of children and adolescents from detection of an act of violence against that population to the definition of the plan for comprehensive restoration of rights by the Special Prosecutor's Offices for Girls, Boys, and Adolescents.⁹⁶

100. In addition, the State indicated that the CNB, together with the National Commission to Prevent and Eradicate Violence against Women (hereinafter "CONAVIM") initiated a process in 2021 to implement the National Program on Harmonization and Implementation of the Alba Protocol. The purpose is to align this immediate response and coordination mechanism used in the search and investigation of cases of women, girls, and adolescents who have disappeared with the guidelines of the I/A Court H.R. and the CEDAW recommendations.⁹⁷

101. The IACHR welcomes the PABNNA's consideration of differentiated methodologies in searching for girls and women who have disappeared, with particular emphasis on contextual analysis, and emphasizes State measures to update and standardize the Alba Protocols at the national level, and thus considers it important to continue following up these actions. In August 2021, the National Technical Coordinating Committee for the Harmonization of Alba Protocols was established; it consists of CLBs and liaisons from Prosecutor's Offices in the 32 states, for the purpose of working together on the minimum criteria document. This process is supported by UN Women. Nonetheless, the IACHR notes with concern that as of December 9, 2022, more than 27,099 girls, adolescent girls, and women were reported missing in Mexico, more than 50% of whom are in the 10 to 24 age range. Of this number, 7,425 represent disappearances occurring in

⁹⁶ State of Mexico, OAS Note OEA 517 of February 17, 2023. Observations on the preliminary version of the report.

⁹⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

2022. Based on the foregoing, the IACHR considers that **substantial compliance** with this recommendation remains **partial**.

102. To guide compliance with this recommendation, the IACHR suggests that the State proceed to adopt measures to continue and ensure the implementation of the search actions considered in the PHB and PABNNA, in addition to continuing its progress on the standardization of the Alba Protocols at the national level. In this regard, the IACHR also recognizes how important it is for the remaining states to adopt measures at the local level to guarantee the harmonization of protocols implemented nationally.

103. In relation to **follow-up of the Ayotzinapa Case**, the State⁹⁸ reported that in the context of the Mexican Government's agreement with the IACHR the **Commission for Truth and Access to Justice in the Ayotzinapa Case (CoVAJ)** has continued ongoing collaboration with the Interdisciplinary Group of Independent Experts (GIEI), whose members were invited to attend all regular meetings held during 2022 and to express their views. Said meetings have been one of the routes of communication allowing people to present progress made and opinions they consider relevant and to submit requests for the development of its mandate.

104. In addition, it reported that as a result of CoVAJ's collaboration with the GIEI, on-site consultations were conducted and followed up regarding processing, concentration, and historical files, obtaining 9,712 documents amounting to 121,400 pages. These include 2022 data in seven files of the Ministry of Security and Citizen Protection and the National Guard, in which 440 documents were obtained, equivalent to 7,527 pages (period: October 2021 – August 2022), on the National Guard's General Directorate of Investigation, General Directorate for Special Services, General Directorate for Security on Highways and Facilities, Highways and Facilities, Acapulco Station, Iguala Stations, and Chilpancingo Station.

105. The State mentioned that the advances recognized by the GIEI publicly express the idea that the creation of the CoVAJ, and along with it, the UEILCA, are important steps by means of which the Mexican government has shown its commitment to the Ayotzinapa case. In view of this, the Presidential Commission has worked on achieving the recommendations expressed by the Inter-disciplinary group to the limit of its abilities and jurisdictional areas assigned to it in the national legal context. The State indicated that the CoVAJ has sought to establish clear precedents and generate the conditions for ensuring that such events do not recur. In this regard, it declared the Ayotzinapa case to be a state crime, a category that makes it a basic item in the public human rights agenda for generating actions on non-impunity and the protection of victims' human rights. In this regard, it indicated that on August 18, 2022, the CoVAJ issued its preliminary conclusions report in which it mentions a specific list of federal officials, including military personnel, with respect to whom there are indications of their involvement in the events that culminated in the disappearance of the 43 missing students. However, the Presidential Commission, in accordance with the principle of respect for the full autonomy of the Special Investigation and Litigation Unit for the Ayotzinapa Case (UEILCA) as responsible for pursuing all evidence and bringing those responsible to justice, has forwarded to it all the data compiled to date.

106. The State established that it is essential to recall that the investigation to clarify the truth, actions to provide families and representatives all the conditions needed to exercise their rights to the truth and justice, and actions to search for the youths will not cease. Aware of the international obligation of the Mexican State and its institutions, search actions in the field have continued without interruption before and after the issuance of the referenced report.

⁹⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

107. Regarding actions filed during 2021 and 2022 with the court by the UEILCA, it indicated that 89 arrest warrants have been executed. The UEILCA also established that it has actions that possibly constitute the crimes of torture and other cruel, inhuman, or degrading treatment or penalties, as well as crimes committed by civil servants and against the administration of justice. Thus, the investigations promoted by the UEILCA have led to the execution of 24 arrest warrants. With respect to search actions in the field, it indicated that as of the end of the month of September 2022 the Special Unit has conducted a total of 13 field search exercises; in conjunction with the actions taken, this amounts to a total of 72 search exercises since the UEILCA was created on June 26, 2019. The State also reported that, based on the work carried out by the IACHR's Special Follow-up Mechanism for the Ayotzinapa Case (MESA), coordinated actions have been undertaken to train personnel attached to the UEILCA, prosecutors, police, experts, and analysts. These training sessions were led by experts on the subjects of search, investigation of forced disappearances and torture, as well as the litigation of serious human rights violations⁹⁹.

108. Finally, it indicated that, as a way to strengthen the investigation and contextual analysis promoted by the Special International Legal Assistance Unit, an approach was made to the United States Department of Justice, specifically staff from the Prosecutor's Office of the Northern District of Illinois. This work led to the delivery of information that strengthened the lines of investigation regarding the relationship between authorities at various levels (municipal, state, and federal) with members of organized crime, drug trafficking, and the modus operandi of the group Guerreros Unidos. Likewise, it reported that international legal assistance work continued this year with the Kingdom of Spain, for the purpose of strengthening the evidence in the area of voice analysis.

109. As indicated in the Third Follow-up Report on the Ayotzinapa Case,¹⁰⁰ the IACHR notes that Mexico has fostered the creation and implementation of an institutional model for the purpose of redirecting state efforts to address the Ayotzinapa case. They emphasize the establishment of the COVAJ and the creation of the UEILCA. These measures, along with the adoption of a victim-focused approach, has had a positive impact on reestablishing more fluid and direct channels of communication between families and State authorities involved in the case. Nonetheless, challenges to the independence of the investigation were reported toward the end of the year 2022. Thus, the State should perform a detailed analysis of the facts reported and, if necessary, adopt concrete measures to redirect the investigation, support its momentum, and avoid setbacks.

110. In the follow-up done to date, the IACHR notes concrete State actions directed to clarification and prosecution of the events that occurred on September 26 and 27, 2014, as well as the first stage of the investigation known as the "historical truth." The investigative body has been promoting a strategy that seeks to clarify the criminal liability of the persons who participated in the attacks and the disappearance of the students on the night of the events and the following days. In this regard, the investigation has been directed to clarifying the existence of a latent conflict between criminal groups dedicated to the production and trafficking of narcotics in the state of Guerrero, in collusion with state officials. On the "historical truth," the State has consolidated evidence pointing to the implausibility of a series of procedures carried out at the time by state officials in charge of the investigation, which were fabricated to make sense of and explain the events of 2014 through fraudulent procedures and statements obtained under torture.

⁹⁹ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano. The data provided are an update carried out by the State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁰⁰ IACHR, [Tercer Informe del Mecanismo Especial de Seguimiento al Asunto Ayotzinapa \(MESA\) Avances y seguimiento del cumplimiento de la Medida Cautelar MC/409/14](#), OEA/Ser.L/V/II. Doc. 270 November 8, 2022.

111. In addition, by means of various evidentiary and court proceedings, the investigative body has been postulating that the attacks, arrest, and transfer suffered by the students at the hands of government agents and their subsequent delivery to members of a criminal group are part of the same successive process to consolidate their forced disappearance. On the whereabouts of the students, there are items of evidence indicating that the students have lost their lives and their remains were disappeared through cremation or by being dissolved in acid. Eight years after the events, the determination of the students' whereabouts, the clarification of what happened, and the determination of those responsible remain pending.

112. Nonetheless, the IACHR continues to note that access to and official delivery of information, documents, and files in the possession of national security officials continues to represent one of the major challenges to clarification of the facts. This situation is evidence that, even in a favorable scenario where there is political support at the highest level, a context persists that hinders the effectiveness of the families' right to access justice and the truth. It is alarming to note the delayed appearance and delivery of a series of documents in the custody of military forces and State intelligence bodies, a situation that is evidence of the lack of uniformity in the response of government agents and agencies in terms of cooperating in the case. Moreover, the IACHR finds concerning the differentiated attention given to requests from the COVAJ and GIEI compared to the ministerial activity of the UEILCA. As observed, items from the files of security and intelligence bodies had been delivered to the COVAJ and GIEI. However, in response to requests for such documents from the Special Prosecutor's Office, the documents have not been provided or their existence has been denied.

113. In accordance with the decree that created it, the UEILCA is the special unit responsible for investigations related to the facts in the Ayotzinapa case, allowing for targeted, multidisciplinary, and expert action in hearing and resolving criminal and administrative procedures in the case. For this reason, the removal of former attorney general Murillo Karam from the UEILCA for purposes of prosecution as well as the request to cancel 21 arrest warrants made by another prosecution unit unfamiliar with the details of the investigation are matters of concern. Situations of this kind can affect the independence of the UEILCA and the victims' right of access to justice.

114. The IACHR repeats that it will continue participating and carrying out monitoring and technical assistance functions with respect to tasks related to searches, investigation, victim assistance, and the establishment of structural measures ensuring non-repetition, in view of the precautionary measures on behalf of the 43 disappeared students and their families, and its mandates, so that it considers that there is **partial compliance** with the recommendation.

115. To guide the implementation of this recommendation, the IACHR urges the State to continue adopting specific measures to comply with the GIEI's recommendations as well as the MESA recommendations.

C. Torture

- Adopt a General law on Torture and other cruel, inhumane, or degrading treatment or punishment, and take all the necessary measures to ensure that, at both the federal and state levels, legislation and practices conform to international standards in this area, especially the Inter-American Convention to Prevent and Punish Torture.
- In particular, ensure that the General Law on Torture excludes "evidence" and "confessions" obtained by torture from the criminal proceedings of the tortured person and other persons implicated in such confessions. Clearly establish in the law that the prosecuting party has the burden of proof to demonstrate the lawfulness of any challenged evidence.

- Create a Single National Registry of detained persons and ensure, on pain of punishment, that such persons are immediately brought before a judge.
- Investigate cases in which judges have not ordered an investigation when there are allegations or circumstantial evidence of torture or ill-treatment. Ensure that the Istanbul Protocol is applied at the national level by competent and independent authorities in an expeditious manner and on pain of punishment.
- Establish the mandatory use of cameras and other security protocols during interrogations and in patrols as a preventive measure against torture and other cruel, inhuman, and degrading treatment.
- Establish federal and state guidelines on the collection of uniform statistics on gross human rights violations. In particular, the State must improve the system for collecting information in a disaggregated manner, using a consistent and transparent methodology.
- Eliminate “arraigo” (pre-charge detention) and quasi flagrante delicto (*flagrancia equiparada*) from the Mexican legal system.

116. In relation to the recommendation to **adopt a General Law on Torture and to ensure that practices in the matter are in line with international standards**, the State indicated¹⁰¹ that the General Law to Prevent, Investigate, and Punish Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment was published in the DOF on June 26, 2017.¹⁰² With respect to legislative harmonization, 26 states have a law governing torture and other cruel, inhuman, and degrading treatment or punishment, while another six entities (Michoacán, Querétaro, Quintana Roo, Tabasco, Tamaulipas, and Zacatecas) do not have a special law on the subject, they have provided that the general legislation issued by the Congress of the Union in this area will be applied with respect to such crimes.

117. In addition, it indicated that the FGR issued the Guidelines for the Operation of the National Registry of the Crime of Torture on November 30, 2021, to govern the workings, operations, cooperation, and administration of the National Registry of the Crime of Torture.

118. At the XLV Plenary Assembly of the National Conference of Judicial Prosecutors, the members approved the final version of the bases for collaboration in the National Registry of the Crime of Torture (RENADET), signed those bases and thus acceded to the Guidelines on the operation of the RENADET. The State also reported that on April 8, 2022, in compliance with the Guidelines on the operation of the RENADET, the head of the National Center for Planning, Analysis, and Information to Combat Crime published the Technical Annex of the Guidelines for the Operation of the RENADET in the FGR’s *Normateca Sustantiva*. In addition, on April 28, 2022, the Technical Secretariat of the National Conference of Judicial Prosecutors disseminated those guidelines for the ministerial staff.

119. In addition, in the case of the Judicial Branch, it indicated that in April 2022 a training session was conducted on the Protocol for judging cases of torture and mistreatment. It was directed to federal and local judges, as well as personnel whose tasks focus on handling cases of this type. The objective of this training was to provide information on the content of that tool, which consists of more protective – national and

¹⁰¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁰² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

international – standards in this area. It also indicated that on August 5, 2022, the public prosecution institutions of the federative entities agreed to the National Program to Prevent and Punish Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (PNT) developed by the FGR’s Special Prosecutor’s Office on Human Rights (FEMDH).¹⁰³

120. The CMDPDH reported¹⁰⁴ that, although the law has been in effect since 2017, it has not been implemented. The FGR is largely responsible for this because its understanding of the autonomy granted to it by the constitutional reform is erroneous. In addition, it indicated that the practice of torture continues to recur, so that the basic rule on the prohibition of torture is violated in the country on a widespread and sometimes systematic basis. It reported that in 2022 meetings were held with the SEGOB and various civil society organizations to make revisions and provide observations regarding the National Program against Torture (hereinafter “PNT”) proposed by the SEGOB, which was to incorporate and publish the program in July. However, it reports that this has not happened nor have there been updates since information was sent to the IACHR.

121. For its part, the PRODH Center indicated that in response to the FGR’s failure to publish the PNT various organizations included in the Observatory against Torture filed amparo appeal No.568/2022. In response to admission of the amparo appeal, the FGR submitted a complaint against that ruling based on its view that the organizations pursuing it are authorities responsible for creating and implementing that program and the fact that it is not in operation is their responsibility. Said appeal was resolved negatively by the Tenth Collegiate Court in Administrative Matters of the First Circuit as being notably inadmissible. The lack of a public policy of this type has prevented the authorities from acting in a coordinated way to eradicate this serious human rights violation, which to date means that thousands of acts of torture and victims continue to accumulate, as evidenced by complaints filed with prosecutors and complaints made to human rights commissions. The PRODH Center also emphasizes that the FGR convened a working meeting in April 2022 to reinstate the task forces in which the PNT had been constructed, where the institutions agreed that the PNT Evaluation Committee would meet on June 26, which did not happen.

122. Regarding the implementation of the PNT, the State provided no information. Through the CMDPDH, the Commission is informed that members of the SEGOB have held meetings with civil society organizations for the discussion, review, preparation, and design of the PNT. However, said actions have not made any considerable progress.¹⁰⁵

123. The Commission notes what civil society organizations have expressed regarding compliance with the recommendation on the PNT. In this regard, the State should be reminded that the creation of the PNT derives from the provisions of the General Law on Torture, which is the subject of analysis in this section, so that it is of interest for the recommendation that the measure comply with the purposes established therein.

124. In view of the first part of the recommendation to adopt a General Law on Torture and other cruel, inhuman, or degrading treatment or punishment, the Commission has already recognized total compliance under this heading since the 2019 Annual Report.¹⁰⁶ The Commission notes that 26 of the 32 states have legislatively harmonized their laws with the international standards in the area of torture based on the

¹⁰³ State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁰⁴ CMDPDH. Follow-up on compliance with the recommendation in the report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 16- 17.

¹⁰⁵ Eleventh District Court in Administrative Matters of Mexico City under Indirect Appeal No. 568/2022. The Tenth Collegiate Court in Administrative Matters of the First Circuit heard the complaint proceeding.

¹⁰⁶ IACHR, [Annual Report Chapter V](#), Mexico, 2019.

creation of special laws.¹⁰⁷ In addition, the State indicated that the remaining states were in the process of complying, with monitoring and support from the CNDH.¹⁰⁸ However, they recognize for the moment the application of the General Law on Torture. The IACHR recognizes the State's progress in response to the recommendation on legislative harmonization. To strengthen the prior assertion from a legal perspective, the Commission does not fail to note the content of the third transitory article of the General Law on Torture,¹⁰⁹ which requires the states, within a period of 180 days from the entry into force of that law (2017), to legislatively harmonize the normative content so as to prevent, investigate, and punish torture and other cruel, inhuman, or degrading treatments or penalties in accordance with international standards.

125. The Commission views the State as being in **partial compliance** with the recommendation in that it has established regulatory measures on the RENADET. However, implementation of the National Register has failed to meet the actual deadline established by legal provisions, i.e., 120 days. Even the Commission has noted said omission since the preparation of the 2021 Annual Report,¹¹⁰ while not noting to date any significant advances made in the implementation of the RENADET. Thus, the Commission will closely monitor compliance with this recommendation in order to verify and evaluate the proper implementation and operation of the National Registry on the Crime of Torture, as well as ongoing coordination of the authorities to ensure its operation. Finally, the IACHR notes the Protocol for Judging Cases of Torture and Mistreatment of the Judicial Branch of the Federation¹¹¹ as well as various training initiatives on the subject.¹¹² However, no claim can be made regarding proper harmonization at the federal and local level until judges have the same degree of judicial training in the State's policies against torture.

126. To guide compliance with this recommendation, the Commission urges the states to implement measures directed to harmonizing their legislation so as to proceed with the adoption and implementation of the General Law on Torture. On the PNT, the IACHR reiterates civil society's call for the SEGOB to adopt measures to continue the discussion, design, and development of the National Program, which is instituted by the General Law on Torture itself.

127. Regarding the recommendation to ensure that **the General Law on Torture exclude evidence and confessions obtained through torture and that the prosecuting party must prove the lawfulness of challenged evidence**, the State indicated that this recommendation has been complied with based on issuance of the 2017 Law to Prevent, Investigate, and Punish Torture and other cruel, inhuman, or degrading treatment or punishment, which clearly includes this prohibition in Article 50 as has already been reported by the IACHR.

128. The State indicated that, nonetheless, in order to strengthen the regulatory framework in this area, various initiatives have been submitted to specify that the crime of torture is committed when civil servants use intimidating means to obtain information or a confession from someone or a third party for

¹⁰⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁰⁸ Third. Within no more than 180 days from the entry into force of this decree, the legislature of each federative entity shall harmonize its legal framework in accordance with the law. General Law to Prevent, Investigate, and Punish Torture and Other Cruel and Inhuman Treatment.

¹⁰⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE

¹¹⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹¹¹ SCJN, 2021. Protocol for Judging Cases of Torture and Mistreatment of the Judicial Branch of the Federation, General Directorate of Human Rights of the Supreme Court of Justice of the Nation

¹¹² Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

purposes of criminal investigation. It is to be established that statements, interviews, and interrogations of the accused before an administrative authority shall be recorded by any means and recorded in video. In this regard, the State emphasized that Article 50 of the General Law to Prevent, Investigate, and Punish Torture stipulates that evidence obtained through torture is declared invalid or excluded and the final paragraph of Article 51 of the same law establishes the burden of the Attorney General's Office to certify that the evidence was lawfully obtained.¹¹³

129. Although the Mexican State has legal provisions to declare evidence unlawful when it is obtained on the basis of torture and that such evidence is to be excluded from criminal proceedings, the CMDPDH in its report asserted that the General Law on Torture is ineffective for combating the State's widespread and sometimes systematic practice of framing the accused based on acts of torture because institutions do not have the political will to create effective instruments to address the problem. According to information provided by the State,¹¹⁴ although Special Prosecutors' Offices have been implemented for the criminal prosecution of torture, the reality is that the number of active Investigative Files or Preliminary Inquiries compared to cases that have been prosecuted is disproportionate given the degree of impunity that seeks to combat the recommendation. In addition, there is not sufficient information to provide evidence showing results in terms of compliance with the recommendation, particularly in the Judicial Branches that civil society points to as handing down criminal judgments based on confessions or evidence obtained under torture.

130. In its 2021 Annual Report, the Commission analyzed the INEGI's 2021 ENPOL.¹¹⁵ The text of that document indicated that 18.2% of those deprived of liberty in the survey indicated that they gave or signed their statement because they were pressured or threatened and 20% indicated that they were physically assaulted to convince them to declare their guilt. In that the State did not provide sufficient information to show that the practice of torture, cruel and inhuman treatment is trending downward, it continues to be **partially compliant** with the recommendation.

131. The Commission acknowledges the CMDPDH's public announcement regarding the lack of State measures to release convicted persons from prison who have been the victims of acts of torture. That situation is of concern to the IACHR to the extent that no domestic remedies are being implemented to comply with international standards and provide a remedy for serious human rights violations.

132. In view of the standards (General Law and the Constitution) legally establishing the exclusionary rule, there is **full compliance** with this recommendation. The IACHR will also continue to observe the implementation of the exclusionary rule.

133. In relation to the recommendation to **create a Single National Registry of Detained Persons and ensure that they are immediately brought before a judge**, the State indicated that on May 27, 2019, a decree was published issuing the National Law on the Registry of Detentions. In addition, it indicated that in the XLVII Regular Session of the National Council on Public Security, held on December 16, 2021, the 2.0 Guidelines on the National Registry of Detentions were presented and approved. Added to this, on April 20, 2022, Annex 1 of the Agreement 09/XLVII/21 of the National Council on Public Security was published, approved in the XLVII Regular Session held on December 16, 2021, whereby the Head of the National

¹¹³ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹¹⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹¹⁵ INEGI, ENPOL 2021. December 2021.

Information Center of the Executive Secretariat of the National Secretariat of Public Security issued the Guidelines for the Workings, Operations, and Conservation of the National Registry of Detentions.

134. In this regard, the State indicated that, by legal mandate, all agents of the State and first responders at the three levels of government who place someone in custody must produce in due time and form their report to the National Registry of Detentions (hereinafter “RND”). In positive or negative cases they repeat their report to the area to indicate that it was made available to the Social Representative of the Federation, who in the constitutionally established period will promptly determine the respective legal situation of those in custody, whether by prosecuting them and making them available to the respective Examining Magistrate or determining their respective legal situation in accordance with the provisions of the National Code of Criminal Procedure. The RND also allows public consultation so that detainees can be found in real time. In addition, this consultation mechanism will be updated and constantly harmonized with other National Registries of the National System of Information on Public Security, which allows authorities to consult arrest warrants or repeat offenses.

135. The CMDPDH established¹¹⁶ in transitory Article 5 when creating the RND that “the permanent armed forces while conducting public security tasks shall be subject to the provisions of this law; in this case, the provisions of Article 19 shall not be applicable.” The referenced article establishes that “when arrests are made by authorities with functions supporting public security, they shall be strictly responsible for immediately advising the competent police authority of the arrest, providing the information needed to allow the police to produce the corresponding record, under the terms established by this law.” In this regard, they argued that the preceding breaks with the obligation to provide input to the National Registry and affects the civilian authorities’ oversight of arrests, leaving to the military authority the discretion, whether correct or not, to enter the civilian or military person arrested in the Registry. In addition, the CMDPDH reported that Articles 34 and 36 of the RND Law may provide incentives for and abuse of arrests of persons using the argument of organized crime, as well as punishment without conviction of persons detained by establishing permanence in the Registry.

136. Regarding the above, in its observations on this report, the State indicated that what was alleged by the civil society organizations was remedied by an updating of the guidelines of the RND 2.0.¹¹⁷

137. The Commission recognizes that the implementation of tangible legislative measures and approval of the RND guidelines by the coordinated authorities of the State are positive actions in terms of institutional progress in complying with the recommendation. Nonetheless, the Commission notes what the CMDPDH states to the effect that the information in the National Registry is administered by military authorities, in the performance of public security functions, who have discretionary powers to operate the RND, a situation that affects the flow of information and the invasion of powers in citizen security.

138. It is important for the Commission to emphasize that prompt follow-up of the recommendation will continue, in that civil society organizations have repeatedly informed the IACHR that in practice when people are arrested there is no specific timeframe for complying with the obligation to make the persons charged immediately available to the Public Prosecutor’s Office, as outlined in the 2021 ENPOL.¹¹⁸

¹¹⁶ CMDPDH. Follow-up of Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, p. 17.

¹¹⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹¹⁸ INEGI, ENPOL 2021. December 2021.

Based on the foregoing and given the lack of information from the State, the Commission understands that there is **partial compliance** with the recommendation.

139. To guide the implementation of the recommendation, the IACHR sees fit to suggest the adoption of measures to ensure that, in practice, detainees are brought before the competent authorities within a specific period of time. In addition, the Commission advises that measures be implemented to ensure that all authorities are required to enter people in the registry within the context of their jurisdiction and that this is not a discretionary power.

140. Regarding the recommendation to **investigate cases in which judges do not order an investigation in allegations or indications of torture or mistreatment and ensure that the Istanbul Protocol is applied at the national level by competent and independent authorities in an expeditious manner and on pain of punishment**, the State indicated that investigations of the crime of torture are based on the submission of a report, complaint, or an opinion issued by the competent court as applicable, at all times in accordance with the jurisdiction referred to in Article 22 of the General Law on Torture. In particular, Article 7 of the General Law establishes that the crime of torture shall be investigated and prosecuted ex officio based on a report or opinion of the judicial authority. In addition, the State indicated that the actions of agents of the Federal Public Prosecutor's Office of the Special Prosecutor for Investigation of the Crime of Torture (FEIDT) are governed by the Constitution, international treaties signed by the Mexican State, laws on the subject, and the Standardized Protocol for the Investigation of the Crime of Torture, pursuant to the provisions thereof. Thus, the investigation must be carried out immediately, efficiently, exhaustively, professionally, and impartially, free of stereotypes and discrimination, and seek to explore all possible lines of investigation allowing the collection of data to clarify the incident that the law considers a crime, as well as the identification of the person who committed or participated in the commission of the crime.¹¹⁹

141. The State indicated that for this reason personnel attached to the Attorney General's Office, the police, and experts avoid unnecessary delays during the investigation. It also indicated that they must provide victims with help, care, and assistance services from the moment they are requested, in addition to respecting and allowing the effective exercise of their rights as part of crime prevention.¹²⁰

142. The CMDPDH reported¹²¹ that, according to the reports from 27 of the 32 State Human Rights Commissions in the country, total complaints filed for torture and/or cruel, inhuman, or degrading treatment during the period between January 2006 and November 2021 amounted to 28,192 complaints. Of the reports mentioned, Baja California consigned or prosecuted 10, Chihuahua 4, Jalisco 4 with one yet to be consigned-prosecuted in 2022, Coahuila 2, Yucatán 2, and the states of Tlaxcala, Sinaloa, and Puebla consigned-prosecuted one each respectively. For their part, Aguascalientes, Durango, Guanajuato, Nuevo León, Oaxaca, Tamaulipas, and Zacatecas responded with zero complaints consigned or prosecuted and there is no information on the remaining states. Regarding judgments, state courts reported 27 judgments for torture in the period from 2006 to 2021. In addition, 19 State Prosecutors' Offices provided information regarding the victims of torture, who numbered 14,813 as of November 31, 2021. For its part, the State indicated that the CEAV, through the Federal Legal Counsel, legally represents 5,269 cases of torture. Of these, 365 were heard in 2017, 540 in 2018; 673 in 2019; 574 in 2020; 1275 in 2021; 1723 in 2022, and 199 up to January 2023. In this regard, the State has pointed out that the increase in these figures is the result of actions taken by the National Institute of the Office

¹¹⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹²⁰ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹²¹ CMDPDH. Follow-up of Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," of October 20, 2022, pp. 14-16.

of the Public Defender which in 2018 submitted a wide-ranging series of criminal complaints on cases of this kind.¹²²

143. According to the number of preliminary inquests and investigative files opened for the crime of torture in the FGR during the period from January 2006 to November 2021, there were a total 15,667 inquests and files, 71 or 0.43% of which were recorded or prosecuted. In addition, only three (1 in 2016, 1 in 2017, and 1 in 2019) ended with a judgment. In addition, the investigative files on cruel, inhuman, or degrading treatment or punishment in the FGR amounted to 191 in 2018, 539 in 2019, 381 in 2020, and 596 up to November 2021.

144. For its part, the CNDH informed the CMDPDH that, from January 2006 to November 2021, it received 11,076 complaints of torture and cruel, inhuman, and degrading treatment, of which 393 represent violations involving torture, 1,261 relate to cruel and/or degrading treatment (a violation until 2008), and 9,422 relate to cruel, inhuman, and degrading treatment. With respect to the authorities indicated as being responsible for torture, the CNDH reported that the SEDENA has 108 complaints, the FGR¹²³ has 129, the SEMAR has 66, the Federal Police has 114, and the National Security Commission has four, considering that a single complaint may involve various authorities.

145. Based on the information analyzed, the Commission believes that there is **partial compliance** with the recommendation. This is because, although domestic mechanisms have been implemented for investigating torture, there is no evidence on their results with which to affirm or evaluate improvement in the investigation and prosecution of this crime. An example of this is the few convictions or judgments that have been issued compared to the number of cases that have been submitted for consideration by the authorities.

146. In this regard, in order to guide the implementation of this recommendation, the Commission urges the State to adopt institutional strengthening measures intended to implement the mechanisms for investigating torture in Mexico and to provide quantitative and qualitative information on these actions.

147. As for the **mandatory use of cameras during interrogations and patrols**, the State indicated that the State Delegations of the FGR have video systems that are used not only for institutional domestic security but also to inhibit cruel, inhuman, and degrading treatment in facilities. In addition, to date surveillance video camera systems have been established at various points in the cities, as well as in businesses, and according to statistics they do help to reduce crime and general insecurity. However, to date it has not been possible to implement the use of cameras in patrols or in interrogations.¹²⁴

148. The FGR added that a series of chambers interconnected with the Central Offices have been set up that monitor areas related to detainee management. There is also a Monitoring Center that closely monitors a person entering the institution until his/her stay as a detainee ends, verifying that no cruel, inhuman, and degrading treatment is carried out during that stay.¹²⁵

149. Based on information provided by the State, the Inter-American Commission finds that sufficient, necessary, and timely actions have not been carried out at the legislative level to establish the

¹²² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹²³ The FGR includes complaints occurring since 2006, i.e., when it was the PGR. Likewise, the Federal Police includes different affiliations and names from the period between 2006 and 2021.

¹²⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹²⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

mandatory use of cameras and other security protocols in interrogations. Thus, the recommendation is **pending compliance**.

150. To guide compliance with this recommendation, the Commission urges the State to adopt measures ensuring the use of security protocols to prevent torture, which may consist, for example, of training sessions on their use as well as any other institutional strengthening action. In this regard, effective adoption of regulations authorizing the use of these instruments is necessary in order to comply with this recommendation.

151. Regarding the recommendation to **ensure uniform statistics and improve the information gathering system**, the State submitted information indicating that it adopted the Technical Standard for the National Justice Procurement Statistical System (hereinafter “SENAP”) in 2021. It also reiterated that in 2021 it also issued the Guidelines for the operation of the National Registry of the Crime of Torture (RENADET). The State indicated that the National Registry incorporates databases from the Public Prosecution Institutions, the National Commission, Human Rights Protection Bodies, and Victim Support Commissions, as well as international organizations developed in international human right protection systems, providing for greater control and knowledge regarding cases of human rights violations that may arise. In addition, the State indicated that the 2021 ENPO is a fundamental instrument to be observed in eradicating torture and cruel, inhuman, or degrading treatment or punishment of detainees, defendants, and those deprived of liberty. Added to this, the Prosecutor’s Office currently has an information system called Justici@NET, which tracks cases from the moment they are filed until their final conclusion, incorporating all the details that make up an electronic file equal to the investigative file, and this is used to obtain information requested by various areas.

152. In judicial matters, the State indicated that in terms of the Amparo Law, it was appropriate to extend the indirect amparo lawsuit regarding the failure to create and operate the RENADET and thus the failure to register someone who filed a torture report, when the action claimed in the initial complaint is the prosecutor’s failure to directly investigate a report of torture. It also indicated that the actions seeking to extend the lawsuit directly address the prosecutor’s failure to diligently investigate that crime, as registering the victim and thus the incident reported in the RENADET is one of the first actions that should be taken by the respective prosecutors.¹²⁶

153. The CMDPDH reiterated the information outlined in the context of the recommendation to investigate cases in which judges have not ordered an investigation when there are reports or indications of torture.¹²⁷

154. Regarding that observation, the State indicated that in 2019 the Federal Public Defender’s Office initiated a complaints process on cases of torture committed in previous years and in those proceedings the judges ordered investigations to be conducted and that potential victims be found, which meant an increase in the CEAV’s representation in cases of this kind.¹²⁸

155. Notwithstanding the progress made in the area of generating information on torture, although the information provides an accounting of the structures that facilitate the compilation of information on this subject it does not provide results on implementation that would make it possible to evaluate progress made

¹²⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹²⁷ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Human Rights Situation in Mexico,” October 20, 2022, pp. 4-5.

¹²⁸ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

or challenges faced with regard to the recommendation. In addition, although the Commission appreciates the information provided regarding the RENADET, it is important that the information not be limited solely to what is provided by Prosecutors' Offices or Attorney General's Offices. Reiterating the failure to implement the RENADET, the IACHR considers that **compliance** with this recommendation remains **pending**.

156. To guide the implementation of this recommendation, the Commission sees fit to suggest the adoption and development of specific guidelines and a methodology that would provide disaggregated information on the subject. In addition, the Commission urges the adoption of measures for compiling statistics at all levels, enabling specialized authorities to provide information in this regard.

157. Regarding the recommendation to **eliminate "arraigo" (pre-charge detention) and quasi flagrante delicto (*flagrancia equiparada*)**, the State indicated that in accordance with the provisions of Article 16 of its Constitution, the concept of *arraigo* is only admissible with respect to offenses involving organized crime. In this regard, the last two legislative sessions have followed up on the submission of bills meant to eliminate *arraigo*.

158. In this regard, the CMDPDH¹²⁹ reported that the figures provided by the authorities on this practice, which was applied excessively in earlier years, are *per se* "evidence of a crime against humanity", due to its systematic use, the unlikelihood of its casual occurrence, and because they reflect the organizational capacity and foresight of Mexican State authorities regarding this policy that seeks to incriminate anyone based solely on the presumption of their links to organized crime.¹³⁰ In addition, they mentioned that there is currently a reform initiative to remove *arraigo* from the Constitution. Nonetheless, this initiative has not yet been submitted to the full Senate for approval and the mere existence of *arraigo* in the Constitution represents a threat to the guarantee of human rights in Mexico.

159. Finally, the CMDPDH said that reports of arbitrary arrests continued during 2022. According to the CNDH warning system, 79 arbitrary arrest complaints were received during the period from January to May 2022. In addition, the current government has exacerbated the worst practices of punitive populism; thus, following a reform of Article 19 of the Constitution, 16 crimes are considered subject to *ex officio* preventive detention. This concept, whereby judges are required to imprison people simply because there are indications of their having committed one of these crimes, has provoked a significant increase in the number of persons deprived of liberty.

160. In accordance with this recommendation, the State has begun to establish legislative routes for elimination of the *arraigo*, as noted by the IACHR in the 2021 Follow-up Report. However, as of the date of this report, there are no data that would allow the Commission to evaluate progress made in complying with the recommendation.

161. The IACHR knows that various civil society organizations have reiterated their protests against *arraigo* as being notoriously in violation of human rights. The Commission notes with concern that in none of its orders has the government carried out actions targeting immediate or gradual compliance in order to eliminate *arraigo* in Mexico. The IACHR noted earlier that quasi flagrante delicto was already eradicated in Mexican law in 2015, so that there is **partial compliance** with the recommendation in this aspect. Considering the foregoing, there is **partial compliance** with the recommendation.

¹²⁹ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the "Human Rights Situation in Mexico," October 20, 2022, pp. 17-18.

¹³⁰ Citizen Observatory of the Justice System (OCSJ), [El Arraigo penal como crimen de lesa humanidad](#), 2019.

162. In order to guide the implementation of this recommendation, the IACHR sees fit to underscore the importance of adopting State measures directed to the legislative elimination of the *arraigo*.

D. Extrajudicial Executions

- In any act in which there is deprivation of life by members of the security forces, conduct an exhaustive inquiry and investigation in accordance with international standards, and ensure that investigations of the scene of the crime are carried out by experts who are not members of police or military agencies.
- Ensure that the armed forces record the numbers of people killed and injured in their operations and that the corresponding investigations are opened when appropriate.
- Establish a national registry of the location of unidentified remains of persons with a violent cause of death, buried in cemeteries throughout the country. Also recommended is a search for clandestine graves in states that have experienced high levels of violence.
- Create an autonomous national forensic services institution with adequate infrastructure, sufficient human and financial resources, and standardized protocols applicable nationwide.
- Carry out all exhumation and identification of remains procedures with strict adherence to the requirements to ensure dignified treatment of the victims' families by the authorities at all levels of government involved in the process.
- Continue and reinforce the work of the Forensic Commission for the Identification of Remains in cases found along migrant routes. Adopt the measures needed to establish the Transnational Mechanism for Access to Justice for Migrants and Their Families, and to create a Special Prosecutor's Office for Crimes of Violence against Migrants at the federal level.
- Implement a national mechanism to facilitate the exchange of forensic information on unidentified remains of Mexican and Central American persons missing in Mexico with the forensic databases of missing migrants that have been developed in the region.

163. Regarding the recommendation to **conduct an inquiry and exhaustive investigation in accordance with international standards in any case where there is deprivation of life by members of the security forces and ensure that investigations of the scene of the crime are conducted by experts who are not members of police forces**, the State indicated that the FGR complies with the recommendation where there is deprivation of life by members of security forces, conducting an exhaustive investigation in accordance with international standards. As provided in Article 21 of its Constitution, the investigation of crimes is the responsibility of the Prosecutor's Office and the police, which shall act under the leadership and command thereof in the performance of this exercise. Criminal proceedings before the courts are the responsibility of the Prosecutor's Office; in addition, the imposition of penalties, their modification and duration are exclusively the domain of the judicial authority. In this regard, the State indicated that when someone dies during an operation in which members of the National Guard have participated, the facts are investigated by the FGR. Whenever there are actions that may constitute crimes, the investigation of such actions is the obligation of the authority. Added to this, and in accordance with Articles 11(IX) and 13(VIII) of the FGR Law, the Specialized Prosecutor's Office for Internal Affairs conducts the investigations and pursues criminal action regarding crimes committed by personnel attached to the institution's substantive and

administrative agencies, recording, following up, channeling, and attending to matters for purposes of appropriate relief through the single window. It is also responsible for conducting and developing supervisory visits, investigation, review, and oversight of the actions of agents of the Prosecutor's Office, agents of the Ministerial Federal Police, experts, analysts, facilitators, experts, and generally civil servants in the FGR.

164. The State indicated that the Standardized Protocol for the Investigation of the Crimes of Forced Disappearance and Disappearance Committed by Private Parties also establishes a specific and differentiated investigative technique for investigations of this kind, offering a detailed guide regarding the investigation of these crimes during the initial criminal proceeding stage, as well as guidelines for conducting the investigation using a methodological scheme under a Plan of Investigation on the application of investigative acts that take into consideration the specific characteristics of the victims and their vulnerable status. The protocol also develops investigative approaches according to the subject under investigation (whether or not a public servant is involved), a theoretical analysis of the crimes under investigation, a specific investigative technique for cases of persons disappeared from political movements of the past, notification and delivery of someone who is found without life, procedures used after a minor is found in order to return him to his nuclear family, as well as inter-American jurisprudence related to the investigation of forced disappearance and the action of public servants in this area. In addition, the PHI considers the Minnesota Protocol not only as a source of good practices in the investigation of these crimes but also as an instrument to be utilized in the investigation of cases that involve finding deceased victims.

165. Finally, the State indicated that the SCJN heard Complaint Appeal 363/2021, in which it deemed that the Minnesota Protocol was a standard related to the question of constitutionality posed by the complainant, as regards the conduct of the prosecutorial investigation and the criteria for reconciling the civilian and military forums. Thus, it felt that the subject had an impact on the judgment, as it was prosecuted for actions that the cited Protocol refers to in the context of extrajudicial execution. That document defines a series of criteria to be followed in the investigation of acts of this kind, which have an impact on prosecution, the evaluation of evidence, and the determination of responsibilities. Currently, the matter arising from that appeal is now pending resolution under Direct *Amparo* under Review 13/2021.¹³¹

166. The Commission notes that in the 2021 Annual Follow-up Report¹³² civil society organizations called the Commission's attention to the constant increase in armed forces activity in public security functions within Mexico. In this regard, the State asserts that, although there is participation by authorities with military commands, as in the case of the National Guard, those authorities are supervised in accordance with constitutional and legal procedures provided in domestic law. Nonetheless, public pronouncements of the CMDPDH and the PRODH Center are known to exist indicating that the authorities do not have a legal framework that adheres to international standards impeding the proper exercise of public security functions by State forces. This is the case of the National Law on the Use of Force, which has a negative impact on the right to protest, discouraging people from exercising their rights in response to the security forces' discretionary power to deploy different types of the use of force.

167. In that the State did not provide updated information to determine the level of implementation of mechanisms overseeing operations involving the use of lethal force, particularly in the case of the armed forces, the IACHR considers that this recommendation is still **pending compliance**.

¹³¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹³² IACHR. Annual Report, Mexico. 2021. para. 1114.

168. To guide the implementation of this recommendation, the Commission sees fit to suggest the adoption of measures that promote the investigation of the crimes in question. In addition, it considers it important that specific data be provided with regard to how an exhaustive investigation consistent with international standards is being guaranteed, as well as information regarding those cases in which there was participation by independent experts.

169. Regarding the recommendation to ensure that the armed forces **record the number of persons killed and injured in their operations and open the relevant investigations**, the State indicated that the registry of figures is kept by the Executive Secretariat of the of the National Public Security System. In addition, it indicated that a database has been created relating to military crimes, establishing the statistics on crimes committed by military components. When this happens, jurisdiction over the investigation is at the federal level, under the FGR.

170. The Commission appreciates as a positive step that the State has implemented registries of persons killed and injured in operations of the security forces through the Executive Secretariat of the SNSP. Nonetheless, the State did not provide sufficient and specific information facilitating correct evaluation of the implementation of the recommendation, since although there is a central registry in operation and the SNSP continues the task of obtaining and processing information related to these crimes in national territory, the IACHR does not have sufficient evidence to determine that an improvement has been made in the development of public policies the purpose of which is to address and investigate cases of those who have died and been injured in the operations of the armed forces.

171. Regarding this recommendation, the IACHR reiterates the observations it made in 2021 with regard to problems related to the preparation of reports on operations involving the use of lethal force as established in the National Law on the Use of Force. Additionally, the Commission finds that the State has provided information with respect to the part of the recommendation related to the registry but did not provide information on opening investigations on the subject of extrajudicial executions or any indication on opening investigations and prosecutions of cases that would make it possible to evaluate in what sense the State is complying with this recommendation. Accordingly, the IACHR finds that there is **substantial partial compliance** with this recommendation.

172. To guide the implementation of this recommendation, the Commission suggests the adoption of measures directed to strengthening the registry created to ensure it is implemented using an objective and transparent methodology for systematizing the information with regard to those killed or wounded by the armed forces and also promotes the investigation of these cases. In addition, the IACHR urges the State to submit information on how the registry is being used and the measures implemented to amend the questionnaire regarding the Registry of the National Law on the Use of Force.

173. With respect to the recommendation to establish **a national registry of locations of unidentified remains and search for clandestine graves**, the State reported that in 2018 it approved the technological guidelines of the national forensic database and the national registry of unidentified and unclaimed deceased persons as provided in the General Law on Disappearances. On November 27, 2018, the public prosecution institutions approved by a majority the "Guidelines determining the techniques and procedures for the preservation of corpses and remains of the disappeared." In addition, the State indicated that the bases for collaboration in the pursuit of justice of the federative entities and the bases for collaboration for operation of the National Forensic Database; the National Register of Unidentified and Unclaimed Deceased Persons; the National Register of Common Graves and Clandestine Graves; and the National Genetic Database were approved on December 22, 2022. In this regard, it indicated that in December 2022 and January and

February of 2023, the FGR held in-person panels with justice procurement institutions of the federative entities for implementation of the National Forensic Database.¹³³

174. The State also indicated that on August 6, 2020, the then head of the Coordinating Office for Investigative Measures issued the General Guidelines for the Installation and Operation of the National Database of Genetic Information (BNIG) L/CMI/001/2020. On December 11, 2020, by means of agreement CNPJ/XLIV/07/2020 of the XLIV Plenary Session of the CNPJ, the heads of the attorney generals' offices and prosecutors' offices belonging to the Conference acceded to the Guidelines L/CMI/001/2020, the Technical Annex, and the technical standards of the BNIG. The State reiterated the information regarding the implementation of the AM/PM databases already reported herein. In addition, the CNBP, in coordination with the CLBs, has created a pilot for systematizing administrative records on burials in common graves, which designed and integrated the Common Graves Module of the National Registry of Common Graves and Clandestine Graves, which has 7,721 entries to date from cemeteries with common graves in Puebla, Sonora, and Mexico City.¹³⁴

175. The PRODH Center indicated that the CED found a forensic crisis in Mexico, where there are more than 52,000 unidentified deceased persons and this figure does not include bodies that have not been found.¹³⁵ In addition, it emphasized that the country's forensic services are inadequate and there is no public policy on identifying the disappeared.¹³⁶ According to its investigation, the FGR has not complied with its obligation to compile the country's forensic information: it has genetic information on 15,000 unidentified bodies among the more than 52,000 bodies of recognized unidentified deceased persons. This means that information on two out of every three bodies is not found in the Prosecutor's database. In addition, the information is neither updated nor complete, in that the states do not send seven of every eight genetic profiles to the FGR. The Office of the Prosecutor also acknowledges having received 35,000 genetic profiles, while the states say they have sent more than 53,000, which means that 18,000 are missing. Since 2006, only one percent of identifications in the entire country were made by the FGR.¹³⁷ The PRODH Center indicated that, despite the fact that the budget for the institutions responsible for search and identification of disappeared persons for the year 2023 provides for an increase, resources continue to be insufficient given the magnitude of the situation.¹³⁸

176. The Commission acknowledges the material and human efforts undertaken by the CNB to implement the National Registry of Deceased, Unidentified, and Unclaimed Persons in accordance with the General Law on Disappearances. In addition, the IACHR takes note of the CNB's proposal to adopt a comprehensive approach to the search for the disappeared through the search for patterns, a broad approach to searches, and cooperation among local and federal authorities. Similarly, the State shares in the creation of two human identification centers using a mass approach. In addition, the Commission notes the observation made by the PRODH Center¹³⁹ that the MEIF is only present in three of Mexico's 32 states. Similarly, civil society reiterates that instruments of this type prove to be ineffective in that they were not given the human and material resources needed to basically address the complex context of forensic identification over the long term.

¹³³ State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹³⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹³⁵ CED, Report of the Committee on Forced Disappearance on its visit to Mexico under Article 33 of the Convention. Information on the visit, findings, and first part of the recommendations, para. 28.

¹³⁶ CED, Report of the Committee on Forced Disappearance on its visit to Mexico under Article 33 of the Convention. Information on the visit, findings, and first part of the recommendations, para. 29.

¹³⁷ Animal Político, [Frente a la crisis forense. #IdentificaciónYa](#), August 11, 2022.

¹³⁸ However, [Presupuesto 2023: ¿atiende la crisis forense y de desaparición?](#) October 4, 2022.

¹³⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

177. In this context, although the Mexican State has undertaken institutional efforts to address the crisis of disappearances and human identification, the complex scenario requires coordinated activity by federal and state authorities, and an institutional effort by the State to counteract the humanitarian crisis in this area. Based on these considerations, the IACHR knows that these extraordinary measures have a planning phase for consolidating the operation by 2024.¹⁴⁰ However, it is timely to reiterate to the State how important it is that the registry fulfill its purpose in the work of forensic identification and guarantee everyone's right to be the subject of a search. Based on the foregoing, the Commission considers that there is **partial compliance** with the recommendation.

178. To guide the implementation of this recommendation, although there are various databases reported by the State with regard to unidentified remains, the Commission urges the State to establish a uniform registry with concentrated information that is systematized using an objective and transparent methodology that facilitates access to the information by people searching for their disappeared family members. In addition, the Commission suggests that the State take actions to ensure that databases that have been designed with respect to the location of the remains of persons who suffered violent deaths and clandestine graves begin to operate effectively.

179. Regarding the recommendation to create an **autonomous national institution for forensic services**, the State reported that the Regional Human Identification Center (hereinafter "CRIH") was created in August 2020; it is an expert center specializing in the search for the disappeared in order to identify them and is located in Saltillo, Coahuila. It is a state project involving the CNB, CLBs, FGR, state and federal government, promoted and monitored by the families of the disappeared. The State emphasized that the CRIH is the only entity of its type in Latin America that is set up for the identification of disappeared persons using a mass approach¹⁴¹.

180. In addition, the State referred to the PHI, which indicates the procedures carried out by agents of the Attorney General's Office to request suitable expert evidence when locating and identifying a deceased person, as well as the corresponding procedure for notification and delivery of the body.¹⁴²

181. The PRODH Center reported that after one year the MEIF is operating in three of the 32 states and does not have a sufficient budget to operate properly.¹⁴³ It also reported that although the National Human Identification Center was created,¹⁴⁴ it has no budget.¹⁴⁵

182. Although the IACHR notes positive actions with respect to human identification policies, there are factors that hamper the consolidation of those policies. The regulatory development of instruments to address the crisis of forensics and expertise with the degree of autonomy established in the recommendation is still incipient. In addition, according to the 2021 Annual Report,¹⁴⁶ the lack of coordination among authorities

¹⁴⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁴¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁴² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁴³ Where do the disappeared go? [A un año de operar, el Mecanismo de Identificación Forense ha iniciado trabajos en tres estados](#), 6 de septiembre de 2022.

¹⁴⁴ UN Mexico, [La ONU-DH saluda la creación del Centro Nacional de Identificación Humana como parte de la respuesta a la crisis forense](#), May 13, 2022.

¹⁴⁵ PRODH Center, [Frente a la crisis forense, #IdentificaciónYa. Animal Político](#), August 11, 2022; Animal Político, [Crisis forense: sin banco de datos ni coordinación, México tardará 120 años en identificar 52 mil cuerpos, más los que se sumen](#), April 20, 2022.

¹⁴⁶ IACHR. Annual Report, Mexico. 2021.

has been one of the major impediments confronting the disappeared, search groups, and the CLBs. Based on the foregoing, the IACHR considers that the recommendation is **pending compliance**.

183. In these terms, with a view to guiding the implementation of this recommendation, the Commission urges the State to create a national forensic services institution independent of the prosecutorial and administrative justice entities and, as appropriate, to create comparable institutions within the states. In this regard, the Commission sees fit to indicate that, although the human identification centers point in this direction, it will be important for the State to report on the level of autonomy enjoyed by these institutions in meeting the standard required by this recommendation.

184. Regarding the recommendation to **carry out exhumation and identification of remains with strict adherence to the requirement to ensure dignified treatment of the victims' relatives**, the State¹⁴⁷ reported that according to its operational capacity the CEAV has participated in the delivery of human remains in conjunction with the FGR, providing comprehensive care to direct and indirect victims with strict adherence to the provisions of the Constitution, the General Law on Victims, and international treaties. Thus, the State reported that from February 8, 2019 to November 24, 2022 the CNB conducted 3,431 field search exercises in 410 municipalities in 28 federative entities.¹⁴⁸ The State emphasized that forensic follow-up is carried out in coordination with search groups and staff from the FGR and CNB in order to ensure the protection of fundamental rights, access to the truth, and dignified treatment of the relatives of victims who have disappeared.

185. For its part, the FGR reported on the PHI, which establishes the procedure FGR agents follow to report relevant information to victims or persons affected with regard to findings or results of investigations related to the identification of corpses, human remains, or objects belonging to the direct victim and the delivery thereof.¹⁴⁹

186. Along these lines, it was specified that the Forensic Analysis Unit of the General Directorate of Federal Legal Counsel (DGAJF) participated in 14 exhumations together with the aforementioned authorities. In addition, it was reported that the CEAV is working on an internal guide on comprehensive victim services, on notification of the delivery of bodies, for the purpose of establishing a comprehensive support method in the area of legal, psychological and social, emergency assistance and/or emotional support before, during, and after the delivery of disappeared victims' remains to their families, in order to reduce the consequences that victimization has generated in their social and family environment, by recognizing them, their coping skills, and provide psychological tools to overcome periods of emotional pain and adverse situations and strengthen them in the full exercise of their human rights.

187. In this regard, it indicated that remains are exhumed and identified in accordance with the law and action protocols and from the perspective of dignified treatment of the victims' relatives on the part of authorities at all levels of government involved in the process. In addition, it indicated that the PH establishes the guidelines for psychosocial care in *High Emotional Impact Notifications* based on the identification and delivery of corpses and human remains, the procedure the FGR follows to report relevant information to victims or persons affected with regard to findings or results of investigations related to the identification of corpses, human remains, or objects belonging to the direct victim and the delivery thereof. For its part, the State reported that the CEAV is working on an internal guide on comprehensive victim services relating to

¹⁴⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁴⁸ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁴⁹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

impacts before, during, and after disappeared persons' remains are delivered to their families to establish a comprehensive support method in the area of legal, medical, psychological, social, and emergency care and to reduce the consequences that victimization has produced in their social and family environment.¹⁵⁰

188. The IACHR appreciates State efforts to comply with the recommendation and conduct exhumations and identification of remains while respecting the dignified treatment of the victims. In view of this, the Commission is attentive to advances made in the completion and subsequent implementation of the internal guide on comprehensive support for victims when notifying them of the delivery of corpses. Based on the foregoing and in anticipation of the information requested, the IACHR considers that the recommendation is **pending compliance**.

189. To guide the implementation of this recommendation, the IACHR urges the State to adopt measures to ensure results from the implementation of its protocols on the subject of the dignified return of human remains to families and to report to the Commission on these advances.

190. Regarding the recommendation on the **continuation and reinforcement of the work of the Forensic Commission for the Identification of Remains Found on Migration Routes** and the **adoption of measures for the creation of the Transnational Mechanism for Access to Justice for Migrants and Their Families**, the State related that the Guidelines for the External Support Mechanism for Search and Investigation (MAEBI) were approved by the SNB in 2022 in the terms already noted in this report.¹⁵¹ In addition, the State indicated that the Unit for the Investigation of Crimes against Migrants reported that it is continuing to work in coordination with Forensic Commission experts on the identification of human remains. It also reported that the Guidelines for the External Support Mechanism for Search and Investigation were published in the DOF on December 14, 2022.¹⁵²

191. The IACHR commends the approval of the MAEBI Guidelines, which define normative guidelines for inter-institutional coordination and international cooperation in the investigation of crimes committed against migrants, as well as for the transnational search for disappeared migrants and others in the context of human mobility. Nonetheless, given the lack of updated information on the work of the Forensic Commission and the creation of the Special Prosecutor's Office, the Commission finds that there is **partial compliance** with the recommendation.

192. To guide the implementation of this recommendation, the IACHR suggests the adoption of measures to ensure the implementation and effectiveness of the MAEBI, as well as the operational status of the Forensic Commission and the Special Prosecutor's Office for Crimes of Violence against Migrants, or the entities that institutionally fulfill these functions. In this regard, the Commission sees fit to urge the State to report on these implementation actions.

193. Regarding the recommendation to **implement a national mechanism to facilitate the exchange of forensic information on unidentified remains of migrants and Central Americans who have disappeared in Mexico with the forensic databases on missing migrants that have been developed in**

¹⁵⁰ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano. State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁵¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁵² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

the region, the State pointed out that one of the mechanisms implemented is the National Registry of Disappeared and Missing Persons in operational terms as already explained in this report. This registry only includes persons who are still missing as of the cutoff date. The National Roundtable for the Search for Disappeared Migrants was created on May 4, 2022, for the purposes of sharing information among different institutions and promoting the search for missing migrants, particularly when traveling the Central America-Mexico-United State migration corridor. The State reported that the Roundtable for the Search for Disappeared Migrants is a forum for coordination, sharing, and continuous updating of information. Participants include institutions of the Mexican State and other countries, Mexican and international civil organizations, groups of relatives of missing migrants, and social organizations specializing in helping migrants in transit and seeking missing migrants, as well as national and international consultants and experts.¹⁵³

194. The CNDH indicated that it worked with the Ibero-American Federation of Ombudsmen and the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas, the protocol for preventing and responding to actual and potential violations of people's human rights in the context of international human mobility. It also pointed to cooperation and cross-border exchange activities for sharing information with national human rights institutions requesting official information from the Mexican authorities.¹⁵⁴

195. The Commission notes that the State asserts its compliance with the recommendation to the extent that various national registries are being established on the subject of the disappearance of persons and human identification. However, the Commission notes that civil society organizations have pointed out that the search for persons and forensic identification have been hampered by the lack of coordination by authorities and concealed information.¹⁵⁵ In addition, the State did not provide information on the Roundtable for the Search for Disappeared Migrants. Based on the foregoing, there is **substantial partial compliance** with the recommendation.

196. To guide the implementation of this recommendation, the IACHR sees fit to urge the State to adopt state measures ensuring the effectiveness of the Roundtable for the Search for Disappeared Migrants or another operational mechanism that provides an accounting of the exchange of information in forensic data banks between Mexico and Central America and reports to the Commission on these advances.

E. Access to justice

- Strengthen the country's prosecutor's offices in terms of technical training and independence, in order to guarantee proper investigation.
- Establish a coherent plan for cooperation between federal and state law enforcement authorities in the investigation of serious human rights violations, with a comprehensive approach, specific protocols, and the adoption of technical-professional, rather than political, criteria for federal investigations.

¹⁵³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁵⁴ CNDH, Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," October 21, 2022, p. 9.

¹⁵⁵ PRODH Center. Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," November 2022.

- Adopt specific protection measures for victims, their families, representatives, witnesses, experts, and defenders who participate in the investigation or search for justice when they are at risk. Guarantee access to files to family members and legal representatives. Impose appropriate sanctions in cases of retaliation against any of these persons.
- Adopt specific protection measures for justice operators according to their particular needs and in consultation with them.
- Ensure implementation of the General Victims Law and the ability of the Executive Commission for Attention to Victims to function at the federal and state levels. In consultation with civil society organizations and victims, analyze, concretely address, and eliminate the barriers that limit effective application of the law.
- Assume historical responsibility for accountability for gross human rights violations. Investigate, throw light on, and punish the acts committed during the so-called Dirty War.
- Strengthen the Mechanism for the Protection of Human Rights Defenders and Journalists, guaranteeing its long-term financial sustainability, providing it with greater administrative autonomy, and encouraging the states to collaborate with it. Meanwhile, the Commission recommends that the Mechanism evaluate and adopt differentiated protection measures considering gender, indigenous leaders, and environmental defenders; measure the effectiveness of the measures implemented; promote institutional coordination and cooperation with the PGR; and increase the transparency of all actions undertaken so as to increase beneficiaries' trust in the Mechanism. All that needs to be accompanied by prevention policies and the participation of the target population.
- Amend the Code of Military Justice to provide that when a member of the armed forces commits acts that could constitute a violation of human rights, such acts shall be tried by civil law courts, regardless of whether the victim is civilian or military.
- Monitor the entry into force of the new criminal justice system, as well as the effectiveness of training. Include public defenders in training.
- Evaluate the effective implementation of the new criminal justice system, as well as the areas in which closer monitoring will be required, along with adequate training and necessary resources. Include permanent training for justice operators and public defenders to ensure compliance with the Inter-American Convention on Human Rights.

197. With respect to the recommendation regarding the **strengthening of public prosecutor's offices in terms of technical training and independence in order to guarantee proper investigation**, the State reported a series of instruments approved between 2015 and 2018 for the training of prosecution staff. In addition, the State indicated that, within the offices of the FGR, training courses are constantly conducted to ensure the professionalization of investigators both to structure complete and technical investigations and for their professional development in the country's courts. The FRG currently has the "Cycle of Conferences for Strengthening the Substantive Operation," headed by the General Directorate of Professional Training, so that

staff training is considered to be continuous.¹⁵⁶ For its part, the FGR indicated that said prosecutor's office offers all personnel ongoing cycles of conferences and training courses on current topics, ensuring in this way that the work of procuring justice is performed in the best way possible so as to obtain favorable results for the institution. In addition, it indicated that the Program of Specialization in Forced Disappearance, Disappearance Committed by Private Parties and the National System for the Search for Disappeared Persons is being conducted. This program has certified 166 civil servants (63 civil servants during the year 2018; 34 civil servants in 2019; 23 in 2021, and 46 in 2022) who completed 150 hours of theoretical-practical training and obtained their respective certificates and accreditation cards, consistent with the Guidelines.¹⁵⁷

198. The Commission recognizes the State's actions to establish administrative provisions for the training of civil servants in the context of the pursuit of justice. Despite the measures adopted by the State, the Commission does not see that the information supplied by the State depicts a comprehensive and sustainable model directed to the independence of prosecutorial staff.

199. Similarly, the Commission notes that the State did not provide detailed information that can be used to measure other perspectives impacting the autonomy of prosecutor's offices and technical training. Based on these considerations, the Commission believes that **partial compliance** with the recommendation continues.

200. To guide the implementation of this recommendation, the IACHR suggests that the State provide information on measures to ensure, in addition to conducting the various types of training, that training for prosecutorial staff follows a sustainable plan and does not consist of isolated actions.

201. Regarding the recommendation to **establish a plan for cooperation among prosecutorial authorities at the federal and state level**, the State reported that there is cooperation among authorities at the federal and state level on handling serious human rights violations. Thus, within the National Conference of Judicial Prosecutors various protocols have been approved for the investigation of crimes involving human rights violations. In addition, the State indicated that victims may ask the FGR to submit the investigation, to which the Office of the Public Prosecutor shall respond on a well-founded basis. In cases not considered, the Specialized Prosecutor's Offices of the states will have jurisdiction. The FGR reported that it maintains active collaboration with the Attorney General's Office of the state of Baja California, as there is good communication and institutional cooperation facilitating the integration of investigative files. In addition, it noted that Article 88 of the Law on the Attorney General's Office provides for the development of the Strategic Plan for the Pursuit of Justice, which may establish the guidelines for asserting jurisdiction.¹⁵⁸

202. In addition, agents of the Federal Prosecutor's Office of the Special Prosecutor's Office for the Investigation of the Crime of Torture are subject in their actions to compliance with legal provisions such as the Constitution, international treaties signed by the State, laws on the subject, and the Standardized Protocol for the Investigation of the Crime of Torture, carrying out the provisions established therein, to the effect that investigations must be conducted immediately, efficiently, exhaustively, professionally and impartially, free of stereotypes and discrimination, and directed to exploring all possible lines of investigation for compiling data

¹⁵⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁵⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁵⁸ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

and clarifying the facts of what the law classifies as a crime, as well as identifying who committed the crimes and who participated in committing the crime.¹⁵⁹

203. In addition, the State reported that the CJF approved the General Agreement that governs processing for the joinder of matters in the courts responsible for the Council, including serious human rights violations, so that the courts provide a unified and consistent response in a large number of cases linked to serious human rights violations.¹⁶⁰ In addition, the State reported through the SCJN on the publication of the Protocols for action by those who deliver justice: (i) Protocol for judging cases involving the rights of the disabled; (ii) Protocol for judging from an intercultural perspective: indigenous persons, peoples, and communities; (iii) Protocol for judging with a perspective of sexual orientation, identity, and gender expression and sexual characteristics; and (iv) Protocol for judging from an intercultural perspective: Afro-descendant and Afro-Mexican persons, peoples, and communities. In addition, the State indicated that the CJF's Federal Judicial Training School, in conjunction with the SCJN, has developed action manuals and provided training sessions for the Judicial Branch of the Federation on human rights.¹⁶¹

204. The Commission notes that the State has adopted a series of protocols to standardize the prosecution of human rights violations or criteria for the joinder of cases at the federal level to foster uniform prosecution of comparable cases. However, the State has not reported information on inter-institutional cooperation procedures for advancing investigations and prosecutions. In contrast, the IACHR has identified some discrepancies among prosecutorial bodies and executive branch entities such as the CNB or the MEIF with respect to the context in which their areas of jurisdiction will assist in achieving justice in cases involving the disappearance of persons. Based on the foregoing, there is **partial compliance** with the recommendation.

205. To guide the implementation and follow-up of compliance with this recommendation, the IACHR urges the State to adopt measures to standardize the investigation and prosecution of serious human rights violations and to report on advances in this respect.

206. Regarding the recommendation to **adopt protection measures for those who participate in the search for justice when they are at risk, to guarantee access to files, and impose sanctions in cases of retaliation**, the State noted that the Mechanism for the Protection of Human Rights Defenders and Journalists provides protective measures for those who are at risk due to defense work and for exercising freedom of expression. The measures are adopted according to the results of a risk assessment. Added to this, the Constitution, the National Code of Criminal Procedures, and the Federal Penal Code establish protection measures and appropriate sanctions in the event of reprisals for victims, their families, their representatives, witnesses, experts, and defenders who participate in the investigation or search for justice when they are at risk.

207. The State indicated that in cases of investigations where the accused is deemed to represent an imminent risk to the safety of the victim or the complainant, Protective Measures are ordered as established in Article 137 of the National Code of Criminal Procedures. Similarly, it is ensured that all investigations strictly comply with the human rights recognized in the Convention and treaties, respecting at all times the rights of the parties involved. In each case, such measures are issued specifically and consistent with the law, as well as according to the remedies available. Whenever the intent is to protect the victims of a crime, the institution informs the CEAV or state victims commissions responsible for ensuring that the competent entities provide

¹⁵⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁶⁰ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 155 -157.

¹⁶¹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

the protection necessary to safeguard the life and integrity of the victims, for as long as the proceeding lasts.¹⁶² The intent is at all times to protect the victims of the crime. The institution notifies the CEAV, who are responsible for providing the necessary protection in all settings, for as long as the proceeding continues. As a party in an investigative file, the victims and their legal counsel have access to the file, as established by law.

208. For their part, civil society organizations emphasize that, on the matter of access to information, in April 2019 the SCJN decided *amparo* on review 453/2015¹⁶³ recognizing the publication of information in matters involving serious human rights violations. During eight years of litigation, the facts in the cases of massacres of migrants in San Fernando, Tamaulipas remained opaque. The organizations point out that they still do not have access to the information deemed public by the guarantor entity, the National Institute of Transparency, Access to Information, and Protection of Personal Data (INAI) and by the SCJN, as the FGR demands an exorbitant price for copies of the files, which they consider representing an affront to access to information. In addition, the organizations emphasized that entities answerable to the armed forces and security forces, such as SEDENA, continue not to provide information relating to the use of force, the detention of presumed criminals, and confrontations.¹⁶⁴

209. The PRODH Center reported that so far in 2022 various incidents against families searching for disappeared persons have been recorded. On July 17, 2022, in Sonora, Brenda Jazmín Beltrán Jaime, a member of a group of relatives of disappeared persons, who was looking for her brother who had disappeared in 2018, was found dead.¹⁶⁵ On August 30, 2022, in the state of Sinaloa, Rosario Rodríguez Barraza, a member of a group of relatives of disappeared persons, was kidnapped and murdered at the end of a religious ceremony held in the memory of her son who had disappeared in 2019.¹⁶⁶ On October 14, 2022, in Puebla, Esmeralda Gallardo, a mother who had been looking for her disappeared son since 2021, was shot to death.¹⁶⁷ In addition, on July 29, 2022, in San Luis Potosí, a group of people who included members of a group of families and members of the State Commission on the Search Persons, and the local police was attacked with firearms while they were carrying out search activities in the municipality of Rioverde.¹⁶⁸ In the past 13 years, there are records of at least 16 murders of family members engaged in search tasks.¹⁶⁹

210. The CMDPDH¹⁷⁰ reported that its monitoring of cases involving human rights defenders has allowed it to see how the Protection Mechanism is far from carrying out the function for which it was created and, on the contrary, has made a series of regressive decisions regarding what its work should be.

211. Based on the information provided, the Commission notes that throughout the year 2022 various people in groups in vulnerable situations (journalists, human rights defenders, adolescent women, boys, and girls) were the victims of reprisals or attacks due to the work they were doing or their distinct condition. In particular, the Commission recognizes that the State has a normative framework for the

¹⁶² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁶³ SCJN, [Amparo en Revisión 453/2015](#), April 4, 2019.

¹⁶⁴ PRODH Center. Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico, November 2022, pp. 1-3.

¹⁶⁵ IM Defensoras, [\[Alerta Defensoras\] MÉXICO / Asesinan a la defensora Brenda Jazmín Beltrán, del colectivo Guerreras Buscadoras de Cajeme, Sonora](#), July 25, 2022.

¹⁶⁶ El País, [Asesinada una madre buscadora al salir de una misa en honor a su hijo desaparecido en Sinaloa](#), August 31, 2022.

¹⁶⁷ Excelsior, [Asesinan a Esmeralda Gallardo, madre buscadora en Puebla](#), October 4, 2022.

¹⁶⁸ Proceso, [Atacan a colectivo mientras buscaban a desaparecidos en Rioverde, SLP](#), July 29, 2022.

¹⁶⁹ IMER Noticias, [Las madres y padres asesinados en la búsqueda de sus desaparecidos](#), August 31, 2022; RT, [El caso de Esmeralda Gallardo exhibe la dolorosa lista de 'madres buscadoras' asesinadas en México](#), 7 de octubre de 2022; El Economista, [Buscaban a un familiar desaparecido: fueron asesinados](#), August 5, 2021.

¹⁷⁰ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the "Human Rights Situation in Mexico, October 20, 2022, p. 21.

implementation of protective measures for persons who are the victims of assaults. However, there are questions regarding their effectiveness for preventing or neutralizing assaults or reprisals. The Commission notes with concern that people continue to be the victims of executions, even when they have protective measures under the Protection Mechanism, as in the case of Cecilia Monzón, who was included in the Protection Mechanism and was the victim of extrajudicial execution, a case that has been impossible to resolve to date.¹⁷¹ The foregoing shows **partial compliance** with the recommendation.

212. To guide the implementation of this recommendation, the Commission urges the State to provide indicators allowing the Commission to note effective improvement in the protection of victims, human rights defenders, or persons in vulnerable situations.

213. In addition, the Commission recognizes dialogue processes implemented by the Protection Mechanism to evaluate and redesign its operation in response to increased attacks on persons subject to protection. However, to move ahead in complying with this recommendation, the Commission asks the State to adopt actions so as not to withdraw but, on the contrary, to strengthen protection mechanisms for persons who are at risk or in vulnerable situations who have been materially tried for the lack of resources and in general to adopt institutional strengthening mechanisms, public policies, legislation or regulations or any other type of instrument to ensure the protection of persons in at-risk situations.

214. On the **recommendation to adopt specific protection measures for justice operators in accordance with their particular needs and in consultation with them**, the State reported that there is a General Agreement that governs the assignment, use, and withdrawal of security measures for civil servants in the federal judiciary – with the exception of the SCJN and the Electoral Court – the purpose of which is to establish the conditions and terms for the assignment, use, and withdrawal of security measures for civil servants who, in the performance of their duties or based on those duties, find themselves in an at-risk situation that threatens their life, physical safety, or psychological safety. In compliance with the referenced agreement, in 2021, 237 matters relating to these measures were submitted for consideration by the Surveillance Commission of the Federal Judiciary Council, which is the competent area within the Council for hearing security measures, due to at-risk situations arising from the exercise of judicial functions. Also addressed were 60 electronic requests for security measures in Federal Criminal Justice Centers.

215. The State indicated that, with regard to the case of Judge Uriel Villegas Ortiz, it was reported that due to the lack of evidence that could be used to identify risks, the CJF Surveillance Commission deemed it advisable to withdraw the security measures for the family of the judge murdered in 2020. Nonetheless, contact is maintained with the family, which was advised of the CJF order, to address any contingency that might arise.¹⁷²

¹⁷¹ El País, [El asesinato de Cecilia Monzón](#), July 22, 2022.

¹⁷² Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano. The State also indicated that, on February 5, 2019, Judge Uriel Villegas Ortiz filed a brief renouncing the measures he had assigned, stating that there were no data to support considering the family to be at risk. After hearing the Security Coordination's technical opinion on whether an environment of risk persisted at the Court, on February 27, 2019, the judge repeated his rejection of the measures assigned, under his most strict responsibility. On March 25, 2019, the Surveillance Commission took note of the judge's rejection and ordered withdrawal of the measures. Thus, the guard service was withdrawn on March 31, 2019, and on April 1, 2019, the armored vehicle and personal protective clothing were withdrawn. The State indicated that, after the judge and his wife were deprived of life, the CJF granted formal security measures and contact numbers for the security areas of the Federal Judiciary Council to handle emergencies for the judge's daughters and in July 2020 the full CJF approved a comprehensive reparations plan in favor of the judge's family members, consisting of economic measures that included indemnities for the violent death occurring in the performance of his position and pensions, as well as various rehabilitation and satisfaction measures such as medical coverage for the girls until both of them reached the age of 25, thanatological and psycho-emotional care with unlimited coverage, as well as the payment of various benefits, and other measures. State of Mexico, OAS Note OEA 517 of February 17, 2023. Observations on the preliminary version of the report.

216. The Commission notes the provisions reported by the State, although it did not provide local information. In addition, the IACHR acknowledges the lamentable murder of Judge Roberto Elías Martínez, Supervisory Judge of the State of Zacatecas.¹⁷³ Consistent with the foregoing, there is **partial compliance** with the recommendation.

217. To guide compliance with this recommendation, the Commission asks the State to implement measures to strengthen the guidelines for anticipating and identifying the specifics and needs of justice operators. Similarly, the Commission considers essential to compliance with this recommendation the implementation of policies on the subject of prevention to avoid situations of risk to justice operators.

218. With regard to the recommendation concerning **implementation of the General Law on Victims and the functioning of the Executive Committee for Attention to Victims at the federal and state level and concretely analyzing, addressing and eliminating the barriers that limit effective application of the law**, the State indicated that, in accordance with the General Law on Victims, one of the purposes of the Executive Commission is the execution and implementation of national policy to assist and support victims at the national level. One of the agencies used to implement such actions is the National System for Attention to Victims (SNAV), a coordination and public policies agency, which should be the senior public policy coordinating and formulating agency, the purpose of which is to propose, establish, and supervise guidelines, services, plans, programs, projects, institutional and inter-institutional actions, and other public policies implemented for the protection, help, assistance, access to justice, to truth and comprehensive reparation of the victims at the various levels of government. That National System seeks to be an operational entity based on working groups in which all members participate for the purpose of seeking operational actions that make it possible to provide immediate actions to meet the needs of the victims, primarily so that the institutions are identified as support networks for the victims and allow them to make the transition from victimization to restitution, and reconstruction, or construction of a life plan. It also pointed out that the Comprehensive Assistance Centers (CAIs) offices of the CEAV, in each of the country's entities serve as direct communication links to connect the victims with the services they require due to their being victimized.¹⁷⁴

219. Along these lines, the State indicated that the establishment of the SNAV involves coordination work with the authorities at all levels, so that the CEAV – as the operational body of the SNAV– held virtual meetings with the agencies that constitute the plenary of that system to submit proposals on amending the Rules of Operation and functions thereof, as well as the 2022 Working Agenda, so that they will in due time be approved by the SNAV plenary. In addition, regarding the functions and operation of the State Victim Assistance Commissions, which are the agencies responsible for assisting the victims of ordinary crimes and human rights violations committed by state authorities, it is reported that of the 32 states, a total of 31 have harmonized their laws with the General Law on Victims. Nonetheless, only 29 have operational State Victim Assistance Commissions. In the specific cases of the states of Oaxaca and Campeche, although they do not have a State Commission, they do have a law. Only the State of Hidalgo has neither a law nor a state commission. In the specific cases of the states of Oaxaca and Campeche, although they do not have a State Commission, they do have a law.

220. The State reported that the functions and powers of the CAIs ensure the implementation of the General Law on Victims and the functions of the CEAV at the federal and state level by providing multidisciplinary assistance services to the victims to address legal, medical, psychological, and social work needs. In addition, procedures and links are developed officially and according to the particular needs of the

¹⁷³ Semana, [Asesinan a un juez en México y el Poder Judicial del país promete responder contundentemente](#), December 4, 2022.

¹⁷⁴ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

direct and indirect victims with federal, state, and local institutions and/or civil associations that provide services, to help provide comprehensive care and allow them to resume their life plan. In this regard, the State also indicated that one of the great challenges facing the CEAV and the CAIs is a lack of knowledge in some local and federal government institutions at the three levels of government regarding their obligations within the framework of the General Law on Victims and the powers of the CEAV itself. For this reason, through its state offices, the CEAV maintains ongoing contact and follow-up with civil society organizations, victims' groups, and individual victims in order to concretely analyze, reduce, address, and eliminate the barriers limiting effective implementation.¹⁷⁵

221. For its part, IDHEAS indicated that, as stipulated in the LGV, both the Executive Commission and the State Victim Assistance Commissions act as institutions responsible for guaranteeing, promoting, and protecting the rights of the victims of crime and human rights violations. That law establishes that the victims have the right to receive immediate help, aid, assistance, care, rehabilitation, and other related measures. These measures will be provided by public institutions at the three levels of government within their spheres of competence through the programs, mechanisms, and services they have, to ensure that they overcome the needful conditions that arise from having been victimized. For this reason, the CEAV is the entity responsible for receiving the request, granting, or denying the petition and, as applicable, providing and/or arranging what is necessary with the competent authority so that the victim receives the aid, assistance, care, and/or reparation measure sought on a timely basis.¹⁷⁶

222. Nonetheless, the results of a survey taken by the organization indicate that, of the persons interviewed 46.8% (72 people) said they had sought out the victims' commissions for support in the area of health due to physical ailments. Of these 72 persons, only 24 obtained a favorable result. IDHEAS reported that for the rest the CEAV has been neglectful in providing support, has provided late responses to requests, has denied support due to an alleged lack of resources and, above all, has justified its actions by claiming that the reported health conditions have no direct relationship to having been victimized, i.e., to the disappearance of a family member.

223. With regard to the above assertions, the CEAV considered it important to mention that it does not deny services and that it establishes medical links, and where they are refused or non-existent, it pays for them, whenever they derive from having been victimized. It states that this does not overlook the fact that, even when the conditions of the victims or their relatives do not derive from having been victimized, the necessary arrangements are made to refer them to the appropriate agencies.¹⁷⁷

224. The results of the survey conducted by IDHEAS indicated that 18 people were referred by the CEAV to some other medical institution to address their health. These include the Red Cross, the National Psychiatric Institute, the National Institute of Rehabilitation, the National Institute of Cancerology, Health Centers, state health secretariats, ISSSTE, and Social Security. Only 10% of those who were referred to these institutions received information from the CEAV on the reasons why they were being referred to another institution. In addition, only 14.7% of them indicated that the care they received in this institution was free and only 7.1% indicated that their needs were addressed. When the rest were asked why they were not properly taken care of, they indicated that the institution to which they were referred did not have the material, medications, or resources necessary, did not carry out the correct procedures, there was no follow-up, or the care had a cost they could not afford. Of these 18 people, 12 indicated that the institution to which they were

¹⁷⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁷⁶ General Law on Victims, Article 7, sections VI, XXIII, and XXX, and Article 8.

¹⁷⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

referred was not close to their residence and five indicated that it was in a state other than the state where they reside. Seventy-three percent of those who were referred to other medical institutions did not receive support for transfers ordered by the CEAV. Added to this, 35.48% indicated they had not received information on the treatment they needed and 35.48 % indicated that the institution to which they were referred did not have specialists in their disease.

225. For its part, the CMDPDH reported¹⁷⁸ that the CEAV responded to the petition brief that was submitted asking them to initiate the procedures necessary to establish a Truth and Historical Memory Commission, indicating that the institution lacks powers with regard to the Truth and Historical Memory Commission and the International Mechanism against Impunity. Nonetheless, with regard to the establishment of an Extraordinary Reparation Model, it limited itself to saying that its action will be carried out in the context of the Commission for Access to the Truth, Historical Clarification, and the Promotion of Justice for serious human rights violations committed from 1965 to 1990 without referring to the possibility that civil society might participate actively in the reparation process.

226. The IACHR notes the information provided by IDHEAS and the results of the survey conducted that depicts the CEAV's challenges in providing the supports established in the law, as well as in the responses to requests, denying them by arguing the lack of resources and with the justification that health complaints are not directly related to the fact of having been victimization. In addition, the Commission recognizes the institutional structure of the Mexican State, although it notes that State's omissions in providing material care for victims due to the lack of public resources and inter-institutional coordination that make it difficult for people to access comprehensive reparations. In addition, the Commission notes the failure to create local commissions in some states, as well as the harmonization of the law at the local level. The IACHR urges the State to continue strengthening the National System for Victim Care, although it does not overlook the achievements that have been made in the time since it was created. For that reason, there is **partial compliance** with the recommendation.

227. With a view to guiding compliance with this recommendation, the Commission sees fit to suggest that the State adopt additional measures to ensure the effective implementation of the General Law on Victims and to overcome obstacles such as those mentioned with respect to access to health and access to comprehensive reparations, among others. For this reason, the Commission asks that the institutions charged with implementation of the General Law on Victims act in coordination with the victims and strengthen their internal processes so as to allow for the application and operation of the law at both the federal and state level, ensuring that all states have a law and a victim's commission in operation. The Commission also invites the State to provide information regarding the type and number of services that are provided to the victims.

228. With regard to the recommendation concerning **accountability for serious human rights violations and investigation and punishment of the events of the so-called Dirty War**, the State reported in 2021 on the creation of a truth commission on this subject.¹⁷⁹ In addition, the IACHR has known that the COVEH functions by mean of five mechanisms, which were the subject of agreement between the federal government and the survivors and family members of the disappeared and victims of human rights violations: (a) Mechanism for the truth and historical clarification; (b) Committee for the promotion of justice; (c) Special search plan; (d) Special reparation and compensation plan; and (e) Actions for memory and guarantee of non-

¹⁷⁸ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," October 20, 2022, p. 23.

¹⁷⁹ Commission for Access to the Truth, Historical Clarification, and Promotion of Justice for serious human rights violations committed from 1965 to 1990 (hereinafter the Truth Commission" or "COVEH").

repetition to dignify the memory of the victims.¹⁸⁰ In this reporting period, the State indicated that, during the initial months of 2022, the Commission held six regional events in the states of Oaxaca, Jalisco, Guerrero, Chihuahua, Sinaloa, and Mexico City, making contact with more than 600 families and victims of the historical period and reaching agreements with the local level authority to strengthen its work in the entities.

229. Following up these efforts, from September 20 to September 22, 2022, with the participation of 55 survivors and families of victims of forced disappearance, and in coordination with the institutions that make up the COVEH, the CNDH, the Mexican State Public Radiobroadcasting System, and the Secretariat of National Defense, the first inspection work was conducted at Military Camp No. 1 to identify facilities where serious human rights violations have been committed. In addition to the active participation of survivors, this inspection work was monitored by experts in history, psycho-social support, forensic architects, criminalists, and visitors from the CNDH who bore witness to all the work. The State indicated that toward the end of 2022 it plans to continue the work of inspecting files and facilities at Military Camp No. 1 and extend the work to the states of Oaxaca and Sinaloa. For 2023, the COVEH expects to continue the work of reviewing files and civilian and military facilities in Guerrero, Chihuahua, Jalisco, and Mexico City, and to conduct interviews with families, victims, and survivors. On the promotion of justice, the State indicated that it plans to submit a report on the status of preliminary investigation and active investigation files throughout the country on the subject of serious rights violations in the recent past and to begin comprehensive reparation of the victims.

230. Finally, the State indicated that work is being done on the subject of memory and non-repetition to consolidate the creation of the National Memory Center for Human Rights as well as to issue the bill on the General Memory Law, the objective of which will be to guarantee access to the right to the truth and memory by establishing mechanisms for the creation of memory sites, the identification and opening of files related to human rights violations, and the design of public policies in this area.¹⁸¹

231. The PRODH Center indicated that at the public event at Military Camp No. 1, the Secretary of National Defense gave a “flawed” speech,¹⁸² not because he presented the military perspective regarding what happened at the time but because it was a speech in which the head of the Army reasserted and claimed presidential support for the legitimacy of the doctrine of “due obedience,” according to which military and police authorities have no room to maneuver when the civilian command orders them to perpetrate serious human rights violations. This openly contradicts international human rights law, the standards of which make it clear that no agent of the state is required to comply with an order or instruction that is clearly incompatible with human rights.¹⁸³ For its part, the CMDPDH mentioned that COVEH reports to the State. In addition, it stated that the process of selecting honorary commission members presents limitations on the participation of the victims in the entity’s activities. It also indicated that in 2022 one of the honorary commission members, Aleída García Aguirre, resigned while making allegations regarding that Commission’s lack of independence.¹⁸⁴

232. The Commission appreciates the start of COVEH operations and its territorial and participatory deployment to gather evidence to fulfill its mandate. The IACHR notes the concerns relating to the functional independence of the COVEH and the emergence of revisionist public postures regarding the State

¹⁸⁰ Ministry of the Interior, [Inician formalmente trabajos de comisión por violaciones graves a derechos humanos durante Guerra Sucia](#), January 21, 2022.

¹⁸¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

¹⁸² Channel of the President of the Republic, [Apertura de archivos militares a la Comisión de la Verdad y Esclarecimiento Histórico](#), June 22, 2022. min. 37:58 and after.

¹⁸³ PRODH Center, [Echeverría y la deuda con la “Guerra Sucia”](#). Animal Político, July 2, 2022.

¹⁸⁴ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022.

security forces' responsibility in the "dirty war" and expects that they will not affect Mexico's obligations in the matter of memory, truth, justice, reparation, and non-repetition.

233. As for the process of selecting and incorporating the COVEH, the IACHR reiterates that a central aspect of truth commissions is their composition and integration. Thus, it has been stated that the power of truth commissions derives to a great extent from the moral authority and competence of their members, so that the priority is to establish selection criteria that assess technical experience or achievements in the mandated or related areas.¹⁸⁵

234. The IACHR estimates that the efforts implemented by the State allow for categorizing compliance with the recommendation as being **substantially partial**.

235. To guide the implementation of this recommendation, the Commission urges the relevant authorities to adopt measures to guarantee transparency and access to information related to the clarification of human rights violations in the context of the "dirty war." In addition, the Commission suggests that the State provide all the guarantees necessary for the COVEH's independence and autonomy so that it can comply with its mandate related to memory, truth, justice, reparation, and non-repetition, in addition to assigning it all the appropriate human, financial, and technological resources for that purpose. Finally, it reiterates the importance of establishing appropriate channels for the participation of and communication with the victims and society at large in the development of its work.

236. With respect to the recommendation on **strengthening the mechanism for the protection of human rights defenders and journalists, guaranteeing its long-term economic sustainability and autonomy, as well as adopting measures for the evaluation and differentiated protection of beneficiaries**, the State¹⁸⁶ reported that as of the month of August 2022 the Mechanisms reported 1,667 active cases, in which 555 represent journalists (152 women and 403 men) and 1,112 are human rights defenders (594 women and 518 men). Under the current administration, entries equal an increase of 108%. It reported that a total of \$380,583,860.00 were authorized for the current fiscal year, solely for operating expenses, indicating that this amount does not consider personal services and represents an increase of 62% over the preceding year.

237. In addition, it reported that the Mechanism is working to restructure the protection policy, starting by strengthening the legal framework. In this context, it indicated that, during the year 2022, 13 sessions have been held for discussions with various sectors, including civil society organizations, defenders, and journalists. This broad and pluralistic process will result in a draft General Law the purpose of which is to improve the implementation of security for journalists and human rights defenders, as well as to strengthen protection actions, seeking to produce requirements on the subject for authorities at the three levels of government and under the constitutional mandate that recognizes the right to defend human rights and protection for those who exercise freedom of expression. Along these lines, it reported that the current process of protection assumes the investigation of unlawful acts under the jurisdiction of the respective prosecutorial bodies, the provision of security measures according to the National Code of Civil Procedures, with the support of the Mechanism. In response to any assault or threat, the Mechanism conducts a risk assessment and presents a plan of protection defined with the participation of the beneficiaries before the Governing Body.

¹⁸⁵ IACHR, [The Right to Truth in the Americas](#), August 13, 2014.

¹⁸⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

238. In this regard, it established that work has been done on the preparation and training of civil servants to ensure that they provide better care to those who use the mechanism. Altogether, this is why work has been done with the specialized institutions for effective action and care. In addition, for case intake, implementation of measures, and follow-up, the State indicated that there are an additional 26 people, within the structural scheme, who have the specific tools and skills for handling cases and there are an additional five people who carry out activities within the framework of the prevention and follow-up unit.¹⁸⁷

239. For its part, the CNDH stated that, in its diagnosis regarding progress and challenges of the "Protection mechanism for human rights defenders and journalists " published in May 2022, it determined that Mexico requires a state policy for the protection of human rights defenders and journalists that has clear mechanisms for coordinating actions and sharing information among federal, state, and municipal authorities. It indicated that the legislative branch needs to establish the mandate requiring State Protection Units or State Mechanisms to work in coordination with the Federal Mechanism on identifying and implementing preventive measures as well as urgent protective measures, given that the Mechanism is not currently empowered to directly carry out actions to prevent crimes in the states or municipalities, to direct prosecutorial investigations, or combat impunity in the justice system and eradicate widespread violence, without losing sight of the fact that the current law is a federal law and would have no power to bind the states, municipalities, or the autonomous bodies.¹⁸⁸

240. The IACHR commends the increased resources allocated for operation of the Protection Mechanism as well as the protection policy restructuring being undertaken and allowing room for discussion with other stakeholders. The IACHR awaits information on the referenced policy once it is finalized and implemented by the authorities. In view of this, the IACHR emphasizes the importance of clearly and precisely including mechanisms for coordinating actions and sharing information among federal, state, and municipal authorities, the purpose being to ensure the effectiveness of the measures to be implemented by the mechanism, without undermining its autonomy. In addition, the IACHR recalls that the effective operation of the Mechanism must be guaranteed internally (budget, operational independence, sustainability) and externally (effective delivery of protection service according to the needs of the target population).

241. While awaiting detailed information yet to be sent, the IACHR estimates that this recommendation retains its **partial compliance** rating.

242. With a view to guiding compliance with this recommendation, the Commission sees fit to urge the State to provide information demonstrating that the measures adopted during 2022 constitute a state policy allowing for sustainable operation of the Mechanism.

243. With regard to the recommendation on **reform of the Code of Military Justice**, the State did not provide any information.¹⁸⁹

244. The PRODH Center stated that appropriate modifications have not been made to comply with this recommendation, consistent with the four judgments of the I/A Court H.R. that has ordered similarly. They also pointed out that the recent reforms that assigned the operational and administrative mandate of the National Guard to the SEDENA – already referenced in this report – include provisions on extending military

¹⁸⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁸⁸ CNDH, Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," October 21, 2022, p. 11.

¹⁸⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

jurisdiction to this security force. The reform establishes – by means of amendments adopted in Article 57 of the Law on the National Guard - that “[...] military personnel assigned to the National Guard shall continue to be subject to military jurisdiction with respect to the offenses specified in the Second Book of the Code of Military Justice that infringe upon the hierarchy and the authority.” Thus, the military units that are assigned to the National Guard shall continue to be subject to the military criminal regime. This extends the reach of this specialized criminal jurisdiction, which may thus hear alleged crimes committed when serving in an institution that is constitutionally a civilian institution.

245. For its part, the CMDPDH reported that the State has not adopted the reforms needed to ensure that, when a civilian is the victim of a member of the military, parallel investigations are not initiated in the military jurisdiction and in the civilian jurisdiction with regard to the same incident. In addition, the State has not adopted the reforms needed to ensure that, when a member of the military is the victim of another member of the military, the investigation into human rights violations is conducted in the civilian jurisdiction.

246. The Commission notes with concern that the State has not provided information regarding the recommendations on reform of the code of military justice. Nonetheless, the Commission takes note of the many protests led by civil society groups such as the PRODH Center and the CMDPDH regarding the increasing militarization of public security tasks and the scheme of impunity that may include having a militarized public security system. Added to this, the Commission recalls that since the 2017 Annual Report¹⁹⁰ it indicated that said reform of the Code has been pending, as the current legislation has still not been fully adapted to the inter-American standards, an observation that the I/A Court H.R. has shared consistently in its monitoring of compliance with some judgments against Mexico.¹⁹¹ For these reasons, the IACHR considered that this recommendation is **pending compliance**.

247. In order to guide the implementation of this recommendation, the Commission urges the State to complete the reform of the Code of Military Justice, as indicated by the I/A Court H.R., so that the standard makes it clear that “a) the military jurisdiction is not the competent forum for investigating and, as applicable, prosecuting and punishing the perpetrators of human rights violations, even when both the perpetrator and the victim are members of the military, and b) the military forum may only judge the commission of crimes or offenses (committed by active members of the military) that by their very nature impinge upon the legal assets pertaining to the military order.”¹⁹²

248. With respect to **monitoring the effectiveness of the new criminal justice system and evaluating its actual implementation**, the State¹⁹³ pointed out that the Unit for the Consolidation of the New Criminal Justice System (UCNSJP) constantly monitors the operation of each of the 41 Federal Criminal Justice Centers (CJPF), making available to society various statistics on its official microsite. The information on that site is updated monthly, which allows anyone interested in the SJPA to monitor the operation.

249. In addition, it established consistent with the purposes indicated in transitory Article 13 of the Decree establishing the National Code of Criminal Procedure that a report should be submitted every six

¹⁹⁰ IACHR, [Annual Report, Mexico, 2017](#), para. 129.

¹⁹¹ I/A Court H.R. Case of Radilla Pacheco v. Mexico. Monitoring Compliance with Judgment, Order of the Inter-American Court of Human Rights, June 24, 2022, operative paragraph 2.c); I/A Court H.R., Monitoring Compliance with Judgment, Cases of Radilla Pacheco, Fernández Ortega et al., Rosendo Cantú et al. v. Mexico, April 17, 2015, para. 20; I/A Court H.R., Monitoring Compliance with Judgment, Case of Cabrera García y Montiel Flores v. Mexico. June 24, 2020, para. 1.

¹⁹² I/A Court H.R. Monitoring Compliance with Judgment. Cases of Radilla Pacheco, Fernández Ortega et al., Rosendo Cantú et al. v. Mexico, April 16, 2015, para. 22.

¹⁹³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

months to the Congress of the Union regarding the status of the process of consolidation of the SJPA within the federal judiciary. That report provides an accounting of judicial statistics produced in each of the 41 CJPFs. With this, the UCNSJP provides useful information for monitoring each of the divisions that make up the operations of the SJPA at the federal level, information that can be accessed by the public.

250. Based on the Judicial Guidelines for Conducting Criminal Hearings, as of August 2022, it indicated that a scheme is underway for measuring its monitoring and evaluation in seven states: Chihuahua, Mexico City, State of Mexico, Oaxaca, Puebla, Quinta Roo, and Sonora and their respective CJPFs. According to reports, this measure used a methodology that consists of separating the judicial bodies of the ordinary jurisdiction with adversarial criminal competence and the CJPFs. Subsequently, judges will act consistent with their role in the hearings for three to six months, to record the respective data in the platform designed for that purpose, so as to obtain a precise measurement. In addition to the monitoring work, from September 2021 to date, the State reported that the UCNSJP carried out training actions and developed various tools to help strengthen the technical capabilities of the judges¹⁹⁴ and that the SCJN also conducts various activities to disseminate the Convention's standards and promote inter-institutional dialogue.¹⁹⁵

251. For their part, civil society organizations reported that the situation of impunity in Mexico continues to be one of the country's major problems six years after the IACHR's visit. In general terms, in 2022 the *México Evalúa* organization determined that the national impunity average was 91.8% for the Mexican criminal justice system.¹⁹⁶ In addition, the State reported that the CJF created a consultation system on the decisions made by judicial branch judges, a system that incorporates various indicators in the area of human rights. Along the same lines, the INAI promoted progress-related activities in the area of open justice and is currently in the process of developing the first open justice metric in Mexico. The State also reported on the Pact for open justice with a gender perspective for responding to the needs of justice. The Pact's implementation plan includes five stages.¹⁹⁷

252. The IACHR appreciates the training activities programs and activities to strengthen the capabilities of justice operators and monitoring data available to society. However, it notes with concern that, despite the time needed to implement the new system, the rate of impunity in the Mexican criminal justice system continues to be very high. In addition, it is not clear from the information received which actions have been taken to respond to areas that require closer monitoring to improve implementation of the new system.

253. Given the lack of specific data that could be used to determine the link between effective implementation of the new criminal justice system and the measures adopted to strengthen areas for its improvement, the IACHR considers that **partial compliance** with the recommendations continues.

¹⁹⁴ Judicial Guidelines on Conducting Criminal Hearings, Guides for Judicial Evaluation of Expert Testimony, Specialization in Justice for Adolescents, Degree for Secretaries of Judicial Bodies with jurisdiction in the Adversarial Criminal Justice System, Course on the Istanbul Protocol and its Interaction with the Judicial Branch of the Federation, Dialogues on the Criminal Justice System with the United Kingdom and the Ongoing Training Program on Human Rights and the Criminal Process.

¹⁹⁵ Regarding "conventionality control," it indicated that events are carried out in the context of the program "The Court's Reasons," which is developed by the SCJN and encourages dialogue among the Supreme Court, the Judicial Branch (federal and local), academia, and the general public. In addition, the program "Dialogue with the Inter-American Human Rights System" seeks to facilitate a comprehensive view of the Mexican State's experience before the IACHR and the I/A Court H.R., in order to increase study and analysis regarding impacts at the national level as well as to disclose information found in the official documents and rulings issued by those bodies.

¹⁹⁶ México Evalúa. [Seguimiento y evaluación del sistema de justicia penal en México](#), 2022.

¹⁹⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

254. In order to guide the follow-up of this recommendation, the Commission considers it pertinent to ask the State to adopt measures to identify and report the results of the evaluation on the implementation of the new criminal justice system.

F. Harm Done to Specific Groups

• LGBT Persons

- Adopt the necessary measures to investigate, punish, and redress acts of violence against LGBT persons, in accordance with due diligence standards. Investigations into cases of violence against LGBT persons should be free of stereotypical notions of LGBT persons and should include a determination as to whether the acts of violence were committed because of the sexual orientation or gender identity of the victims.
- Adopt measures needed to prevent violence, including legislative and public policy measures aimed at eradicating the social discrimination that exists against LGBT persons, which exacerbates and reinforces violence based on prejudice.

255. Regarding the recommendation to **prevent violence and adopt measures needed to investigate, punish, and redress acts of violence**, the State indicated that the CONAPRED Liaison Unit has followed up a series of legislative initiatives that seek to safeguard the integrity of LGBT persons. In addition, in the context of the 2021-2024 National Program for Equality and Non-Discrimination (hereinafter “PRONAIND”) actions have been taken to combat discrimination on the basis of sexual orientation, gender identity, and sexual characteristics.

256. For its part, the CJF reported the development of a research project to shed light on the barriers and challenges the FGR faces when conducting investigations regarding acts of violence against LGBTI persons. It also reported the publication in 2017 of the National Action Protocol for personnel in justice procurement agencies in cases involving sexual orientation or gender identity, as well as various training sessions and courses on the subject that the FGR provides for the country’s public servants. The State also indicated that the National Protocol on the Investigation of Crimes Committed against LGBTTTTI+ persons is being developed with a series of objectives directed to all justice procurement agencies in the country, which is expected to be issued by the CNPJ.¹⁹⁸

257. In addition, according to public information, at least 25 murders and eight disappearances of LGBTI persons have been reported in Mexico in 2022. Those murdered include activists and human rights defenders, indigenous people, and women.¹⁹⁹

258. The Commission welcomes advances in the recognition of the rights of LGBTI persons in Mexico, including the right to equal marriage and gender identity. The IACHR emphasizes that these measures make it possible to build a more egalitarian society.²⁰⁰ Nonetheless, the IACHR notes that the information

¹⁹⁸ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

¹⁹⁹ Infobae, [Tres mujeres trans fueron asesinadas en cuatro días y en diferentes ciudades](#), October 8, 2022; Swissinfo, [El presidente de México condena los crímenes de odio contra la comunidad LGBT](#), November 22, 2022.

²⁰⁰ IACHR, Violence against LGBTI persons in the Americas, OEA/Ser.L/V/II. Rev.2.Doc. 36 (2015), para. 16.

provided does not mention specific measures to prevent and eradicate violence against LGBTI persons and thus considers that compliance with the recommendation is **partial**.

259. In order to guide the implementation of both recommendations, the IACHR sees fit to suggest that specific information be compiled regarding the measures adopted at the federal and state level to guarantee a life free of violence for LGBTI persons, which may consist, for example, of public policies, institutional strengthening measures, and the adoption and enforcement of relevant regulations.

- **Women**

- Implement and strengthen measures, incorporating a gender perspective, to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, including concrete efforts to comply with the obligations to prevent, investigate, punish, and redress violations of women's human rights; this includes training and monitoring the authorities in charge of investigation, including health services and the judiciary.
- Adopt the measures necessary to prevent, punish, and eradicate acts of sexual violence and other forms of violence, torture, and cruel, inhuman, or degrading treatment by security forces against women, especially those deprived of their liberty.
- Implement standardized law enforcement protocols for crimes related to violence against women, as well as proper supervision of their implementation.
- Adopt public policies aimed at restructuring stereotypes about the role of women in society and promoting the eradication of discriminatory sociocultural patterns that impede their access to justice, including training programs and comprehensive policies for the prevention of violence against women.
- Design and implement culturally appropriate policies with the participation of indigenous women, applying a comprehensive and holistic approach aimed at preventing, investigations, punishing, and redressing acts of violence and discrimination committed against them.

260. Regarding the implementation and strengthening of measures incorporating a gender perspective to prevent, punish, and eradicate violence and discrimination against women, the State indicated that INMUJERES conducted training on "Gender roles and stereotypes and women's autonomy," for staff of the Secretariat of Security and Citizen Protection in order to provide basic elements with which to understand the problem of violence against women and strengthen the skills of its staff with regard to gender equality topics. Similarly, three training tools were developed regarding the obligations established in the Protocol for preventing, addressing, and punishing assault and sexual harassment in the Federal Civil Service.²⁰¹ In turn, the State reported that the Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking (FEVIMTRA) is conducting investigations with a gender perspective and referred to various training session in that entity on the subject of violence against women and investigations with a gender perspective, and the existence of some action protocols and international instruments used. It also referred to the implementation of a Periodic Report on the Activities and Supervision of the Substantive Activities of FEVIMTRA to supervise

²⁰¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

and evaluate performance in the investigation and prosecution of crimes with a gender approach. The State also referred once again to the PHI.²⁰²

261. In addition, the Mexican State indicated that it has been implementing various legally established aspects of the 2021-2024 Comprehensive Program to Prevent, Address, Punish, and Eradicate Violence against Women, which range from violence in families, the community, employment and education, institutions, policies, to femicide and the gender violence alert. It also indicated the health care services and the institutions that provide them are being implemented to reduce violence against women using preventive measures related to risk factors, in addition to the promotion of specialized comprehensive care services with an intersectional and intercultural approach for women victims of violence and coordination actions to institutionalize the eradication of violence against women in the Mexican State.²⁰³ In addition, the State indicated that in 2022 the National System to Prevent, Address, Punish, and Eradicate Violence against Women approved the comprehensive model for primary prevention of violence against women, the comprehensive care and protection model for women who experience violence, and the punishment model, regulatory instruments established in accordance with the mandates of the General Law on Women's Access to a Life Free of Violence. In this regard, it pointed out that adherence to these instruments is mandatory for federal civil service institutions as well as for the federative entities and make it possible to carry out actions that promote the culture of non-violence, as well as components, guidance, and minimum guidelines for providing women, girls, and adolescents with specialized care and comprehensive protection and reparations.²⁰⁴

262. The State also pointed out that the CJF signed a collaborative agreement in October 2020 to execute the "Strategy for the Mainstreaming and Institutionalization of the Gender Perspective" project, which seeks to construct a minimum floor of knowledge and tools on the subject of gender. It also reported on the implementation of various training courses on the subject, including the course on "Gender as a Tool for Equality," which was established as a requirement for the judicial career.²⁰⁵

263. For its part, the EQUIS organization noted that the General Law on Women's Access to a Life Free of Violence (hereinafter "LGAMVLV") provided a period of six months for the publication of standardized legislation in the states. However, compliance with this obligation took nearly a decade. Analysis of local laws on this subject indicates enormous differences, which is in turn reflected in uneven protection for women and girls who are the victims of violence. The most notable differences include discrepancies with respect to the types of violence recognized, how long it takes to grant protective orders and their duration, as well as powers for granting them. For example, with regard to the types of violence included, 29 states recognize family, employment, community, and institutional violence, but only eight define media violence, nine define digital violence, and only seven recognize violence against sexual and reproductive rights and distinguish such violence from sexual violence, two include violence in public spaces and transportation, and two more define symbolic violence. EQUIS emphasized that, with regard to the time it takes to issue a protective order, there is still legislation that fails to indicate the timeframe for doing so, as in Campeche and Colima. Other laws establish that emergency or preventive orders can be granted immediately or indicate timeframes ranging from six to 24 hours, or even five days in the case of preventive orders in Tabasco. There is also a punitive view of such orders, as on many occasions they are granted to women where the act of violence may constitute a crime and, consequently, they are not autonomous as the granting thereof is contingent upon a prior complaint on the part of the victim. In addition, such orders are not granted based on a risk analysis. The civil society organization

²⁰² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²⁰³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁰⁴ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²⁰⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

stated that the design of the mechanism also lacks an intercultural perspective, as none of these laws considers the usage and customs of indigenous peoples nor their right to choose the system of justice they want to use and thus the power that community or indigenous authorities should have to issue protective orders for women victims of violence.

264. In addition, EQUIS states that, contrary to what happens in the federal jurisdiction, where the National System for Prevention, Attention, Punishment, and Eradication of Violence against Women consists of executive branch divisions and entities, in addition to mechanisms for the advancement of women in the states, at the local level, systems provide for the participation of the three branches of government in various ways: (i) entities that legislate only on the integration of executive and legislative branch powers, (ii) states where there is collaboration between the executive and the judicial branches, and (iii) laws that establish the joint participation of the three branches of government. In addition, while the national system does not consider the participation of civil society organization, most state laws consider the participation of municipalities, autonomous bodies, and organizations and also allow for academics or researchers who are specialists in this area.

265. The CNDH reported that within the context of its powers, the program on Women's Affairs and Equality between Women and Men (hereinafter "PAMIMH") is the area responsible for ensuring follow-up, evaluation, and monitoring of the national police in the area of equality between women and men. In addition to its required information system, the CNDH stated that in 2021 the PAMIMH developed the Toolkit, which is an instrument used by deputy visiting officials to incorporate the gender perspective in handling complaints. Similarly, since 2021 the CNDH has been promoting the enforcement course for civil servants in entities responsible for enforcement who are interested in standardizing concepts and methodologies.²⁰⁶

266. The Commission notes with concern the increasing numbers in the area of violence against women. Thus, according to information from CONAVIM, 63 femicides were recorded in 2015; in 2016 there were 95; in 2017 there were 120; 139 were recorded in 2018; 142 were reported in 2019; 167 were reported in 2020; the total was 154 in 2021; and from January to April 2022 alone the total was already 157.²⁰⁷ This demonstrates the existence of challenges and obstacles to ensuring access to a life free of violence and discrimination against women. In this regard, the recommendation is pending compliance.

267. To guide the implementation of this recommendation, the IACHR asks the State to adopt the measures necessary, including public policies, institutional strengthening actions, and investigative activities addressing the principle of due diligence with respect to violence and discrimination against women. These actions should also include specific training and monitoring activities for authorities responsible for investigation, including the topics of healthcare and justice.

268. Regarding the recommendation on **adopting measures necessary to prevent, punish, and eradicate acts of sexual violence and other forms of violence, torture, and cruel, inhuman, or degrading treatment by security forces against women, especially those deprived of their liberty**, the State indicated that since 2015 it has been operating the "Follow-up Mechanism on Cases of Sexual Torture Committed against Women," which is coordinated by CONAVIM.²⁰⁸ For its part, FEVIMTRA also signed up for a

²⁰⁶ CNDH, Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," October 21, 2022, p. 14.

²⁰⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁰⁸ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano.

series of training sessions on the subject, in addition to conducting research with a gender perspective and a differentiated approach according to the various protocols developed in this area.²⁰⁹

269. In this regard, the State pointed out that operative paragraph 15 of the judgment in the *Atenco* case orders the development of a scheduled strengthening plan for the Mechanism to ensure that resources are allocated to allow it to fulfill its function in national territory. In addition, it indicates that annual deadlines must be set for the submission of reports, as well as for conducting a diagnosis on the phenomenon of sexual torture of women in the country and the formulation of public policy proposals. In this regard, CONAVIM, in coordination with the SEGOB General Directorate of Strategies for Addressing Human Rights, has been promoting actions to adjust the Mechanism as ordered by the I/A Court H.R. Thus, on February 25, 2022, the guidelines for the operation and organization of the Mechanism's technical support group were submitted to the institutions that make up the Mechanism for approval by the Mechanism's institutions, along with the respective budget. In addition, on June 27, 2022, the General Directorate of Strategies for Addressing Human Rights of the Interior Ministry presented the National Diagnosis on Sexual Torture Committed against Women Deprived of Liberty in Mexico, in which 67 recommendations were made to various federal and state authorities responsible for care, protection, truth, and justice for women survivors of sexual torture.²¹⁰

270. The PRODH Center reported to the IACHR on progress made in complying with the judgment in the *Atenco* case. In this regard, reference was made to approval of the National Diagnosis on Sexual Torture Committed Against Women Deprived of Liberty in Mexico already mentioned in this report. The most important findings of the Diagnosis, based on the more than 1,280 interviews of women deprived of liberty in different detention centers in the country, notably include that 79.3% of the women said they had experienced torture and other cruel, inhuman, or degrading treatment or punishment during their arrest, transfer, or time spent with the prosecution or in prison facilities; 32.19% explicitly stated that they had suffered sexual torture, while for 11.64% it is presumed (based on their statements) that they endured acts of sexual torture without having recognized it as such. This means that 43.82% of the women who were subjected to acts of torture faced acts with connotations of a sexual nature. In addition, it is indicated that while most acts of torture (39.68%) are committed by prosecutorial police and by municipal police units (20.62%), it is also admitted that at least 5.7% were committed by federal police officers and, more recently, 2.18%, were committed by the National Guard. The organization notes that this reality should not be minimized at a time when discussions are under way of the need to revise and point out the lack of controls and transparency in this institution whose nature and composition is predominantly military. All the more so when there is still no compliance with a crucial measure under the judgment handed down by the Inter-American Court that requires the creation of an independent observatory on the activities of the National Guard.²¹¹

271. In addition, it indicated that in September 2022, the Seventh District Judge on *Amparo* Matters and Federal Trials in the state of Mexico issued a judgment granting the amparo relief promoted by the women victims of sexual torture in the case and ordering the Attorney General's Office of the State of Mexico to refer to the FGR's Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking (FEVIMTRA) the investigation of state authorities involved in the case, so that said entity could investigate the totality of the facts and determine the responsibilities arising from the sexual torture and other serious human rights violations committed against eleven women.²¹² Nonetheless, the organization reported that the Prosecutor's Office of the State of Mexico filed an appeal on the amparo ruling alleging procedural questions, thus continuing

²⁰⁹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²¹⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²¹¹ Animal Político, [The State lo reconoce: persiste la tortura sexual](#), July 20, 2022.

²¹² PRODH Center and CEJIL, [Comunicado de prensa. Mujeres de Atenco exigen a Fiscalía de Edomex que acate sentencia y remita investigación del caso a instancias federales](#), September 11, 2022.

to obstruct the investigation, disregarding what the I/A Court H.R. had ordered.²¹³ In this regard, the amparo decision is not yet final and the investigation has still not been referred to the federal body.²¹⁴

272. The IACHR welcomes the publication of the referenced Diagnostic and notes that the information provided will allow the State to adopt preventive measures to prevent acts of torture in the detention of women. However, the information submitted by the State does not allow for evaluating the other components of the recommendation related to the punishment and eradication of torture and other cruel, inhuman, and degrading treatment and punishment against women, particularly when they are in State custody. Accordingly, the Commission determines that the recommendation is **pending compliance**.

273. To guide the implementation of this recommendation, the Commission sees fit to ask the State to submit evidence of the adoption of measures to strengthen the prevention, punishment, and eradication of torture and other cruel, inhuman, and degrading treatment and punishment against women, particularly when they are in State custody.

274. Regarding the **recommendation to implement protocols standardized by law enforcement authorities for crimes related to violence against women, as well as proper supervision of their implementation**, the State reported that in September 2022 the SCJN published the Guide on Constitutional and Conventional Standards for the Investigation of Violent Deaths of Women on the Basis of Gender. The objective of the Guide is that it can be used by investigative and judicial authorities handling cases of violent deaths of women, as well as individuals and civil society organizations that are dealing with or monitoring cases of this kind, so that they have concrete references on the authorities' obligations and the rights of victims and indirect victims during the investigative stage. For its part, the FGR reported that it issued the Protocol for Prosecutorial, Forensic, and Police Investigation with a Gender Perspective for the Crime of Femicide and the Protocol for Prosecutorial, Forensic, and Police Investigation with the Gender Perspective on Sexual Violence, which are intended to establish operational guidelines for incorporating the gender perspective and promoting the application of international human rights law for women and girls in the prosecutorial, forensic, and police investigation of these crimes. In this regard, it pointed out that these protocols are being aligned with the 2021 FGR Law. In addition, the Office of the Special Prosecutor on the Investigation of the Crimes of Forced Disappearance again referred to the PHI.²¹⁵

275. The Commission notes that it did not receive information related to the implementation of existing protocols and supervision mechanisms.²¹⁶ In addition, the Commission notes an absence of information on mechanisms for supervising the implementation of protocols. Based on the foregoing, the Commission finds that the status of the recommendation is one of **partial compliance**.

276. In addition, in order to guide the implementation of this recommendation, the Commission invites the State to adopt measures to ensure the effective implementation of protocols by law enforcement, as well as to compile related information such as, for example, results indicators.

²¹³ PRODH Center, [Fiscalía del Estado de México deberá remitir a FGR la investigación del caso Mujeres de Atenco](#), September 19, 2021.

²¹⁴ PRODH Center, [Reconoce SEGOB la existencia de Tortura Sexual como una práctica persistente contra mujeres](#), June 27, 2022.

²¹⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²¹⁶ Guide to Constitutional and Conventional Standards for the Investigation of Violent Deaths of Women for Gender-based Reasons as well as the Protocol for Addressing Political Violence against Women and the Protocol for Prosecutorial, Forensic and Police Investigation with a Gender Perspective for the Crime of Femicide and the Protocol for Prosecutorial, Forensic, and Police Investigation with the Gender Perspective

277. Regarding the recommendation to **adopt public policies aimed at restructuring stereotypes about the role of women in society and promoting the eradication of discriminatory sociocultural patterns that impede their access to justice**, the State reported that CONAVIM is responsible for the operation of the Program to Support State Women's Institutes (hereinafter "PAIMEF"), which is executed by Women's Institutions in the states, through 32 annual programs. To achieve its objectives, the PAIMEF plans, promotes, and implements actions in coordination with various public entities to provide a comprehensive approach to this set of problems and to construct a culture free of violence for girls, adolescents, and women in the context of human rights, intersectionality, and interculturality, giving priority to bringing services closer to women in violent situation in areas with a high or very high degree of marginalization or areas with high rates of violence.

278. In addition, the State emphasized that in order to eradicate violent sociocultural patterns against women in their places of employment, on July 6, 2022, Mexico ratified Convention 190 on Violence and Harassment of the International Labor Organization (hereinafter "ILO"). In addition to this, in June 2022, INMUJERES and the Federal Court of Conciliation and Arbitration (hereinafter "TFCA") signed a Collaboration Agreement to carry out actions, projects, and/or agreements on the subject of substantive equality between women and men; human rights, mainstreaming of the gender equality perspective; elimination of discrimination; prevention of violence against women, adolescents, and girls; and any other related subject. This is intended to make progress in equal employment and non-discrimination, as the body for imparting labor justice. In addition, the "Guidelines for developing and implementing mechanisms for prevention, care, and punishment of sexual harassment and sexual assault in institutions of higher learning (hereinafter "IES"), with the participation of the IES and mechanisms for the prevention, care, and punishment of harassment and sexual assault in the states.

279. In the area of training, the State reported that INMUJERES offers on-line and in-person courses as well as standards and skills for certification in the area of equality, non-discrimination, and addressing violence against women. According to the information provided, the website for equality training reached nearly 800,000 visits and about 34,000 persons trained. Said courses are intended for federal civil servants, in the federative and municipal entities, as well as citizens in general. These courses seek to provide an understanding of basic ideas on the gender equality perspective, its incorporation in public policies, a review of the role of masculinity, and promotion of inclusive language. Their educational scope embraces comprehension and sensitization regarding the consequences of inequities between women and men and other gender identities, and discrimination leading to impacts on the exercise of human rights.²¹⁷

280. In addition, the State indicated that the INAI has undertaken various efforts to strengthen the gender perspective in the institution's work and to eliminate inequality gaps. These actions range from the issuance of regulatory instruments to training and awareness activities to various inter-institutional activities. In this regard, the INAI emphasized, for example, the INAI's Policy on Equality and Non-discrimination approved in 2021; the INAI's 2021 Guide on Inclusive and Non-sexist Communication; participation in the 2021-2024 PROIGUALDAD program; the Observatory on resolutions with a gender perspective, among other efforts.²¹⁸

281. For its part, the EQUIS organization emphasized, according to the joint report "It is not Justice. An analysis of the country's judiciary sentences and resolutions," that 85% of the sentences analyzed do not

²¹⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²¹⁸ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

consider how gender stereotypes or the identity characteristics of the persons involved in the case influenced either the facts or the conflicts that arose. In addition, it found that in 47% of the cases judges did not evaluate the situations of violence that were explicitly noted in the women's reports, and 69% failed to identify possible situations or conduct that put them at risk and even argued that what happened to them was their responsibility, independent of the context or particular situation they were facing.

282. The IACHR recognizes the efforts made by the State to comply with this recommendation. Nonetheless, it notes with extreme concern the prevalence of high rates of femicide, sexual violence, and domestic violence against women, which reflects normalization and social tolerance thereof. In addition, the Commission notes that part of the information provided by the State is outdated, is local in scope, or does not allow for evaluating how such measures helps to modify sociocultural patterns of discrimination against women. Based on the foregoing, the Commission notes that the status of this recommendation is **partial compliance**.

283. To guide compliance with this recommendation, the IACHR recalls that the adoption of public policies to restructure stereotypes on the role of women cannot consist of isolated actions, but should rather be incorporated as part of a comprehensive strategy that encompasses all persons and addresses on a differentiated basis the diversity of the public to which they are directed, as well as the multiplicity of problems that women face in different regions of the country.²¹⁹ In this sense, the Commission invites the State to consider that the implementation of public policies should be accompanied by participatory processes on the part of civil society, as well as evaluation indicators that make it possible to measure objectives that provide an accounting of the effectiveness of said policies.

284. With respect to the recommendation to **design and implement culturally appropriate policies, with the participation of indigenous women**, the State said that the CEAV, through the General Coordinating Office for Comprehensive Care Centers, provides special care to indigenous women, with a culturally appropriate perspective, in accordance with the Comprehensive Victims' Care Model, and the gender-based, differentiated, and specialized focus on victims to ensure non-repetition or revictimization. In the year 2021 the General and Specific Agreements were signed on collaboration between the Executive Committee for Victims' Care and the National Institute of Indigenous Languages (hereinafter "INALI"), as well as with the College for Intercultural Comprehensive Education of Oaxaca (hereinafter "CSEIIO") to implement a process for the certification of five speakers of the Triqui language as spoken in San Juan Copala, in order to strengthen the care provided to the community of Tierra Blanca, Municipality of Juchitán of the State of Oaxaca. In addition, it reported that with the support of INMUJERES, in collaboration with the Secretariat of Women of Chiapas, the number of Women's Development Centers (hereinafter "CDM") increased from 15 to 35 municipalities and will form the basis for 300 women's peace-building networks that will strengthen territorial work to prevent violence.

285. The State also reported that, based on the INMUJERES Prevention Agenda and the Minimum Agenda of the Ministry of Security and Citizen Protection, it constructed the 25 x 25 Strategy that seeks to increase the participation of municipalities in women's preventive, care, and protection tasks as has occurred in the communities of Chuchiltón and Majoal, in the municipality of Larráinzar. Both communities, through a uses and customs assembly, were able to reach a community agreement to eradicate violence against women. In addition, in May 2022, through the INPI (National Institute of Indigenous Peoples) and INMUJERES, the State convened the "National Dialogue on the draft of the CEDAW Committee's General Recommendation 39: Indigenous Women and Girls." Based on dialogue, the women developed concrete proposals on amending

²¹⁹ IACHR, [Estándares y recomendaciones. Violencia de género y discriminación contra mujeres, niñas y adolescentes](#), para. 53-55.

General Recommendation 39 so as to embody their visions and needs. They helped to strengthen the international instrument that advocates for indigenous girls and women to have greater access to justice, culture, accessible health services and facilities, the use and collective enjoyment of their lands, equitable employment, and the right to a life free of discrimination, prejudices, stereotypes, and violence. The Mexican State indicated that the FGR has incorporated the measures needed to comply with the action protocols to ensure the prevention, investigation, punishment, and redress of acts of violence and discrimination committed against indigenous women with the implementation of various training courses.²²⁰

286. The State also indicated that the FGR's Specialized Unit for Attention to Indigenous Affairs reported that various courses on the subject were attended by indigenous and Afro-Mexican populations specifically between October 2022 and January 2023.²²¹

287. According to the available information, the Commission notes that there is still no structured and coordinated strategy on the design and implementation of culturally appropriate policies to prevent, investigate, punish, and redress acts of violence and discrimination against indigenous women and emphasizes the lack of information with which to evaluate the application of a comprehensive and holistic approach as well as the level of indigenous women's participation in the design and implementation of such policies. In addition, it notes the lack of disaggregated data regarding the actual situation with regard to discrimination and violence and access to justice for women, girls, and adolescent women. In this regard, the IACHR finds that the recommendation is still **pending compliance**.

288. In order to guide compliance with this recommendation, the Commission urges the State to redouble its efforts to adopt measures to ensure the right of indigenous women to lives free of all forms of violence and discrimination, through the implementation of specialized public policies that include evaluation indicators for monitoring their implementation. In addition, the Commission suggests that the State identify and submit concrete information on the situation of violence and discrimination against indigenous women, and specific policies intended to prevent such violence. It should also indicate how such measures incorporate a comprehensive and holistic approach and whether indigenous women participated in their development.

- **Children and Adolescents**

- Develop protocols for police activities with respect to children and adolescents in order to ensure the protection of their rights.
- Implement and strengthen measures to comply with the duty to act with due diligence to prevent, punish, and eradicate violence against children and adolescents, including concrete efforts to comply with the obligations to prevent, investigate, punish, and redress human rights violations, and consider the corresponding aggravating factors related to the age of the victim.

289. With regard to the recommendation on the **development of protocols for police activities with respect to children and adolescents**, the State indicated that the National Protocol of Interinstitutional Coordination for the Protection of Children and Adolescent Victims of Violence was developed within the

²²⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²²¹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

framework of Mexico's 2019-2024 Action Plan in the Global Alliance on putting an end to violence against children, generating Line of Action 2.3 on strengthening the perspective of children's and adolescents' rights in the operation of emergency lines and anonymous reporting. One of the specific objectives of the protocol is to use the 911 emergency service as a user-friendly and immediately responsive mechanism to enable children and adolescents who are suffering some form of violence to report incidents and directly ask for help that will be provided immediately. In addition, it describes the inter-institutional coordination procedures to be carried out by federal authorities, states, and municipalities, within the framework of their respective powers, for the immediate and emergency protection of children and adolescents, from detecting an act of violence against that population to determining the plan for comprehensive restoration of rights by Prosecutor's Offices for the Protection of Children and Adolescents.

290. The activities carried out by the Executive Secretariat of the System for the Integral Protection of Children and Adolescents (hereinafter "SIPINNA") included designing the virtual course for implementation of the National Protocol of Interinstitutional Coordination for the Protection of Children and Adolescent Victims of Violence, to monitor the state application of this instrument. In 2021, pilot implementation was carried out with authorities of the System of Integral Protection of Children and Adolescents to monitor application of the protocol in the state of Hidalgo. The State reported that a training process is currently being conducted for civil servants in the states and municipalities responsible for the immediate care of children and adolescent, such as personnel in 9-1-1 Emergency Services, the Prosecutor's Office for the Protection of Children and Adolescents, state and municipal police forces, cyber police, commissions in the search for people, the health sector, psychological help lines, prosecutor's offices, and the executive secretariats of the local SIPINNAS. Course participants have included the states, municipalities, and personnel convened by the System of Integral Protection of Children and Adolescents in different states and divisions, and 526 people have completed the course.

291. For its part, the CEAV reported that the initial protocol for the care, assistance, and comprehensive reparation of children and adolescent victims of crimes involving human rights violations submitted in 2021 is still going through the process of resolving the comments made for its approval. In addition, it indicated that it is preparing the national training program on caring for children and adolescents who are the victims of crimes and human rights violations. Finally, it referred to the adoption of the protocol for judging from a childhood and adolescence perspective, which indicates the need to abandon an adult-centric posture regarding the justice system, which means considering the needs of this vulnerable population, although said instrument is dated 2021.²²²

292. In this regard, the IACHR appreciates the programs, protocols, and training sessions reported by the State, although it is not clear from the information how said instruments and training are directed to police personnel, as stipulated in the recommendation. Thus, based on the measures described above, the IACHR considers that there is **partial compliance** with the recommendation.

293. To guide the implementation of this recommendation, the IACHR urges the State to continue implementing the protocols developed based on objective and transparent methodologies that include evaluation indicators able to account for progress and challenges in guaranteeing police actions using a human rights approach. In addition, to optimize the process of following up this recommendation, the Commission asks the State to provide more information regarding the results obtained in the area of policing based on the implementation of the referenced protocols.

²²² Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

294. Regarding the recommendation aimed at **implementing and strengthening measures to comply with the duty to act with due diligence to prevent, punish, and eradicate violence against children and adolescents**, the State has been reporting that the SIPINNA is the agency charged with establishing instruments, policies, procedures, and actions to protect the human rights of children and adolescents, in which the Commission to End to All Forms of Violence against Children and Adolescents (hereinafter “COMPREVNNA”) has been operating since 2016. COMPREVNNA’s primary objective is to articulate the principal actions in the area of preventing and responding to violence against children and adolescents and in this way to address the obligations and commitments assumed in this area by the Mexican State at the national and international level. In 2019, the COMPREVNNA adopted Mexico’s 2019-2024 Action Plan in the Global Alliance to put an end to violence against children that established the bases for coordination among the various levels of government in executing and following up actions implemented.

295. For its part, the FGR indicated that it is conducting a curriculum on strengthening Prosecutor’s Offices on the Protection of Children and Adolescents. It also indicated that FEVIMTRA is charged with the investigation and prosecution of crimes committed against boys, girls, and adolescents. In this regard, the State asserted that FEVIMTRA has trained staff, material resources, and optimum facilities for serving children and adolescents in comfortable and safe spaces that protect their identity. The services provided to minor victims are in all cases accompanied by professionals who ensure respect for the human rights of children and adolescents and adherence to applicable regulations. It also indicated that the FEVIMTRA’s Special Refuge has general services (social work, psychology, medicine, nursing, etc.) in addition to a children’s psycho-educational area, as well as psychologists specializing in children and adolescents who provide a personalized therapeutic setting as well as referrals to pediatric medical services, child psychiatrists, rehabilitation, occupational therapy, and language services. Thus, it indicated that from October 1, 2021, to January 31, 2023, a total of 56 persons entered the Specialized Refuge, of whom 25 were adult women, 14 were adolescent females, one was an adolescent male, 11 were girls, and five were boys. They were provided with 9,408 emergent care services related to law, psychology, social work, support and follow-up of former users. In addition, the State reported that FEVIMTRA has developed strategies to promote and facilitate the reporting of crimes against boys, girls, and adolescents.²²³

296. Finally, the State indicated that the National Commission against Addictions produced the document titled “Regulatory Framework for Admitting Boys, Girls, and Adolescents to Residential Addiction Treatment Facilities” to prevent this population from being placed in treatment centers that do not have professional staff and to give preference to ambulatory treatment so as to avoid situations of risk and violence to human rights.²²⁴

297. The IACHR emphasized the need to have updated information on the status of progress in the 2019-2014 Action Plan, so that it will be possible to measure compliance with the recommendation and learn details on the actions and instruments intended for the protection of children and adolescents against any form of violence. Added to this, the Commission reiterates that the content of this recommendation focuses on protecting children and adolescents against all forms of violence. On this basis, the Commission notes that information was not provided regarding violence against children and adolescents, sexual violence and/or exploitation, pregnancy in girls and adolescents, homicide rates, etc. Based on the information received, the Commission considers that there is **partial compliance** with the recommendation.

²²³ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²²⁴ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

298. To guide the implementation of this recommendation, the Commission considers it important for the State to adopt measures intended to systematize updated information on rates of violence against children and adolescents and protective mechanisms implemented, in addition to indicators allowing for the evaluation of those mechanisms.

- **Indigenous Peoples**

- Adopt measures to ensure that a culturally appropriate perspective is adopted and that the collective nature of indigenous communities and peoples is taken into account when they, or their members, are victims of human rights violations.
- Guarantee the availability of translators throughout the national territory and at all levels of government so that indigenous peoples and their members can have access to justice when they need it.
- Adopt the necessary measures to conduct free, prior, and informed consultations on projects that affect their territories.

299. On the recommendation to **adopt culturally appropriate measures in cases of human rights violations**, the State reported that the CEAV, through the General Coordinating Office for Comprehensive Care Centers, provides multidisciplinary care services to victims to address legal, medical, psychological, and social work needs using a human rights, psychosocial, gender-based, differential, and specialized approach, adopt measures to ensure the use of a culturally appropriate perspective and take into account the collective nature of indigenous communities and peoples, when they or their members are victims of human rights violations. The INPI has carried out supplemental actions in the area of access to the jurisdiction of the State, as well as the right of due process, in order to help guarantee the effective access of indigenous and Afro-Mexican peoples, as well as their members, to the jurisdiction of the State within the framework of legal pluralism.²²⁵

300. In addition, the State indicated that the INPI provides support for the release of persons deprived of liberty based on violation of their fundamental right to effective access to the State's jurisdiction or because their release means the possibility of enjoying other fundamental rights, as well as for surveys on indigenous identity and institutionalization. For its part, in 2022 the SCJN updated the protocol for judging with an intercultural perspective: indigenous persons, peoples, and communities, and published the first edition of the protocol for judging with an intercultural perspective: Afro-descendant and Afro-Mexican persons, peoples, and communities, based on regulatory and jurisprudential advances, in order to provide those making judgments with innovative interpretive tools, as well as the explanation of relevant topics that arise in judicial proceedings involving these populations. Finally, the State indicated that, in order to expand access to justice and in recognition of Mexico's multiculturalism, the CJF and the Network of Indigenous Attorneys created tools to strengthen the knowledge of those populations regarding the work of the Judicial Branch of the Federation and access to digital justice (*e-Justicia*) with two digital guides in accessible and citizen language.²²⁶

301. The IACHR notes that the information provided indicates progress in protecting the victims of human rights violations who belong to indigenous communities or peoples. In this regard, it notes the

²²⁵ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano.

²²⁶ State of Mexico. OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

multidisciplinary services provided to the victims, although it emphasizes the need to show the indicators that can be used to measure and evaluate their implementation, consistent with the indicated approaches. In addition, the IACHR notes the measures of satisfaction reported in the case of the victims of the Dirty War, emphasizing that their timely and participatory implementation is essential to ensuring that they effectively respond to the victims' needs.

302. In addition, the IACHR notes the adoption of measures intended to ensure effective access to justice for indigenous peoples and the Afro-Mexican people. However, it should be known whether they have coordinated action as well as consultation and participation mechanisms so as to ensure that their design and implementation respond to the development barriers and priorities specific to each people, although the scope of these measures in response to the threats to the territorial rights of the indigenous peoples has not been indicated. Based on the foregoing, the IACHR maintains that this recommendation has seen significant progress, but its status remains one of partial **compliance**.

303. To guide compliance with this recommendation, the IACHR invites the State to adopt measures designed to ensure access to justice for indigenous peoples. In order to optimize follow-up of the recommendation, the Commission suggests that the State compile quantitative and/or qualitative data on how the collective nature of indigenous peoples and communities is being guaranteed in the context of violations of their human rights.

304. With respect to the recommendation to **guarantee the availability of translators in justice services**, the State emphasized that the Federal Institute of Public Defenders (hereinafter "IFDP") reported that to date there are 131 bilingual attorneys with the ability to provide services in 148 linguistic variants. In addition, the Legal Advice Unit has 12 legal advisory and 12 bilingual administrative officers to provide services in civil, trade, tax, administrative, and other matters. The bilingual staff of the office of legal counsel is distributed in various states. The State reported that 70 visits have been made to indigenous communities (42 during the period from September 2021 to the present) to bring IFDP services closer to the most remote communities. For its part, the Criminal Defense Unit has 49 bilingual federal public defenders who speak 20 linguistic variants and are distributed in 15 states. In addition, the same unit has 58 attached administrative officers who are found in different assignments. The State emphasizes that, in accordance with Articles 38 and 39, section VI of the General Bases of the Organization and Functions of the IFDP, the function of staff who speak indigenous languages primarily relates to defense and legal counsel and only in legal proceedings in which they are able to intervene as interpreters and/or translators.

305. For its part, the State indicated that the INPI promotes necessary affirmative actions to ensure that competent agencies guarantee translation and interpretation services so as to allow the indigenous population the full exercise of their rights, through the Program for the Integral Well-Being of the Indigenous Peoples. In addition, the State indicated that the program provides support for the release of indigenous or Afro-Mexican persons deprived of liberty due to the violation of the fundamental right of effective access to the jurisdiction of the State or because their release means the possibility of enjoying other fundamental rights, in order to safeguard the rights of indigenous persons facing actions against some justice operator.²²⁷

306. Finally, in judicial matters, the State related that, in direct amparo on review 4189/2020, the SCJN determined that if someone identifies as a member of an indigenous community in any judicial proceeding, including up to submission of the direct appeal suit, even though they may not have identified as such during the proceeding, this requires the Collegiate Court to rule on their rights as recognized in Article 2 of the Constitution. In this regard, it stipulated that, if identifying as indigenous is a manifestation of identity

²²⁷ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

and cultural belonging for the purpose of gaining access to the jurisdiction of the State, in any type of trial or proceeding to which indigenous persons are a party, individually or collectively, their customs and cultural traits must be taken into account and they must at all times be assisted by interpreters and defenders that know their language and culture.²²⁸ In turn, the State indicated that INALI has 2,347 persons registered as interpreters or translators who speak 40 languages that correspond to 146 linguistic variants.²²⁹

307. The IACHR notes the 70 visits that have been made to indigenous communities to bring justice services closer to the most remote community and appreciates that the information reported over the course of the years reflects affirmative adoption of the recommendation. In this regard, the IACHR considers that the recommendation's status is one of **full compliance**. The Commission emphasizes how important it is for the authority to be sure that interpreters also speak Spanish perfectly.

308. Regarding the recommendation to **adopt the necessary measures to carry out free, prior, and informed consultations**, the State indicated that the INPI is the technical body involved in prior, free, and informed indigenous consultations whenever legislative and administrative measures are provided in the federal jurisdiction that could affect the rights of indigenous peoples and communities. It also provides advice and support in matters related to indigenous and Afro-Mexican peoples, in federal institutions, as well as the states, municipalities, and the social and private sectors services that ask for them. The State emphasized that the INPI has promoted as a fundamental right the participation of indigenous peoples and communities in making decision that may affect them, particularly in the utilization of their lands, territories, and natural resources, for the purpose of reaching agreements from the perspective of universality, comprehensiveness, indivisibility, and interdependence, as a fundamental right, because it constitutes a basic instrument for preserving the ethnic, social, economic, and cultural integrity of the indigenous communities and is thus vital for guaranteeing their continuity as a social group. In this regard, the Institute itself developed the document "Right to Free, Prior, and Informed Consultation of the Indigenous Peoples, Bases, Principles, and Methodology for Implementation by the Federal Civil Service," as a framework document to describe and analyze the foundation, meaning, and scope of the right to free, prior, and informed consultation. The State reported that the aforementioned document is used to design the specific protocols for the consultations that have been implemented in Mexico.²³⁰

309. In addition, the State reported that, in the context of the Escazú Agreement, the INAI leads the subgroup on access to information in order to secure its correct implementation at the national level, through the achievement of policies, objectives, and goals defined by each division, as well as to perform a diagnostic within the agencies to identify areas of opportunity on environmental matters and thus to guarantee the enjoyment and exercise of the right to access to information on the environment. In addition, the State reported some INAI initiatives to disseminate the content of the Escazú Agreement.²³¹

310. On this subject, civil society organizations indicated that, in relation to the subject of environmental defense, right to consultation, and access to information, in the state of Yucatán there is concern regarding the situation faced by the Maya indigenous communities when seeking to access culturally appropriate information, in their language and on a timely basis. An example is megaprojects like the mega pig farms and the federal government's "Tren Maya" project. Under the terms of Article 19, it reported that

²²⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²²⁹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²³⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²³¹ State of Mexico, OAS Note OEA 517 of February 17, 2023. Observations on the preliminary version of the report.

omissions and human rights violations against indigenous and rural communities have been documented with respect to the right of access to environmental information in the case of the installation of the pig farms in the entity. According to the Secretariat of Culture of Yucatán, there are more than 400 pig farms in the region and more than 90% did not have an Environmental Impact Statement. They emphasized that international standards were not respected in the installation of the pig farming companies, as in most cases the farms began to operate without a prior, free, informed, and good faith consultation process.²³²

311. In this regard, the IACHR notes that the INPI developed the document “Right to Free, Prior, and Informed Consultation of the Indigenous Peoples. Bases, Principles, and Methodology for its Implementation by the Federal Civil Service” as a framework document to describe and analyze the foundation, meaning, and scope of the right to free, prior, and informed consultation. The State reported that the aforementioned document is used to design the specific protocols of the consultations that have been implemented in Mexico.²³³

312. The IACHR notes the failure to report on the Senate’s approval of the General Law on Consultation of the Indigenous and Afro-Mexican Peoples and Communities, the purpose of which is to establish the principles, standards, institutions, and procedures on prior consultation. Emphasis should be placed on the importance of having a legal or constitutional normative framework that makes it possible to guarantee compliance with international standards on the subject of free, prior, and informed consultations.

313. In addition, the IACHR notes that there is evidence that the institutional conventional control mechanisms with respect to the right to prior consultation at judicial headquarters has yielded results on various occasions. However, there are two infrastructure megaprojects that have been criticized for impacting indigenous territory and for deficiencies in their consultation procedures, as has been reported by the IACHR in reports from prior years. In addition, the IACHR notes the entry into force for the State of the Escazú Agreement, which defines the obligation to ensure access to environmental information, to participation, and environmental justice for human rights defenders, which includes members of indigenous peoples defending their rights and a healthy environment.²³⁴

314. As a result, the IACHR considers it impossible to establish compliance with the recommendation under analysis, in that the progress report does not provide evidence on how the State is guaranteeing the current conflicts now developing regarding prior consultation. Based on the foregoing, there is **partial compliance** with the recommendation.

315. **To guide the implementation of this recommendation, the Commission asks the State to compile and submit** information regarding the prior consultation processes implemented, indicating how these have been developed in accordance with international standards in this area.

- **Persons Deprived of Liberty**
 - Correct the excessive use of pretrial detention, and apply it exceptionally, making use of other non-custodial precautionary measures. Within this framework, ensure that detained persons

²³²Article 19. Follow-up on Compliance with the Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 17, 2022.

²³³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²³⁴ Government of Mexico, [Acciones de implementación en el sector ambiental](#), November 4, 2021.

are immediately brought before a judge, in order to restrict arrests without a warrant in cases of alleged flagrante delicto and similar cases.

- Adopt all necessary measures to ensure a social reintegration strategy. Accordingly, ensure that financial resources are directed to humanizing and implementing measures that allow for the reintegration into society of persons deprived of liberty. In particular, with respect to people with disabilities, identify a social reinsertion strategy by implementing services in the in the community.
- Publicize the *American Correctional Association* (“ACA”) standard for certifying correctional facilities.
- Implement regulatory and other measures to guarantee adequate detention conditions tailored to the particular needs of groups in especially vulnerable situations. In relation to women deprived of their liberty, the State must ensure that measures adopted take a gender perspective into account. With respect to persons with disabilities deprived of their liberty, the Mexican State must guarantee the elimination of elements in their surroundings that hinder the exercise of their rights, by making reasonable adjustments.
- Adopt measures to address pretrial detention and high levels of overcrowding. The measures to be adopted may include, among others, an increase in the number of criminal enforcement judges and the establishment of periodic file review brigades to identify cases of excessive duration of pretrial detention.
- Ensure that the National Law of Penal Execution includes international standards that guarantee the rights of persons deprived of liberty, while being tried or after sentencing, with emphasis on due criminal process and social reintegration.
- Ensure that the National Law of Penal Executions includes international standards that guarantee the rights of persons deprived of liberty, while being tired or after sentencing, with emphasis on due criminal process and social reintegration.

316. With respect to the recommendation to **correct the excessive use of pretrial detention**, the State reported that the Full CJF (Federal Judiciary Council), in its regular session on June 22, 2022, approved a Point of Agreement submitted by the Commission on the Creation of New Bodies determining that it was admissible to join 180 indirect amparo trials analyzed ex officio by the CJF, where the action being challenged is related to some adjudicated determination of pretrial detention that is considered arbitrary or disproportionately long. The State indicated that, at the national level, between 2020 and 2022, the IFDP has pursued 26 amparo lawsuits that have been reflected in 30 indirect amparo suits against abuse of pretrial detention and the lack of a periodic ex officio review of said precautionary measure, benefitting 43 persons (32 women and 11 men). All of these people are likely survivors of torture or victims of arbitrary detention. Based on that strategy, nine favorable rulings have been obtained.

317. The State also reported that the SCJN has been analyzing ex officio pretrial detention in terms of its conformity with the Convention in the context of Unconstitutionality Action 130/2019 and joint

proceedings and Amparo on Review 355/2021.²³⁵ Within the framework of the unconstitutionality action, the IACHR notes that ex officio pretrial detention was declared invalid in relation to tax crimes. The amparo on review is probably still pending resolution.²³⁶

318. The Commission notes with concern the excessive use of pretrial detention. In this regard, it notes that, according to the most recent figures from the SSPC, more than 47% of persons deprived of liberty are in pretrial detention. Specifically, as of August 2022, the rate of pretrial detention was 40.1% in the regular forum, and 55.6% in the federal forum. In this regard, the IACHR is concerned that these figures far exceed the rates for precautionary measures that do not entail deprivation of freedom. Thus, according to the Institute of Criminal Procedural Justice (IJPP) data reported by civil society, during 2021, the alternative measures used most frequently were: i) periodic presentation, with an application rate of 20%; ii) prohibition on approaching persons, with a rate of 10%; and, iii) prohibition on going to certain places, with a rate of 9%, while the remaining measures are used at a rate of 6% or less.²³⁷

319. In view of the data submitted, the IACHR notes that such high figures demonstrate that this precautionary measure is not applied with respect for its exceptional nature. In this regard, the Commission recalls that use of pretrial detention should take into account its exceptional nature, should be governed by the principles of legality, necessity, and proportionality, and should only be based on the need to reasonably avoid the risk of flight or prevent obstruction of the investigations.²³⁸ The Commission reiterates that the application of ex officio pretrial detention by type of crime constitutes a violation of the right to personal liberty under the terms of Article 7.3 of the American Convention. Furthermore, it converts pretrial detention into a penalty-in-advance,²³⁹ which entails illegitimate interference by the legislator in assessments that fall within the sphere of competence of the judicial authority.²⁴⁰ Based on the foregoing, the IACHR concludes that the recommendation is **pending compliance**.

320. In order to guide compliance with the recommendation, the Commission suggests that the State strengthen measures to reduce the use of pretrial detention, as well as other measures alternative to deprivation of liberty during trial. In addition, the IACHR again calls on the Mexican State to ensure that pretrial detention is used in accordance with governing inter-American standards on the subject and, as part of this effort, to eliminate ex officio pretrial detention from its legal system.

321. Regarding the recommendation to **adopt all necessary measures to guarantee a social reintegration strategy**, the State indicated that it currently has no updated information with respect to this recommendation.²⁴¹ For its part, the Commission has been informed of an increase of 11.5% for 2022 in the budget allocated for the federal prison system, imprisonment, and social reintegration. Of that budget, 97.6%

²³⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²³⁶ Nexos, [“En qué quedó la prisión preventiva oficiosa en México?”](#), L. Tapia, November 28, 2022.

²³⁷ ASILEGAL, Submission of Data for the 2022 Annual Report on Follow-up of Recommendations to Mexico, November 7, 2022, IACHR File, p. 7.

²³⁸ IACHR, [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#) OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, para. 231. Recommendation A “General measures related to State policies,” para. 1.

²³⁹ IACHR, [“Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas.”](#) OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, para. 91; IACHR, [“Report on the Use of Pretrial Detention in the Americas.”](#) OEA/Ser.L/V/II., Doc. 46/13, December 30, 2013, para. 151; IACHR, Report on the Merits No. 86/09, Case 12.553. Merits. Jorge, José and Dante Peirano Basso. Uruguay. August 6, 2009, para. 141.

²⁴⁰ IACHR, [“Report on the Use of Pretrial Detention in the Americas.”](#) OEA/Ser.L/V/II., Doc. 46/13, December 30, 2013, para. 151; IACHR, Report on the Merits No. 86/09, Case 12.553. Merits. Jorge, José and Dante Peirano Basso. Uruguay. August 6, 2009, para. 137.

²⁴¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

would be allocated to ensure the enforcement of legal rulings and contribute to the social readjustment of persons deprived of liberty.²⁴² In addition, at the local level, the IACHR notes that, according to official data, 57.7% of the total prison population in Mexico City (15,000 people) are assigned to some work detail. In addition, it commends the signing of a collaboration agreement between the Secretariat of Economic Development (SEDECO) and Mexico City's Secretariat of Citizen Security (SSC), for the purpose of strengthening training activities and prison employment of persons detained in prison centers.²⁴³

322. For its part, EQUIS indicated that public policy in the area of social reintegration is not linked to the structural needs experienced by women in conflict with the law, i.e., it does not address the fundamental causes or the reasons why they commit crimes, but rather individualize the problem. Neither is it linked to post-prison policy and is thus reduced to activities that are unrelated to each other and that tend to reinforce gender roles and inequality. Along the same lines, EQUIS indicated that, based on the report "Social reintegration of women in Mexico," the need to incorporate the gender perspective in the current regulatory framework and activities plans in penitentiary centers was identified.

323. The Commission notes with concern the lack of information in response to this recommendation. Nonetheless, the various editions of the National Diagnosis of Penitentiary Supervision (DNSP) of the CNDH²⁴⁴ reports on the serious problems that persist in the prisons: deficiencies in health services, the lack of security and custodial staff, hygiene problems in public spaces, deficiencies in food, in social reintegration, among others. Given the lack of information provided by the State, the Commission concludes that the recommendation is **pending compliance**.

324. To guide compliance with this recommendation, the IACHR urges the State to provide information on actions adopted on the subject of social reintegration that can be evaluated and provide an accounting of their impact when prisoners begin the process of recovering their liberty. In this regard, the IACHR calls on the Mexican State to implement measures to promote the social reintegration of persons deprived of liberty, as well follow up actions adopted in prior years.

325. In relation to the recommendation on **making public information on the ACA standards for certifying prisons**, the State did not provide information.²⁴⁵ Accordingly, the Commission reiterates that according to the available data, the State still isn't publicizing the criteria for that certification.

326. Given the lack of information and the State's continued failure to publicize the criteria for that certification, the IACHR concludes that this recommendation is **pending compliance**.

327. To guide compliance with and follow-up of this recommendation, the IACHR sees fit to suggest that the State adopt measures of any kind (including campaigns or training strategies) designed to publicize the criteria for ACA certification.

²⁴² ASILEGAL, Submission of Data for the 2022 Annual Report on Follow-up of Recommendations to Mexico, November 7, 2022, IACHR file p. 10.

²⁴³ Under-Secretariat of the Prison System, Government of Mexico City, Release No. 1848/2022 - SSC and SEDECO sign agreement to strengthen training and prison labor, July 19, 2022.

²⁴⁴ The CNDH evaluates 512 sub-indicators and 263 indicators, which are grouped in 39 topics, divided into the five areas mentioned above (CNDH, 2016 B, p. 14). Three instruments are used for this: interviews with prison center officials, interviews with inmates, and the visitor's observations and evaluations (CNDH, 2016 B, pp. 19-20).

²⁴⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

328. With respect to the recommendation aimed at **implementing measures to guarantee adequate detention, particularly for groups in especially vulnerable situations, prison policies with a gender perspective, and the elimination of barriers for persons with disabilities**, in its report the State referred to the final point of the recommendation. In particular, it indicated that the Protocol for judging from a disability perspective as presented on April 26, 2022, in section C, addresses the States' obligation to ensure universal accessibility for disabled persons deprived of liberty.²⁴⁶ Nonetheless, the IACHR notes with concern that according to CNDH data, in 81 state centers visited by that body there are deficiencies in providing for disabled persons.²⁴⁷ In addition, according to the National Survey on the Population Deprived of Liberty, ENPOL 2021, 6.4% of the population deprived of liberty were victims of discrimination in the context of their detention due to their disabled condition.²⁴⁸

329. With respect to the situation of women in prison, the State affirmed what powers these persons have in relation to their sons or daughters.²⁴⁹ The Commission notes that according to the official information, as of August 2022, the Mexican prison system housed a total of 12,903 women deprived of liberty, a number that represents 5.62% of the total prison population.²⁵⁰ Specifically, on the conditions of detention, according to the National Diagnosis on Sexual Torture Committed against Women Deprived of Liberty in Mexico, women primarily faced: i) a lack of medical and psychological care; ii) a failure to provide personal hygiene items, including sanitary napkins; iii) costly food services that must be paid for by their families; and iv) family abandonment.²⁵¹

330. As the IACHR indicated in its 2021 report,²⁵² according to official data, as of September 2021, the Mexican prison system housed a total of 12,613 women deprived of liberty. Although the system consists of 288 detention centers, only 22 of them are intended for the exclusive detention of women.²⁵³ In addition, IACHR notes with concern that nearly 50% of women deprived of liberty are found in coed detention centers.²⁵⁴ With respect to the conditions of detention, the CNDH reported violations that include: i) not enough separation between men and women;²⁵⁵ ii) deficiencies in care for women and children who live with their mothers in 26.5% of cases in the 113 detention centers observed;²⁵⁶ and iii) obstacles in access to sanitary napkins due to the lack of a budgetary item for their purchase. On this subject, the Commission makes note of Recommendation 35/2021 issued by the CNDH to ensure that Penitentiary Centers in all of Mexico's states and Mexico City; the Federal Social Rehabilitation Center in Coatlán del Río (Morelos); the Military Prisons in Mexico City, Sinaloa, and Jalisco; the sites where Mexican states house adolescents; and the detention centers that receive visits from women have the specific budget for the purchase of sanitary napkins and menstrual hygiene supplies.²⁵⁷

²⁴⁶ IACHR – Inter-American SIMORE, [Informe de Seguimiento del Estado de México – Recomendación 53](#), October 4, 2022.

²⁴⁷ National Human Rights Commission, Government of Mexico, [Diagnóstico Nacional de Supervisión Penitenciaria 2021](#), 2022, p. 625.

²⁴⁸ INEGI, [Encuesta Nacional de Población Privada de la Libertad ENPOL 2021](#), December 2021, p. 139.

²⁴⁹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²⁵⁰ Secretariat of Security and Citizen Protection, Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), August 2022, p. 3.

²⁵¹ [Secretaría de Gobernación, Gobierno de México, Diagnóstico Nacional sobre Tortura Sexual Cometida contra Mujeres Privadas de Libertad en México, 27 de junio de 2022, p. 8.](#)

²⁵² IACHR, [Annual Report Chapter V](#), Mexico, 2021, para. 241.

²⁵³ CNDH, [Diagnóstico Nacional de Supervisión Penitenciaria](#), September 2021, pp. 104 and 294-295.

²⁵⁴ CNDH, [Diagnóstico Nacional de Supervisión Penitenciaria](#), September 2021, pp. 104 and 294-295; and AsiLegal, [Maternidad tras las rejas: una realidad de miles de mujeres en el sistema penitenciario mexicano](#), May 9, 2021.

²⁵⁵ CNDH, [Diagnóstico Nacional de Supervisión Penitenciaria](#), May 2021, p. 104.

²⁵⁶ CNDH, [Diagnóstico Nacional de Supervisión Penitenciaria](#), May 2021, pp. 294-295.

²⁵⁷ CNDH, Recommendation No. 35/2021, August 31, 2021.

331. In addition, on the measures adopted to eliminate the barriers confronting disabled persons deprived of liberty, the IACHR notes that, as in the previous year, the State did not submit information on the measures implemented in 2022. In this regard, the IACHR reiterates that Advisory Opinion OC-29/22 of the I/A Court H.R. on differentiated approaches with respect to specific groups of persons deprived of liberty spells out a series of measures regarding pregnant women deprived of liberty and on a cross-cutting basis some measures that may be adopted as reasonable adjustments for the disabled.

332. Based on the available information, the IACHR notes the lack of progress in ensuring differentiated conditions of detention for groups in at-risk situations. Thus, the Commission concludes that the recommendation under analysis is **pending compliance**.

333. To guide the process of implementing this recommendation, the IACHR sees fit to urge the State to adopt specific measures such as public policies, institutional strengthening actions, allocated resources, and other measures to ensure appropriate conditions of detention, as well as specific measures with respect to women deprived of liberty and the disabled. In addition, the IACHR sees fit to point out the importance of providing situational information to be used as a baseline in assessing whether progress has been made in complying with this recommendation.

334. Regarding the recommendation to **adopt measures to address pretrial detention and high levels of overcrowding**, the State provided information on the implementation of actions intended to increase the number of criminal enforcement judges and the review of case files. In particular, it reported that, between April and July, new judges specializing in enforcement were appointed in the Federal Criminal Justice Centers (CJPF) in the states of Coahuila, Guanajuato, Michoacán, and Oaxaca. Similarly, the Second Exchange of Experiences on Challenges and Opportunities in Enforcement of the New Criminal Justice System was held in August, which analyzed the most important aspects relating to the enforcement of penalties in the SJA at the federal level.²⁵⁸

335. On the review of case files, the State indicated that federal public defenders are required to ensure that defendants are visited in prison at least once to follow up their legal situation, among other questions linked to their detention. Added to this, it indicated that the IFDP – through the Criminal Defense Unit – provides legal assistance brigades in several of the country’s prison centers in order to address detainees’ concerns, as well as to resolve problems with respect to both their conditions of detention and requests for support in some procedure that would allow them to obtain their freedom.²⁵⁹

336. In addition, the State indicated that various areas held meetings and shared information in order to identify people held in ex officio pretrial detention the duration of which exceeded the constitutional period. In this scenario, as of September 2022, 521 motions were filed to amend the precautionary measure. The State also indicated that in September the IFDP began a strategy to interview all women deprived of liberty at Federal Social Rehabilitation Center No. 16 in Morelos, the purpose of which, among other questions, is to promote strategies against the arbitrary use of pretrial detention. As a result, as of late October, a total of 765 women had been interviewed.²⁶⁰

337. For its part, the Commission notes that, according to the most recent data, the total prison population is 229,621 persons, 93,311 of whom are subject to pretrial detention, while official capacity allows for 217,018 people. These figures indicate that the rate of overcrowding is 5.5%. The same data also show that

²⁵⁸ IACHR - Inter-American SIMORE, [Informe de Seguimiento del Estado de México – Recomendación 54](#), October 24, 2022.

²⁵⁹ IACHR - Inter-American SIMORE, [Informe de Seguimiento del Estado de México – Recomendación 54](#), October 24, 2022.

²⁶⁰ IACHR - Inter-American SIMORE, [Informe de Seguimiento del Estado de México – Recomendación 54](#), October 24, 2022.

of the 285 prisons that make up the total number of prison facilities, 135 are overcrowded.²⁶¹ In addition, with respect to application of the Amnesty Law, the IACHR notes that, according to official data, as of November 28, 2022, 2,097 petitions were received, 1,489 were heard, 531 are pending, and 77 were concluded, postponed, or referred to other areas. Of the cases that were heard, 1,239 were rejected and 250 were declared admissible. With respect to this latter group, the judges granted amnesty in 194 cases.²⁶² In this regard, the Commission notes that these figures indicate that of the total number of cases heard, 13% benefitted the petitioners.

338. The Commission commends the actions taken by the IFDP in the legal defense of persons deprived of liberty, as well as the measures for documenting evidence for a comprehensive defense. Nonetheless, the Commission notes with concern that, according to the Ministry of the Interior's Decentralized Administrative Body for Prevention and Social Rehabilitation (*Órgano Administrativo Desconcentrado de Prevención y Readaptación Social*)²⁶³ between 2020 and 2022, the number of persons in prison in the country who have not been sentenced increased, on a par with overcrowding in state prison facilities. During the same period, the number of states with overcrowding in their state prisons increased from 13 to 18. By June of 2022, the five states with the most overcrowding were Mexico (136.7%); Morelos (92.7%); Nayarit (92.3%); Durango (66.1%) and Tabasco (42.2%). These were followed by Coahuila (41.4%); Puebla (34.1%); Sonora (33%); Hidalgo (31.6%); Quintana Roo (28.2%); Guanajuato (19.8%); Chihuahua (19.2%); Aguascalientes (17.5%); Nuevo León (8.1%); Guerrero (7.3%); Veracruz (4.1%); Chiapas (1.5%); and Jalisco (0.49%).²⁶⁴ These figures point to an overcrowding problem with challenges yet to be addressed. In addition, the IACHR notes that during 2022 there were 50 amnesty petitions filed based on the Amnesty Law.²⁶⁵ although the information provided does not make clear the status of the resolution of these petitions. Based on developments, the IACHR appreciates the measures adopted by the State to address overcrowding levels, by increasing the number of criminal enforcement judges, reviewing case files, and granting amnesties. However, it is concerned by the high number of people held in pretrial detention. Based on this analysis, the IACHR concludes that there is **partial compliance** with the recommendation.

339. To guide the process of implementing this recommendation, the Commission sees fit to emphasize the importance of adopting state measures to address problems relating to the indiscriminate use of pretrial detention. In addition, it will be useful for the State to develop, as applicable, diagnoses of the overcrowding problem so that, based on this information, measures are adopted to reduce it. On this basis, the Commission asks the State to design measures and strategies aimed at addressing these problems at the state level.

340. With regard to ensuring that the **National Criminal Enforcement Law includes international standards that guarantee the rights of persons deprived of liberty with emphasis on due criminal process and social reintegration**, in its report, the State indicated that within the SCJN some procedural measures related to alternative measures for the deprivation of liberty were reviewed, as well as the transfer of private persons to other prison centers without judicial authorization.²⁶⁶

²⁶¹ Secretariat of Security and Citizen Protection, Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), August 2022, p. 4.

²⁶² Justice System Support Unit – Technical Secretariat of the Amnesty Commission, Government of Mexico, [Beneficio de Amnistía](#), November 28, 2022.

²⁶³ SEGOB, [Cuaderno Mensual de Información Penitenciaria](#), 2022.

²⁶⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁶⁵ Report of the Mexican State. Chapter IV. November 18, 2022, paras. 165-166.

²⁶⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

341. Regarding this recommendation, the Commission reiterates that in 2018 it rated its status as **total compliance**.²⁶⁷

- **Migrants and Forced Internal Displacement**

- Comply with all recommendations made in the Report on the Human Rights Situation of Migrants and Other Persons in the Context of Human Mobility in Mexico.
- Conduct a countrywide diagnostic assessment of internal displacement in Mexico and, on the basis thereof, adopt a national policy and measures to address the issue in accordance with international standards on the matter, particularly the Guiding Principles on Internal Displacement.
- Adopt specific legislation at the federal and state levels to address internal displacement, in accordance with the Guiding Principles on Internal Displacement.
- Ensure that at the federal level there is an institution in charge of protecting people from forced displacement.

342. Regarding the recommendation to **comply with the set of recommendations made in the Report on the Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico**, the State indicated that, on the subject of actions related to immigration review, verification, and control, specifically recommendation 1: The National Migration Institute performs its functions in compliance with the principles established in Article 22 of the Migration Law, giving particular attention to unrestricted respect for the human rights of persons in the context of mobility. It is for this reason that conducting migration verification actions and migration controls are not based on racial profiling, but rather on the Migration Law, putting into practice the provisions of the Guide for the Prevention of Racial Profiling Practices developed jointly with the National Council for the Prevention of Discrimination (CONAPRED). In this regard, the State indicated that training for staff attached to this Institute is being strengthened through courses on the subject of Prevention of Racial Profiling and Human Rights.

343. In this regard, the State indicated that training for civil service personnel attached to this Institute is being strengthened through courses on the subject of Preventing Racial Profiling and on Human Rights. The State reported that, on the subject of migration detention, recommendation 4 includes the program on alternative housing in migrant stations for persons seeking recognition of their refugee status, which is a measure established by the INM, in conjunction with the National Commission for Refugee Aid (COMAR) and technical assistance from the United Nations High Commissioner for Refugees (UNHCR), that allow foreigners who belong to a vulnerable group and are found in INM migration stations because they are subject to Migration Administration Procedure can continue their procedures in social assistance shelters since they are not legal residents in Mexico.

344. The State indicated that this instrument is consistent with the “Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children” (Palermo Protocol) of the United Nations Convention against Transnational Organized Crime, which provides the definition of “human trafficking” and forms the basis for the General Law to Prevent, Punish, and Eradicate Crimes of Human Trafficking and for the Protection and Assistance of the Victims of Such Crimes, and the General Law on Victims, as well as their

²⁶⁷ IACHR, [Annual Report, Chapter V](#), Mexico, 2020, para. 276.

respective regulations, successfully becoming the mechanism providing the basis for the Mexican State's efforts to provide protection for that group in vulnerable situations.

345. In addition, the CNDH stated that, in May 2022, it published the "2021 Caravans Report. New Challenges for Mobility in Mexico," which presents the nuances of caravans in 2021 with particular attention to increased applications for refugee status, in order to identify problems associated with the established timeframes, in a context of people fleeing from their communities and countries of origin.²⁶⁸

346. For its part, the PRODH Center stated that the National Guard's latest activities report indicated, in the context of the government's migration policy, that it deployed 913 units and 75 vehicles on the northern border and 1,235 units and 57 vehicles on the southern border.²⁶⁹ It also reported having handled 7,383 requests for support from migration authorities during the year²⁷⁰ and that the activities carried out on both frontiers included 41 repatriation flights; 2,419 migrants transported; 269 border surveillance flights; and 732 operations providing security support to INM personnel.²⁷¹ In that regard, the PRODH Center emphasized the persistent deployment of the National Guard in migration control and verification tasks at reviewing points within the country such as roadblocks, bus stations, and airports, in addition to guarding the country's migrant stations.

347. Civil society organizations also noted that the permanent armed forces continue active in tasks related to migration, In this regard, the organizations indicated that in March 2022 the SEDENA sent about 250 units to the state of Tamaulipas to strengthen security at the border with the United States.²⁷² In addition, as of the month of August 2021 the Mexican State had deployed seven times more military personnel to detain migrants than for tasks such as airspace surveillance.²⁷³ In its latest report on its work, the SEDENA indicated that it deployed 14,013 units at both borders (6,594 in the south and 7,419 in the north), as well as 33 aircraft (15 in the south and 19 in the north) and that from September 1, 2021 to July 31, 2022 it carried out "humanitarian rescues" for 569,151 migrants (479,238 on the southern border and 89,913 in the north).²⁷⁴

348. The PRODH Center emphasizes that the SEMAR reported that between September 2021 and August 2022 it conducted various operations in support of the INM to develop the Repatriation Program at points such as customs and highways in various states in the country and that it successfully concluded "humanitarian rescues" for 31,060 migrants.²⁷⁵ Finally, the organization reported that in the first seven months of 2022 Mexico broke the record for migrant detentions, with a total of 206,885 (985 per day), particularly in joint operations between the National Guard and the INM.²⁷⁶ The organization concluded that these figures provide evidence of the way policy in the area of migration has been directed in recent years to containing migratory flows and deploying the security forces, including the National Guard, using a militarized model.

349. For its part, Reporters without Borders reported that, according to the 2021 Bulletin of Statistics on crimes against migrants in irregular situations in Mexico issued by the Unit for Migration Policy,

²⁶⁸ CNDH, Follow-up on Compliance with Recommendations in the Report on the "Situation of Human Rights in Mexico," October 21, 2022, p. 19.

²⁶⁹ [Informe de actividades de la Guardia Nacional 2021](#), pp. 43-44.

²⁷⁰ [Informe de actividades de la Guardia Nacional 2021](#), p. 38.

²⁷¹ [Informe de actividades de la Guardia Nacional 2021](#), p. 45.

²⁷² La Jornada, [Llegan militares a Nuevo Laredo para reforzar seguridad en la frontera](#), 18 de marzo de 2022.

²⁷³ Animal Político, [Sedena Leaks: Gobierno destina 7 veces más soldados a detener migrantes que a combatir huachicol](#), October 13, 2022.

²⁷⁴ SEDENA, [4° Informe de labores 2021-2022, 1 de septiembre de 2022](#), p. 175.

²⁷⁵ SEMAR, [4° Informe de labores 2021-2022, 1 de septiembre de 2022](#), p. 28.

²⁷⁶ Proceso, [México rompe récord en detención de migrantes: El control de la migración también se militariza](#), October 5, 2022.

Registry and Identification, from 2016 to 2021, 607 people were subjected to unlawful trafficking of migrants (410 men and 197 women). With these figures, the crime of unlawful trafficking of migrants is the crime that recorded the largest incident numbers in that in the year 2016 there were 77 cases. Migrants who use trafficking networks face significant risks that compromise their security and physical and psychological safety, risks that also need to be addressed appropriately. Reporters without Borders emphasized that the dangers to which the population engaged in human mobility is exposed have been displayed, which includes extortion, kidnappings, trafficking, and other abuses that put their lives at risk.²⁷⁷

350. In addition, la CMDPDH²⁷⁸ reported on the criminalization of migration; militarization of public security – including migrant control and verification tasks –; the excessive and abusive use of force; the indiscriminate and arbitrary use of migrant detention; the practice of pushbacks and racial profiling to define control, surveillance, investigation, or punishment actions against people in a context of mobility; the issuance of migration alerts; collective, summary, and chained expulsion; the risk of return or actual return of persons needing international protection; and other practices that expose them to being the victims of crime – such as fraud, extortion, kidnapping, or disappearance – and serious human rights violations such as torture or forced disappearance, maintained by the Mexican State.

351. They indicate that this situation is exacerbated by inhuman and indecent conditions in Migrant Stations and Temporary Housing, characterized by overcrowding; the denial of legal and consular assistance, medical care, adequate foods and drinking water, personal hygiene and sanitation; the inability to access or monitor the asylum process; the lack of adequate information on their legal situation – which includes the lack of interpreters and measures to serve persons who are illiterate or who have limited education –; isolation; extortion; suppression of protests to demand their rights; sexual abuse; submission to corporal punishment; verbal and physical assaults that include beatings, electroshock, and choking. Such practices committed by security officers, National Guard agents, and migration authorities themselves constitute cruel, inhuman, or degrading treatment and, sometimes, torture, and seek to dissuade migrants from pursuing asylum procedures or to encourage assisted return, including to their country of origin while still having the right to seek asylum in Mexico.²⁷⁹

352. At the same time, they establish that the victims of such treatment are not sufficiently informed by the authorities regarding their right to submit administrative reports and/or complaints against such acts and often do not have legal representation to submit the respective legal actions. This is paradoxically exacerbated by the fact that filing a suit or claim to demand respect for their rights increases the chances that their detention will be indefinitely extended, they will be revictimized, and their case will go totally unpunished. This serious situation includes the detention of children and adolescents, people with legal residence in Mexico, and those who need international protection; isolation; corrupt acts, extortion and torture; repression of protests, use of corporal punishment and punishment cells; discrimination; denial or lack of diligence for channeling their asylum requests to the authority charged with analyzing them, which is the COMAR; and reprisals and humiliating treatment against those who express their intention to seek recognition of their refugee status.²⁸⁰ In addition, the CMDPDH indicated that migration authorities have implemented various methods to directly and indirectly obstruct and criminalize the work of civil society organizations that offer

²⁷⁷ Reporters without Borders, Follow-up on Compliance with Recommendations in the Report on the “Human Rights Situation in Mexico,” October 20, 2022.

²⁷⁸ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 25-32.

²⁷⁹ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 25-32.

²⁸⁰ CMDPDH. Follow-up of Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 25-32.

information, advise, and provide legal representation to people in a context of mobility and that carry out documentation and situation monitoring activities, affecting their ability to defend their rights.²⁸¹

353. According to the State, such motives were sufficient to establish a requirement for all Venezuelan nationals seeking to enter Mexico under the condition of referred stay. This makes it difficult for them to access the procedure for recognition of their refugee status by the COMAR – requiring people to be in national territory – and ignores the declarative nature of one’s refugee status and puts people at serious and imminent risk of being rejected or returned to their country of origin without considering that their life, security, freedom, or integrity are imperiled in Venezuela.²⁸²

354. With respect to the above, in its observations on this report the State indicated that, according to COMAR, the number of people seeking refugee status in Mexico recorded by that institution in the year 2022 was the highest number of Venezuelan applicants in the country since they began to arrive in significant numbers starting in 2016. In this regard, that entity recorded a total of 10,214 Venezuelan applicants, regardless of the fact that the large majority entered irregularly by land through the city of Hidalgo close to Tapachula.²⁸³

355. With regard to this recommendation, the State reported on measures related to i) migration review, verification, and control; ii) detention of migrants; iii) conditions of detention; iv) judicial guarantees and protection; and v) violence and discrimination against migrants and other in the context of human mobility in Mexico. In this respect, the Commission notes that the State essentially retains the measures reported to the Commission in the 2021 Follow-up Report, while it has developed the federal government’s migration policy. On this subject, note is made of the deployment of various security forces, including the National Guard, to control migrant flows in Mexican territory. That policy has been widely pointed out by civil society organizations that have denounced the continued militarization of public security forces. Similarly, the excessive use of force to handle human migration in border flows has also been denounced. Given this situation, the IACHR urges the State to reconsider its border policy that criminalizes and obstructs the exercise of human rights by people who are in a migration situation, which should be orderly and not discriminatory.

356. Similarly, the Commission notes the regulatory standards established by the State to comply with the recommendations in the Report on the Human Rights of Migrants in Mexico, particularly those where the purpose is to safeguard their safety in response to the risks posed by human mobility. Nonetheless, additional measures are needed to comply with the recommendation. In this regard, the Commission considers that the status of the recommendation is **partial compliance**.

357. To guide the implementation of this recommendation, the Commission urges the State to ensure that the policies adopted provide a solution to the problems suffered by migrants in the Mexican State, as well as multiple human rights violations and the high degree of vulnerability, so as to guarantee compliance with international standards in this area.

358. Regarding the recommendation to **prepare a national diagnostic assessment to “characterize” internal displacement in Mexico and, consequently, adopt a national policy and measures aimed at providing a response in accordance with international standards on the subject, in**

²⁸¹ CMDPDH. Follow-up of Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022, pp. 25-32.

²⁸² CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 20, 2022.

²⁸³ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

particular the Guiding Principles on Internal Displacement, the State indicated that it has taken action to produce information facilitating full understanding of internal forced displacement (hereinafter “IFD”) and the specific needs of those living in this situation. In this regard, it indicated that, although there is no specific general legislation on IDF mandating the production of official data on the phenomenon, the Ministry of the Interior has promoted studies and research on the subject of human mobility, as well as technical tools to allow for approaching the observation of this phenomenon and to support decision-making to provide a comprehensive response to it.

359. In this regard, the State emphasized that the document *Internal Forced Displacement in Mexico. Analysis and Recommendations for Addressing it in Jalisco, Puebla, and Querétaro* was published in August 2022. It was jointly edited by the Ministry of the Interior, German Cooperation for Sustainable Development in Mexico (GIZ), and the University Seminar on Internal Displacement, Migration, Exile, and Repatriation of the Autonomous University of Mexico. This publication provides an approach to the study of internal forced displacement in Mexico.²⁸⁴ In addition, the State reported that the Ministry of the Interior, through the National Population Council (CONAPO), published the “National Diagnostic on the Situation of Internal Forced Displacement in Mexico,” including qualitative findings on displacement useful for implementing a national policy for comprehensive attention to this phenomenon of human mobility. In addition, the State referred to two CONAPO studies on internal displacement from 2019. It also indicated that on June 27 the SCJN presented the Manual on internal displacement. This document offers theoretical contributions, an analysis of the jurisprudential criteria, and the most innovative protection standards in this area, the purpose being to offer justice operators a broad panorama allowing them to identify the specific needs of this population, good practices, and applicable measures in the analysis of cases of internally displaced persons.²⁸⁵

360. The State indicated that the SEGOB’s Unit for Migration Policy, Registration and Identification, in conjunction with the UNHCR in Mexico, published an analysis of Mexican regulatory and public policy frameworks at the federal level for comprehensive care and protection of persons in an internal forced displacement situation. This research identifies current powers and capabilities in the federal civil service that could be strengthened or redirected to implement actions for the population in an internal forced displacement situation. Finally, the State indicated that the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons made an official visit to Mexico between August 29 and September 9, 2022. The visit was requested by the Mexican State and included meetings with more than 30 agencies of the federal civil service, as well as with representatives from the judicial and legislative branches.

361. Finally, the State reported that in June 2020 the SEGOB, in coordination with COMAR, published the book called *Desplazamiento Forzado Interno en México: del reconocimiento a los desafíos* (Internal Forced Displacement in Mexico: from recognition to the challenges). This publication seeks to put into perspective the challenges that recognition represents and thus contribute to the discussions surrounding approval of the General Law to Prevent, Address, and Provide Comprehensive Reparations for Internal Forced Displacement.²⁸⁶

362. Regarding compliance with the recommendation, the State says it has complied to the extent that documents and institutional projects have been produced related to forced displacement. The Commission

²⁸⁴ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano.

²⁸⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

²⁸⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

recognizes the effort made by the State to manage an information network in order to generate objective data on the phenomenon of displacement. Nonetheless, the Commission notes that, although the Mexican State has made progress in developing a national diagnosis to characterize internal displacement, a national policy designed to provide a response consistent with international standards has not been adopted as yet. Thus, despite the advances made in the area of a diagnosis, considering the nature of the phenomenon of internal displacement, the limitations of and information gaps in the available studies, and the wide range of the information necessary to appropriately guide a national policy in line with the Guiding Principles on Internal Displacement, it is essential that the Mexican Government continue to gather and analyze the relevant data. In this regard, the IACHR considers that to the extent that there is still no national diagnosis for addressing the context of internal displacement, there is **partial compliance** with the recommendation.

363. In order to guide progress in the implementation of this recommendation, the IACHR invites the State to adopt the relevant measures to continue the process of developing the diagnosis of forced displacement. In addition, the IACHR notes that besides the diagnosis, it is also important for the State to design and adopt the actions necessary to proceed with the adoption of the national policy on this subject, including processes for verifying and evaluating its implementation.

364. On the recommendations to **adopt specific legislation at the federal and state level to address internal displacement, in accordance with the Guiding Principles on Internal Displacement and to ensure that at the federal level there is an institution in charge of the protection of persons against forced displacement**, the State indicated that there are several legislative initiatives on the subject, although they did not produce concrete results during 2022.

365. For its part, the SEGOB, through the Working Group on Internal Forced Displacement of the Advisory Board on Migration Policy, in collaboration with the United Nations System and various stakeholders from civil society and academia, provided technical support to the Governance and Population Committees and the Migration Affairs Committee of the Chamber of Deputies, during the process of developing the Draft General Law to Prevent, Address, and Provide Comprehensive Reparation for Internal Forced Displacement. Currently, the text of the draft law is pending a vote in the Senate Committees on Governance, Human Rights, and Legislative Studies.

366. The State also noted that in order to support the work of state level legislatures, the Unit for Migration Policy, Registration, and Identification of Persons developed the Minimum Elements document for developing a State Law to Prevent, Address, and Provide Comprehensive Reparations for Internal Forced Displacement, which aligns with the General Law to Prevent, Address, and Provide Comprehensive Reparations for Internal Forced Displacement and international standards in the area of forced displacement.²⁸⁷

367. Specifically on the recommendation to **ensure that at the federal level there is an institution in charge of the protection of persons against forced displacement**, the State indicated that as part of the activities of the Working Group on Internal Forced Displacement, within the Advisory Council on Migration Policy, 20 federal civil service institutions were invited to attend the first “Workshop on promoting international recommendations on the subject of internal forced displacement at the federal level,” organized by the Unit on Migration Policy, Registration, and Identification of Persons and UNHCR Mexico.

368. In addition, the State indicated that the text of the “General Law to Prevent, Address, and Provide Comprehensive Reparations for Internal Forced Displacement” approved in the Chamber of Deputies

²⁸⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

in September 2020 and forwarded to the Senate for eventual approval establishes the creation of the “Mexican Commission for Refugee Aid and Internal Displacement” (hereinafter “COMARDI”), as the federal institution responsible for implementing public policy on prevention, and to address, protect, generate, and implement sustainable solutions for internal forced displacement at the national level. The State reported that, as said General Law is enacted, the Mexican State through various federal institutions such as the Executive Commission for Attention to Victims, the National Institute of Indigenous Peoples, and the National System for Integral Family Development, as well as the National Human Rights Commission itself, hears specific cases of displacement and care is offered as a result, with cultural relevance, for cases involving indigenous peoples and Afro-Mexican communities.²⁸⁸

369. The CMDPDH reported that specific legislation has not yet been adopted at the federal level to address internal displacement in accordance with the Guiding Principles on Internal Displacement. Regarding the adoption of specific legislation at the state level, in addition to the three states that already had laws on the subject (Chiapas, Guerrero, and Sinaloa), the Law for Prevention of and Attention to Internal Forced Displacement was approved in the State of Zacatecas, taking effect as of October 2, 2022. In addition, it indicated that Mexico still does not have a regulatory framework at the federal level on the subject of internal displacement to determine the distribution of resources, capabilities, and responsibilities among the various government authorities that will be in charge of implementing coordinated policies for prevention and comprehensive attention regarding the phenomenon.

370. The Commission notes the public demonstrations and legal actions that have been undertaken to address the crisis of forced displacement being experienced in Mexico. Nonetheless, it notes that, despite legislative efforts and bills, there is still no specific legislation on the subject. In this regard, the Commission has considered that the regulatory framework on internal displacement adopted by the State must identify an institutional focal point to supervise its implementation, assign clear roles and responsibilities, and facilitate coordination with other governmental and non-governmental stakeholders, including the CNDH and civil society organizations for the protection of the internally displaced population.²⁸⁹ Based on the information analyzed, the IACHR concludes that the referenced recommendations are **pending compliance**.

371. To guide the implementation of these recommendations, the IACHR sees fit to ask the State to adopt concrete measures designed for the enactment and entry into force of a law on the subject of internal forced displacement to develop institutionalization of the subject.

- **Human Rights Defenders**

- Strengthen the agencies responsible for the protection of human rights defenders and journalists, so that they can adequately guarantee their life and integrity. The Mexican State is urged to incorporate gender and multicultural perspectives in the design and adoption of protection measures for women defenders and journalists.

372. Regarding the recommendation to **strengthen the agencies responsible for the protection of human rights defenders and journalists, so that they can adequately guarantee their life and integrity**, the State reported that the Mechanism for the Protection of Human Rights Defenders and Journalists develops protection plans according to the results of a risk assessment, based on a methodology designed to

²⁸⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁸⁹ IACHR, Press release 100/19 - [IACHR and the UN Special Rapporteur on the Human Rights of Internally Displaced Persons Welcome the Decision for the protection of internally displaced persons in Mexico](#), Washington, D.C., April 17, 2019.

compile, systematize, and analyze information. According to the level of risk, using the differential, specialized, gender-based, and intersectional approach, it is possible to determine one or more protection measures. In addition, the State emphasized the activity of the Context Analysis Unit of the Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression (hereinafter "FEADLE"), which is a benchmark at the national and international level, with an effective agenda of prevention coordinated with the states for the protection of human rights defenders and journalists, the objective of which is to guarantee the freedom, security, life, and integrity of human rights defenders and journalists who are in an actual or potential at-risk situation in the performance of their work. Finally, the State indicated that the FEADLE conducts training sessions to disseminate information on freedom of expression, on the early warning system, on how to act if one is the victim of a crime, and the journalists' human rights card.²⁹⁰ The IACHR reiterates what has already been stated in this report regarding the process of restructuring the mechanism as already proposed by the State.

373. For its part, the CMDPDH emphasized that, with the disappearance of the trust that guaranteed the protection measures and the transparency of the Protection Mechanism's resources, in May 2022, the SEGOB unilaterally approved a list of protection measures and a contract with the RCU company, which weakens the governing body and eliminates the participation of civil society. In addition, with a view to considering a comprehensive protection policy, the organization is concerned by the silence on the subject of protection in accordance with the current law. Finally, the government is promoting the creation of a General Law for the Protection of Defenders and Journalists.²⁹¹ However, note has been made of the lack of transparency and civil society participation in the process, and civil society has expressed dismay that local authorities would assume the protection role as they are the principal aggressors.²⁹² In addition, according to public information, some defects have been detected in the operation of the mechanism, such as inconsistencies in guard services, lack of accreditation for the provision of services, and deficiencies in the training of beneficiaries of protection measures, as well as in training on the protection measures implemented.²⁹³

374. In view of these challenges, the Commission notes with concern that during 2022 acts of violence continued to be recorded against those who defend human rights in Mexico. In particular, the Commission noted that this situation of violence has been seen to be especially reflected against indigenous defenders, environmental defenders, and groups of families of disappeared persons. During the first eight months of 2022 alone, the Commission heard about at least eight murders of defenders in Mexico. In this regard, in August, Rosario Lilian Rodríguez, a mother in search of her child, was murdered in the municipality of Elota, Sinaloa. In July, the indigenous defender, Crispín Reyes, was murdered in the municipality of San Juan Juquila Mixes, Oaxaca. In June, the IACHR condemned the murder of the Jesuit priests, Javier Campos Morales and Joaquín César Mora Salazar, that occurred on June 20 inside the church in the community of Cerocahui, municipality of Urique, Chihuahua. In addition, the murder of the human rights defender, Jesús Bañuelos Acevedo, was recorded in the municipality of Atitalaquia, Hidalgo. In May, the murder of the territory defender, Humberto Valdovinos Fuentes, was recorded in the municipality of Pinotepa Nacional, Oaxaca. In April, the IACHR learned of the murders of Luis Ortiz Donato, leader of the Citizen Council of Marquelia and defender of the Afro-Mexican people in the State de Guerrero; and in March it heard about the murder of Néstor Iván Merino Flores, leader of the Assembly of Indigenous Peoples of Oaxaca (API), which occurred in Oaxaca, and about the

²⁹⁰ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

²⁹¹ SEGOB. [Inicia Gobernación diálogos rumbo a una nueva ley general para personas defensoras de derechos humanos y periodistas](#), 2021.

²⁹² CMDPDH. Follow-up on Compliance with Recommendations in the Report on the "Human Rights Situation in Mexico," October 20, 2022.

²⁹³ Latinus, [ASF documenta fallas en la operación del Mecanismo de Protección de Defensores de DDHH y Periodistas](#), February 21, 2022.

murder of the environmental defender, José Trinidad Baldenegro, in the municipality of Guadalupe y Calvo, Chihuahua.²⁹⁴

375. For its part, the CMDPDH told the IACHR that in Mexico human rights defenders and journalists continue to experience multiple acts of violence physically and in the digital environment: attacks, threats, assault, smear campaigns, economic violence, and death based on their work. In the Mexican context, aggression against defenders and journalists has occurred in the context of reprisals carried out by state actors and organized crime. The organization indicated that, between December 2018 and January 2022, 97 people have been murdered; in 2021 alone a total of 25 human rights defenders were murdered. They point out that the situation of women human rights defenders and women journalists is particularly vulnerable, due to the twofold risk they face as women in a country where macho violence allows the murder of women, which is increasing.²⁹⁵ According to Article 19, from 2000 to date, 156 murders of journalists have been documented in Mexico, possibly related to their work. Of the total, 144 are men and 12 are women.²⁹⁶

376. Thus, for Reporters without Borders, “year after year, Mexico remains one of the most dangerous and deadly countries in the world for journalists, in terms of security.” They assert that “professionals who cover sensitive topics related to politics or crime,” topics related to human rights, “particularly at the local level, endure warnings and threats, when they are not simply killed outright. Others are kidnapped and are never seen again or opt, in order to save their lives, to flee abroad.”²⁹⁷ In addition, this violence is committed with excessive or unnecessary use of force, unlawful and arbitrary arrests, with verbal and physical abuse, exacerbated based on gender specifically when they are women or other non-hegemonic gender identities, and with sexual violence in the context of public demonstrations, as documented by Amnesty International.²⁹⁸

377. In addition, the Commission is concerned by the lack of progress in the investigations of crimes against human rights defenders. In this regard, according to public information, at the beginning of 2022, the State recognized that impunity in crimes against defenders and journalists in Mexico was on the order of 90%.²⁹⁹ The IACHR reminds the State that the most effective way to protect human rights defenders is to diligently investigate acts of violence against them and to punish those responsible, so as to identify and solve cases and thus avoid their repetition.

378. In addition, the IACHR noted during 2022 the improper use of criminal charges as a way to criminalize and obstruct the work of defenders. In this regard, it learned of the alleged criminalization of Kenia Inés Hernández Montalván, an indigenous defender and coordinator of the Zapata Vive Libertarian Collective and member of the National Movement for the Freedom of Political Prisoners, who was prosecuted in at least five criminal cases, according to information from the State and who has been deprived of liberty since October

²⁹⁴ IACHR, Press Release No. 244/22, [IACHR: El segundo cuatrimestre de 2022 registra la persistencia de la violencia contra personas defensoras](#), November 2, 2022; IACHR, Press Release No. 114/22, [IACHR: elevada violencia contra personas defensoras en el primer cuatrimestre de 2022 urge que los Estados protejan la vida y labor](#), May 25, 2022.

²⁹⁵ CMDPDH. Follow-up on Compliance with Recommendations in the Report on the “Human Rights Situations in Mexico,” October 20, 2022, pp. 25-32.

²⁹⁶ Article 19. Follow-up on Compliance with Recommendations in the Report on the “Situation of Human Rights in Mexico,” October 17, 2022.

²⁹⁷ IACHR, 180th period of sessions “[Estigmatización y ataques contra la prensa, personas defensoras de derechos humanos y organizaciones](#)”.

²⁹⁸ Reporters without Borders, Follow-up on Compliance with Recommendations in the Report on the “Human Rights Situation in Mexico,” October 20, 2022.

²⁹⁹ Forbes, [México reconoce impunidad en 90% de agresiones contra periodistas y defensores](#), 18 de enero de 2022; La Jornada, [Reportan impunidad en 90% de atentados a periodistas y activistas](#), January 27, 2022.

of 2020.³⁰⁰ The State told the Commission that there are three criminal cases before the FGR, for the crimes of attacks on general communication routes, and two criminal cases before the Supreme Court of Justice of the State of Mexico for the crimes of robbery with violence.³⁰¹

379. In addition, in April 2022 the Commission was informed that Mmes. Ana Lorena Delgadillo, Mercedes Celina Doretti, and Marcela Turati, who were involved as specialists in their respective fields in the case known as the “Clandestine Graves of San Fernando” (hereinafter “the Clandestine Graves case” or “the case”) were included in criminal investigation AP/PGR/SIEDO/UEIS/197/2011 headed by the prosecutorial authority. According to information made known to the IACHR, Mmes. Delgadillo and Doretti were participating as legal representative and forensic expert, respectively, for the victims in the Clandestine Graves case and Mrs. Turati provided press coverage in the case.³⁰² The State informed the Commission that the Unit for the Investigation of Crimes against Migrants (UIDPM), attached to the FGR’s Special Prosecutor’s Office for Human Rights, reported that the Prosecutor’s Office for Internal Affairs initiated criminal investigation No. FED/FEAI/FEAI-CDMX/0000634/2021, to investigate the facts.³⁰³

380. The IACHR appreciates that the State is in the process of restructuring its Mechanism. Nonetheless, the persistence of acts of violence against human rights defenders, as well as high levels of impunity with respect to these crimes, continues to be serious in Mexico, indicating the need for additional compliance measures. Based on the foregoing, the status of the recommendation is one of **partial compliance**.

381. To guide the implementation of this recommendation, the Commission sees fit to ask the State to adopt measures ensuring that the mechanism for the protection of human rights defenders has the material and human resources needed to guarantee the exercise of its functions. It also suggests the adoption of a solid legal framework to support its operations.

G. Freedom of Expression³⁰⁴

- Acknowledge, at the highest levels of the State, the legitimacy and value of journalistic work and condemn acts of aggression committed in retaliation for the exercise of freedom of expression.
- Define a single methodology to generate and publish detailed and disaggregated statistics on violence against journalists and investigations of attacks, as well as on the protection measures adopted. Establish a state authority in charge of capturing the information and publishing the statistics and informing the different stakeholders about any challenges that arise in applying this methodology.
- Remove all obstacles so that in practice the Special Prosecutor’s Office for Addressing Crimes against Freedom of Expression can undertake the investigation of crimes committed against journalists and against freedom of expression. Exercise effective federal jurisdiction over the

³⁰⁰ Request to the State for information pursuant to Article 41 of the Inter-American Convention on Human Rights, May 2, 2022.

³⁰¹ Mexican State response the request for information from the Inter-American Commission on Human Rights pursuant to Article 41 of the American Convention of Human Rights regarding the criminalization of the indigenous defender Kenia Hernández in Mexico, May 2, 2022, in IACHR file.

³⁰² Request to the State for information pursuant to Article 41 of the American Convention on Human Rights, April 8, 2022.

³⁰³ Mexican State response to the request for information from the Inter-American Commission on Human Rights pursuant to Article 41 of the American Convention on Human Rights regarding the situation of the human rights defenders and journalists involved in the case of the “clandestine graves of San Fernando” in Mexico, April 19, 2022, in IACHR file.

³⁰⁴ The IACHR assigned the preparation of this section to its Office of the Special Rapporteur for Freedom of Expression.

crimes within its sphere of competence and guarantee that serious violations of freedom of expression are always investigated by the Prosecutor's Office.

- Maintain the FEADLE as a specialized prosecutor's office and provide it with sufficient financial and human resources to carry out its work.
- Adopt special investigation protocols to fully and sufficiently discard or confirm the hypothesis of a relationship between the homicide or aggression and the journalistic profession.
- Improve the relationship between the federal and state jurisdiction in order to prevent conflicts of jurisdiction from hindering or delaying investigations.
- Allow victims, their families and, where appropriate, third parties to participate in criminal proceedings with full guarantees, both in the search for the truth and clarification of the facts, as well as when demanding reparation.

382. **On recognizing, at the highest levels of the State, the legitimacy and value of journalistic work, and condemning attacks committed in retaliation for the exercise of freedom of expression**, the State reported that it continues its commitment to strengthen and continue to adopt measures necessary to guarantee the work of human rights defenders and journalists in areas free of attack. In these senses, as part of the actions implemented, they indicated that the SEGOB along with the Office of the President of the Republic, is working on a campaign to acknowledge the work of human rights defenders and journalists. In addition, the Office of the Attorney General of the Republic has a Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression.

383. The State also reported that the Notebook on Jurisprudence on Freedom of Expression and Journalism was published in July 2020; its purpose is to allow legal operators, defenders, and academics studying human rights, as well as law students, to consult the most relevant decisions of the SCJN on various topics, presenting the facts in the case and the standard upheld. On these matters, the State emphasized Amparo on review 492/2014, in which the SCJN indicated that due to the importance of freedom of expression in a democratic society and the high level of responsibility this entails for those working professionally in social communication, the State must minimize restrictions on the circulation of information.³⁰⁵

384. In turn, the INAI reported that initiatives such as the National Journalism Competition or the book "Investigative Journalism in the Local Context" have been initiated with the objective of encouraging the participation and collaboration of various sectors of society, particularly journalists, academics, researchers, and the student community in the development of journalistic works. This was in addition to the 2021 Pilot Program in Support of Investigative Journalism that benefits ten journalism projects and the development of forums and training on the subject such as the International "Transparency and Journalism" Forum of March 2021.³⁰⁶

385. For its part, Article 19 reported that from 2016 to September 2022, 67 journalists were murdered, possibly in connection with their work. There were also 3,753 attacks recorded against the press,

³⁰⁵ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁰⁶ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

possibly in connection with its work. Of these attacks, each year 46.15% of them are perpetrated by civil servants.³⁰⁷ In addition, a journalist or communicator is attacked every 14 hours in connection with their work. Article 19 emphasized that attacks in the digital sphere continue to increase each year not only in terms of numbers but as a percentage of all attacks. There was a decrease of 16.90% from 2016 to 2017 but from there on such attacks continue to increase until exceeding and remaining above 30% of attacks, i.e., at least one out of every three attacks on the press occurs online. The civil service organization emphasized harassment and judicial and administrative attacks, indicating that while only one case of judicial attack was recorded in 2015, from 2016 to 2020, the cases of harassment nearly tripled. According to the documentation³⁰⁸ from Article 19, 13 cases were documented in 2016, while 39 were documented in 2020.

386. Along the same lines, organizations indicated that at least 17 cases have been documented so far this year. Article 19 emphasized that a clear example of assault and harassment against a journalist is the “Who’s Who of Lies,” segment during President López Obrador’s morning press conference, which according to the government, seeks to “show the lies spread by the media” but in reality seems to constitute a “Truth Court” to point out, attack, and stigmatize critical press or any communicator not aligned with the federal government.

387. Thus, civil society organizations indicate that, in recent years, the Mexican State has increased its legal powers and technical ability to carry out communications surveillance measures. For example, laws have been enacted and reformed, such as the Federal Telecommunications and Broadcasting Law, the National Code of Criminal Procedures, and other laws to establish surveillance measures. In addition, Mexican legislation does not provide adequate and sufficient safeguards against the abuse of secret surveillance measures. In addition to not establishing prior judicial oversight with regard to all surveillance measures, the legislation does not provide measures such as independent supervision or the affected party’s right to be notified. This impedes the detection, investigation, and punishment of the abusive exercise of surveillance.

388. Along the same lines, the Article 19 organization indicated that in June 2017, Citizen Lab, as well as Article 19, the Network in Defense of Digital Rights (R3D), and SocialTIC published the report “Spy Government: Systematic surveillance of journalists and human rights defenders in Mexico,” which records multiple cases of attempts to infect the net using Pegasus malware. The report documents 76 text messages with links to domains identified as part of the NSO structure. This means that the messages analyzed no doubt represent attempts to infect with Pegasus malware. In this regard, the SEDENA³⁰⁹ published a release where it does not refute the evidence and classifies the interventions in private communications with Pegasus malware as “intelligence actions.” In this sense, the organization categorically states that in 201 SEDENA did not have – nor does it currently have – constitutional or legal powers to conduct operations to intervene in private communications.

389. For its part, the PRODH Center reported that on September 29, 2022 a group calling itself “Guacamaya” massively hacked information from the SEDENA servers,³¹⁰ obtaining six terabytes of information,³¹¹ including the institution’s e-mails and documents produced between 2016 and September

³⁰⁷ Article 19, [Periodistas asesinados en México 2020-2022](#), 2022.

³⁰⁸ Article 19, [Leyes del silencio: Acoso judicial contra la libertad de expresión en México y Colombia](#), 2021.

³⁰⁹ Article 19, [Comunicado en respuesta a la SEDENA](#), October 5, 2022.

³¹⁰ Latinus, [Loret Capítulo 96](#), September 29, 2022.

³¹¹ Equal, for example, to 39 million pages of documents or a million and a half photographs; El Financiero, [Hackeo a la Sedena: ¿Qué tanto cabe en los 6 terabytes filtrados?](#), October 2, 2022.

2022.³¹² The PRODH Center emphasized that one of the most concerning aspects is the finding of surveillance, monitoring, and categorization operations conducted by the SEDENA with respect to civilian organizations and human rights defenders, activists, and journalists.³¹³ The organization noted that the leaked files include documents prepared by that institution that detail the profile of various organizations, social movements, groups, and their members, including photographs and personal data, reports on their activities and positions with respect to the government and the army, political ties, and other evidence.³¹⁴

390. In 2022, the IACHR and its Special Rapporteur noted an upsurge in violence against journalists in Mexico, as evidenced by one of the highest murder figures in recent years. According to the information reported to the Special Rapporteur, at least 15 journalists and communicators were murdered for reasons that could be related to their work: José Luis Gamboa Arenas, in the city of Veracruz;³¹⁵ Alfonso Margarito Martínez Esquivel, in the city of Tijuana, state of Baja California;³¹⁶ Lourdes Maldonado López, in Tijuana, state of Baja California;³¹⁷ Roberto Toledo, in Zitácuaro, state of Michoacán;³¹⁸ Heber López Vásquez, in Salina Cruz, state of Oaxaca;³¹⁹ Jorge Luis Camero Zazueta, in the city of Empalme, state of Sonora;³²⁰ Juan Carlos Muñiz, in the city of Fresnillo, state of Zacatecas;³²¹ Armando Linares, in Zitácuaro, state of Michoacán;³²² Luis Enrique Ramírez, in Culiacán, state of Sinaloa;³²³ Yesenia Mollinedo and Sheila Johana García, in the municipality of Cosoleacaque,

³¹² Animal Político, [Hackean al Ejército: Latinus revela documentos sobre seguridad, contratos y salud de AMLO](#), September 9, 2022; Latinus, [Los hackers "Guacamaya" reivindican el ciberataque a la Sedena: buscan evidenciar el excesivo poder de los militares y su corrupción](#), September 30, 2022.

³¹³ La Lista, [Guacamayaleaks | El Ejército vigila las acciones de feministas, activistas y universidades](#), October 4, 2022.

³¹⁴ Norte Digital, [Ejército ubica a 15 grupos feministas y hasta a Mon Laferte: Guacamaya leaks](#), Published on October 4, 2022. Consulted on October 17, 2022; Publimetro, [Ejército sigue actividades del EZLN, feministas y organizaciones sociales como "amenazas"](#), October 2, 2022; La Jornada Maya, [Ganamos el premio de la paz y la Sedena nos criminaliza: Héctor Cerezo](#), October 14, 2022; Pulso, [Colectivos feministas de SLP han sido vigilados por la Sedena, revela filtración de Guacamaya Leaks](#), October 4, 2022.

³¹⁵ CPJ, January 24, 2022. [Matan a puñaladas al periodista mexicano José Luis Gamboa en Veracruz](#); La Silla Rota Veracruz, January 15, 2022. [Asesinan a comunicador en colonia del puerto de Veracruz](#); Animal Político, January 17, 2022. [Matan al periodista José Luis Gamboa en el puerto de Veracruz](#).

³¹⁶ CPJ, January 25, 2022. [Matan a disparos al fotoperiodista mexicano Margarito Martínez en Tijuana](#); La Jornada, January 8, 2022. [Asesinan en Tijuana al periodista Margarito Martínez](#); Animal Político, January 17, 2022. [Asesinan al fotoperiodista Margarito Martínez Esquivel en Tijuana, Baja California](#).

³¹⁷ IACHR, January 28, 2022. [The IACHR, its Special Rapporteur for Freedom of Expression, and the Mexican Branch of the UNCHR Condemn the Murder of Journalist Lourdes Maldonado](#); CPJ, January 31, 2022. [Continúa la violencia: Lourdes Maldonado es la tercera periodista que muere asesinada en México en menos de un mes](#); CBS News, January 24, 2022. [In 2019, a journalist told Mexico's president, "I fear for my life." She was just found shot to death in Tijuana](#); La Jornada, January 23, 2022. [Asesinan en Tijuana a la periodista Lourdes Maldonado](#).

³¹⁸ CPJ, February 3, 2022. [Roberto Toledo es el cuarto periodista mexicano asesinado en menos de cuatro semanas](#); El País, January 31, 2022. [Asesinado el comunicador Roberto Toledo en Michoacán, el cuarto crimen contra la prensa en un mes en México](#).

³¹⁹ CPJ, February 15, 2022. [Asesinan a tiros al periodista mexicano Heber López en Oaxaca y las autoridades detienen a dos sospechosos del crimen](#); El Universal, February 10, 2022. [Matan al periodista Heber López en Oaxaca; hay dos detenidos](#); La Jornada, February 10, 2022. [Asesinan a periodista Heber López en Salina Cruz, Oaxaca](#).

³²⁰ Article 19, March 24, 2022. [Jorge Luis Camero, periodista asesinado en Sonora](#); Aristegui Noticias, February 25, 2022. [Matan al periodista Jorge Camero Zazueta en Sonora](#).

³²¹ CPJ, March 21, 2022. [Asesinan a tiros al periodista mexicano Juan Carlos Muñiz en Zacatecas](#); El País, March 4, 2022. [Asesinado el periodista Juan Carlos Muñiz, el séptimo crimen contra la prensa en México este año](#); El Universal, March 4, 2022. [Asesinan a Juan Carlos Muñiz, reportero de Testigo Minero, en Fresnillo, Zacatecas](#).

³²² CPJ, March 17, 2022. [Asesinan a disparos al periodista mexicano Armando Linares en Zitácuaro](#); Aristegui Noticias, March 15, 2022. [Asesinan al periodista Armando Linares en Zitácuaro, Michoacán](#); Animal Político, March 15, 2022. [Asesinan en Michoacán al periodista Armando Linares, quien en enero denunció amenazas por su labor](#).

³²³ IACHR, Office of the Special Rapporteur for Freedom of Expression, May 11, 2022. Press Release No. R102/22. [SRFOE condemns the persistence of murders of journalists in Mexico](#); CPJ, May 12, 2022. [El periodista mexicano Luis Enrique Ramírez es hallado sin vida en Culiacán](#); El País, May 5, 2022. [Asesinado el periodista Luis Enrique Ramírez, el noveno crimen contra la prensa en este año](#).

state of Veracruz;³²⁴ Antonio de la Cruz, in the city of Victoria, state of Tamaulipas;³²⁵ Ernesto Méndez, in San Luis de la Paz, state of Guanajuato;³²⁶ Juan Arjón López; and Fredid Román, in Chilpancingo, state of Guerrero.³²⁷

391. In addition, as the Office of the Special Rapporteur for Freedom of Expression was able to observe, violence against the press in Mexico has also taken the form of aggression, threats, and intimidating attacks against both male and female journalists as well as their family members.³²⁸ According to civil society organizations, current figures allow for the conclusion that in Mexico a journalist or media outlet is attacked every 14 hours for performing their work.³²⁹ According to the information received by the Office of the Rapporteur, this scenario of hostility to the practice of journalism has led to widespread fear among the press with regard to reporting on sensitive issues such as drug trafficking, corruption, or organized crime.³³⁰

392. In addition, the IACHR and its Special Rapporteur note that the facts mentioned above are part of a context of constant stigmatization by public officials and leaders targeting the press. Stigmatizing and discrediting statements of this kind have been made by government authorities as well as the leaders of various political sectors and, far from contributing to recognition of the legitimacy of journalism, such statements significantly reduce the impact of the measures reported to have been adopted by the State. The design of a campaign and different promotional and training activities are seriously overshadowed by the forcefulness and repetition of stigmatizing statements made by government spokespersons. In this context, the Office of the Rapporteur notes that the section “Who’s Who in Lies of the Week,” implemented by the government in June of last year allegedly in order to “inform” the citizenry and refute the supposed fake news spread by the media, continues to be a space used by the Executive Branch to stigmatize and disqualify the work of the press.

393. As already stated earlier, the Office of the Special Rapporteur for Freedom of Expression recognizes that it is legitimate, and sometimes a duty, for government authorities to issue statements on

³²⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression. May 11, 2022. Press release No. R102/22. [SRFOE condemns the persistence of murders of journalists in Mexico](#); CPJ. May 17, 2022. [Las periodistas mexicanas Yessenia Mollinedo y Johana García mueren asesinadas en Veracruz](#); El Sol de México. May 9, 2022. [Matan a dos periodistas en Veracruz; suman 11 comunicadores asesinados en 2022](#); BBC. May 10, 2022. [Violencia en México: matan a tiros a la periodista Yessenia Mollinedo y la camarógrafa Johana García en Veracruz](#).

³²⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression. July 12, 2022. Press Release No. R157/22. [Mexican authorities must stop violence against journalists and guarantee their right to freely and safely practice their profession](#); CPJ. July 5, 2022. [Asesinan a disparos al periodista mexicano Antonio de la Cruz en Ciudad Victoria](#); Animal Político. June 30, 2022. [Antonio de la Cruz, el periodista apasionado por el medio ambiente que se convirtió en el duodécimo asesinado en México este año](#).

³²⁶ IACHR. Office of the Special Rapporteur for Freedom of Expression. August 16, 2022. Press Release No. 180/2022. [The Office of the Special Rapporteur for Freedom of Expression condemns the murder of journalist Ernesto Méndez in Mexico and observes that 2022 marks the highest number of crimes against the press in the country in the last 24 years](#); Deutsche Welle (DW). August 3, 2022. [Asesinan a periodista número 13 en México en 2022](#); Animal Político. August 3, 2022. [Asesinan al periodista Ernesto Méndez en Guanajuato: van 13 comunicadores muertos en 2022](#).

³²⁷ Infobae. August 22, 2022. [Asesinaron en Guerrero al periodista Fredid Román](#); CNN. August 23, 2022. [Fiscalía de Guerrero investiga el homicidio del periodista mexicano Fredid Román](#).

³²⁸ CPJ. September 19, 2022. [Pistoleros amenazan al reportero mexicano Rodrigo Bustillos en Tehuacán](#); Animal Político. January 26, 2022. [José Ignacio Santiago, periodista de origen zapoteco, es atacado a balazos en Oaxaca](#); El País. January 27, 2022. [Atacado a balazos un periodista en Oaxaca: “En México te puede acallar la delincuencia o la autoridad”](#); CPJ. July 11, 2022. [La periodista mexicana Susana Carreño resulta herida de gravedad cuando la atacan con un cuchillo en Puerto Vallarta](#); Animal Político. July 1, 2022. [Hieren a la periodista Susana Carreño en Puerto Vallarta, Jalisco; tras una cirugía, la reportan fuera de peligro](#); CPJ. July 24, 2022. [El periodista mexicano Rubén Haro sobrevive atentado en Ciudad Obregón](#); La Jornada. 17 de julio de 2022. [Periodista Rubén Haro resulta ileso tras ataque a balazos en Sonora](#).

³²⁹ Article 19. August 18, 2022. [Primer semestre de 2022: La impunidad y negación ante la violencia extrema contra la prensa persiste](#).

³³⁰ El Diario.es. February 15, 2022. [Violencia, miedo y precariedad: el riesgo de ser periodista en México](#); El País. February 11, 2022. [Sangre, balas y silencio: periodismo bajo el terror en México](#); Infobae. March 26, 2022. [Con miedo e impotencia, los periodistas trabajan en México](#); Animal Político. August 24, 2021. [‘Vivimos con miedo’: en 2021 se agrede a un periodista cada 12 horas en México](#).

matters of public interest and to defend themselves against critics or questions from the press.³³¹ However, when doing so, they should not discredit or stigmatize the person who is questioning them, given their high office, the wide reach of their pronouncements, and the potential effects that their expressions may have in certain segments of the population.³³² This means that they should refrain from making speeches that may, directly or indirectly, encourage or promote violence against communicators or journalists.³³³ As the Inter-American Court on Human Rights has established, public officials must take into account that their condition entails a position as guarantor of people's fundamental human rights and thus, "their statements may not disregard them nor be forms of direct or indirect interference or harmful pressure on the rights of those who seek to contribute to the public discussion by expressing and disseminating their thoughts,"³³⁴ and should refrain from making statements that may, directly or indirectly, encourage or promote violence against communicators or journalists.

394. For the Office of the Special Rapporteur, stigmatizing official speech, which categorizes the work of the press as "lies" or "fake news" or labels it as "conservative" or "aligned with the regime" not only contribute to the deterioration of public debate but also have the potential to increase the prevailing risks in journalism, particularly in a context of the escalation of violence against communicators. In view of the adverse context faced by journalists in exercising the right of freedom of expression or the press, the Special Rapporteur recalls that those who hold positions of public leadership are called upon to maintain discourse that is favorable to public discussion. The Office of the Rapporteur underscores that the duty of authorities and public officials to adopt speech that contributes to freedom of expression is one of the fundamental components of the State's obligation to prevent violence against journalists. As the IACHR and the Office of the Rapporteurs have already pointed out, the State has the duty to adopt measures to prevent violence against journalists and communication media workers, a duty that "is accentuated in situations or areas where a special risk for journalists working in the communication media exists or has been detected."³³⁵ In this regard, the Office of the Rapporteur has also reminded the States that "a simple, but extremely effective measure of protection is when the highest authorities of the State recognize constantly, clearly, publicly, and firmly the legitimacy and value of journalism, even when the information disseminated may prove to be critical, inconvenient, or untimely for the governments' interest."³³⁶ Although the IACHR recognizes the problems arising from the dissemination of fake news and believes that democratic societies should combat attempts to manipulate the public debate, it also believes that the purpose of combatting alleged "lies" can be channeled through other institutional routes. This should be done while observing standards to protect freedom of expression, so that strategies for combating disinformation do not become silencing mechanisms, particularly against criticism and information in the public interest.

³³¹ I/A Court H.R. Case of Apitz Barbera et al. v. Venezuela. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 5, 2008. Series C No. 182. para. 131; Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194. para. 139.

³³² I/A Court H.R. Case of Apitz Barbera et al. v. Venezuela. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 5, 2008. Series C No. 182. Para. 131; Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194. para. 139.

³³³ IACHR. Office of the Special Rapporteur for Freedom of Expression, Press Release No. R62/22. [The Office of the Special Rapporteur warns about the normalization and worsening of violence against journalists in Mexico and urges the authorities to activate complementary measures.](#)

³³⁴ I/A Court H.R. Case of Apitz Barbera et al. v. Venezuela. Preliminary Objection, Merits, Reparations, and Costs. Judgment of August 5, 2008. Series C No. 182. para. 131; Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194. para. 139.

³³⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression, March 15, 2017. [Silenced Zones: Highly Dangerous Areas for the Exercise of Freedom of Expression.](#) OEA/Ser.L/V/II IACHR/RELE/INF.16/17. para. 155.

³³⁶ IACHR. Office of the Special Rapporteur for Freedom of Expression. March 15, 2017. [Silenced Zones: Highly Dangerous Areas for the Exercise of Freedom of Expression.](#) OEA/Ser.L/V/II IACHR/RELE/INF.16/17.

395. In addition, the Special Rapporteur identifies that, in the case of the “Who’s Who in Lies” program: (i) the State has not made public the criteria that its agents in an official program use to conclude that certain content is “disinformation,” “fake news,” “a lie,” or other labels disparaging journalists and their work; (ii) there is likely a considerable effort made in this space to focus on specific news items or persons who may be critical of government administration, so that “Who’s Who in Lies” would have the potential to become a unilateral, reactive, and imbalanced outlet in defense of the government in response to criticism and could have more in common with propaganda than with verified information; (iii) it is not shown how public authorities, by labeling content in the program, address the inter-American requirements of establishing reasonably although not necessarily exhaustively the facts on which they base their opinions when referring to matters of public interest;³³⁷ (iv) there are likely indications and labels that would demonstrate that the program incentivizes the stigmatization of the press; (v) the journalist or media outlet labeled in the program would have no ability to defend themselves against being singled out by a government agency, nor address the principle of refutation in response to public indication of the content. Thus, the Office of the Special Rapporteur reiterates that it considers it atypical – and not free of risks for democracy – to promote a governmental audit section that labels both content and the media and journalists that publishes it. State institutions and spokespersons are not suitable or optimal platforms for evaluating the quality (using assumptions of ethics or veracity) of journalism³³⁸ and the communications media are primarily responsible to the public and not to the government.³³⁹

396. The IACHR and the Office of the Special Rapporteur recognize that the State has the duty not only to respect but also to guarantee freedom of expression in its twofold dimension, both individually and collectively. Thus, they appreciate the State’s political will to counteract the negative effects of deliberate disinformation. However, such measures must be universal in nature, i.e., they must encompass disinformation as a complex phenomenon, and not just disinformation that would affect subjects that are considered sensitive in the government’s agenda, must address the perspectives of historically vulnerable groups, must be framed by objective and clear criteria and allow for the right to a response and a defense in response to public indication of content. In this respect, on one hand, promoting the work of verification agencies and research and study centers in academia, including by means of cooperation agreements, memoranda of understanding, and other public policies, would make it possible to make use of the experience and criteria developed by the global fact-checking community and the expert knowledge of these agencies without the need to create disputed public and governmental content auditors. In addition, the State can encourage the voluntary adoption of self-regulation frameworks. Judicial routes also fulfill an important role against possible abuses in the exercise of the right to freedom of expression whenever the competent authorities observe the legality, legitimacy, necessity, and proportionality of the limits on freedom of expression in accordance with inter-American standards on the subject. Finally, media and digital literacy for the development of civic skills must be a priority in the State’s policies for allegedly combating deliberate disinformation. In summary, the Office of the Rapporteur believes that the promotion of a governmental section for checking journalistic content and labeling journalists and media outlets poses a risk to the guarantees of freedom of expression, plural and diverse public debate, and democratic institutions in Mexico. Based on the facts mentioned, the Office of the Rapporteur considers that “Who’s Who in Lies of the Week” as adopted by the Executive Branch violates inter-American standards on freedom of expression and calls upon the State to suspend this practice.

397. Given the lack of reports on significant advances on the part of the State, the IACHR considers the recommendation to be **pending compliance**, while it calls on the Mexican State to redouble its efforts to

³³⁷ I/A Court H.R. Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194. para. 139.

³³⁸ IACHR. [Declaration of Principles on Freedom of Expression](#). Principle 6. 2000.

³³⁹ IACHR. Office of the Special Rapporteur on Freedom of Expression. [Ethics in the Media](#). 2004.

promote an environment favorable to the right to freedom of expression and the press and to eradicate any type of pronouncement on the part of public authorities – particularly high officials – who may legitimize or send messages permissive of violence against the press.

398. The purpose of this recommendation is based on the premise that in a context of increasing violence against the press it is important for all institutions to contribute to an environment favorable to freedom of expression and public debate. The information received for considering whether or not there has been progress in complying with the recommendation contrasts with the records of acts of violence against the press and repeated stigmatizing messages made by public officials against the work of journalism.

399. The IACHR emphasizes that, in response to the increase in murders, threats, physical aggression, and attacks against journalists in Mexico, it is essential that the State send clear messages acknowledging the legitimacy and value of the work of journalism as an initial and essential premise of the recommendation that is being followed up. In this context, under the alleged premise of guaranteeing freedom of expression in its collective dimension and citizens' access to information, "Who's Who in Lies" sends confused messages regarding the work of the press and could contribute to the stigmatization of journalists and communications media. This could violate the State's obligation to adopt public discourse that helps to prevent violence against journalists.³⁴⁰

400. Regarding the recommendation to **define a single methodology for compiling and publishing detailed and disaggregated statistics on violence against journalists and investigations into attacks**, the State indicated that the statistics produced by the Mechanism for the Protection of Human Rights Defenders and Journalists seeks to do quantitative analysis on attacks identified in the monitoring of attacks based on open sources. Statistics are also compiled on cases known to the Mechanism and that are incorporated as beneficiaries. The Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression systematizes the information contained in preliminary inquiries and investigation files, from complaints filed regarding crimes against freedom of expression and issues monthly statistical reports. The "2021 Statistical Report of the Special Prosecutor for Addressing Crimes Committed against Freedom of Expression" was published and was updated with the "Statistical Report of 2022 of the Special Prosecutor's Office for Addressing Crimes Committed Against Freedom of Expression." These reports are published on its microsite.³⁴¹

401. In this regard, the CNDH indicated that in its diagnosis on the scope and challenges of the "Mechanism for Protecting Human Rights Defenders and Journalists" and the need for a governmental policy for the protection of defenders and journalists, published in May 2022, the CNDH proposes that the Mechanism's data be used to design, in coordination with the UEP, early warning systems, as well as contingency plans with a preventive approach for the purpose of avoiding potential attacks in the locations or entities in which circumstances meriting special attention are identified, based on patterns of attacks and risk maps developed by the National Executive Coordination, thus assigning shared responsibility to the authorities of states and municipalities, both in contingency plans and in preventive policies.³⁴²

³⁴⁰ IACHR. Annual Report 2013. Report of the Office of the Special Rapporteur for Freedom of Expression, Chapter III (Violence against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection, and Prosecution of Perpetrator). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. para. 34.

³⁴¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁴² CNDH, Follow-up on Compliance with the Recommendations in the Report on the "Situation of Human Rights in Mexico," October 21, 2022, p. 21.

402. For its part, Article 19 noted that the State has been remiss with regard to the recommendation on designing policies to prevent violence against the press. Mexico continues to be one of the most dangerous countries in the world for the exercise of journalism and freedom of expression, as current protection policies are insufficient, with a reactive and non-preventive approach. The organization indicated that, as currently conceived, the Law for the Protection of Human Rights Defenders and Journalists has not been successful in counteracting the structural causes of violence and attacks against the press in recent years, with at least 156 murders of journalists since the year 2000, including 12 people who were beneficiaries of the Mechanism for their protection. Thus, the organization indicated that from 2016 to June of 2022, Article 19 recorded 3,753 attacks against the press possibly linked to their work, and each year 46.15% of them were committed by civil servants.

403. Given the lack of information that could be used to analyze significant advances, as in the latest reports, the Commission and the Office of the Special Rapporteur consider that the status of the recommendation continues to be one of **partial compliance**.

404. In order to guide the implementation of this recommendation, the IACHR urges the State to continue its efforts to systematize and update the figures and indicators on the subject of violence against journalists, in addition to increasing the work of coordinating among the various levels of government.

405. Regarding the recommendation to **remove all obstacles so that in practice the Special Prosecutor's Office for Addressing Crimes against Freedom of Expression can take on the investigation of crimes committed against journalists and against freedom of expression**, the State indicated that the Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression emphasized that the constitutional reform of section XXI of Article 73, published in the Official Journal of the Federation on June 25, 2012, establishes that "The federal authorities may hear crimes in the regular jurisdiction, when they are connected to federal crimes or crimes against journalists, persons or facilities that affect, limit, or diminish the right to information or the freedoms of expression or of the press." Subsequently, on May 3, 2013, Article 10 of the Federal Code of Criminal Procedure was amended, establishing the assumptions under which the Federation may exercise the oft-cited power to assert jurisdiction and subsequently as from May 5, 2014, the National Code of Criminal Procedures enters into force, which provides the same power under Article 21. In this regard, the State indicated that, since 2013, the FEADLE has exercised the power to assert jurisdiction.³⁴³

406. Regarding this recommendation, Article 19 stated that the FEADLE as well as other state prosecutor's offices report low numbers with regard to use of the Standardized Protocol for Addressing Crimes against Freedom of Expression. Article 19 has documented through requests for transparency information that from 2018 to 2020 the FEADLE only reported 83 preliminary investigations in which context analysis was done on the basis of open sources using the methodology proposed in the Standardized Protocol. During the same period, all state prosecutor's offices reported only 190 preliminary investigations or investigative files that have followed the protocol.

407. Article 19 stated that, even if the FEADLE does decide to take a case, this does not mean access to justice, in that according to the same statistics from the FEADLE,³⁴⁴ it has heard 1,433 complaints since 2010 (year it was created) up to August 2021. It has a figure of 25 total decisions. In this sense, only 1.74% of the cases that have been heard by the FEADLE have obtained a judgment that can presume access to justice for the

³⁴³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE. State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

³⁴⁴ FGR, [Conoce a la Fiscalía Especial para la atención de delitos cometidos contra la libertad de expresión](#), April 1, 2019.

journalists involved. Considering these data, the figure for impunity in the cases that the FEADLE has actually drawn is 98.26%, a historical figure. This means that the large majority of cases of crimes or human rights violations against the press go unpunished, regardless of whether the specialized institution takes it up or not.

408. In addition to the general patterns of violence, which have been documented by civil society organizations, Article 19 documented increasingly more attacks against women journalists. According to the National Institute of Statistics and Geography,³⁴⁵ of the total number of people who identify as journalists in 2020, 71.40% are men, while only 28.6% are women. However, with regard to attacks, from 2018 to 2021 women represent higher percentages, a situation that is yet to be analyzed for the year 2022. The organization emphasized the existence of a trend toward increasing violence against women journalists. As can be seen in the following table, almost every year women journalists represent a higher percentage of attacks. Another trend emphasized by Article 19 was increased violence in the digital sphere.

409. As shown in the statistical report of the FEADLE updated as of September 2021, of the 92 murders of journalists recorded from 2010 to date, the Special Prosecutor's Office has acknowledged jurisdiction in 27 of them, with the understanding that there was a motive linked to journalistic activity.³⁴⁶ In contrast, in 65 cases – which represent 70.7% – a lack of jurisdiction has been determined as no relationship was found linking them to the exercise of the right to freedom of expression.³⁴⁷ The Commission and the Office of the Special Rapporteur consider that the number of cases under the jurisdiction of the FEADLE continues to be low in comparison to the figures on numerous murders of journalists reported.

410. In addition, challenges persist related to the failure to assert jurisdiction in cases that involve the possible participation of state or municipal public officials. In this regard, the Commission considers that in view of the setbacks identified in this area, the recommendation is **pending compliance**.

411. On the recommendation to **maintain the specialized nature of the FEADLE and providing it with resources**, the State indicated that according to agreement A/145/10 of July 5, 2010, creating the Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression, which is the specialized agency for directing, coordinating, and supervising investigations and, as applicable, prosecuting crimes committed against those who practice journalism. With regard to providing the FEADLE with economic resources, the State indicated that it is important to point out that the allocation and determination of the institutional budget falls to the Congress of the Union, and to the areas specializing in budgetary matters in each institution as applicable.³⁴⁸

412. Regarding this recommendation, the Commission received information on an alleged budget reduction for the year 2022, both in the FEADLE and in other specialized prosecutor's offices attached to the Attorney General's Office (FGR).³⁴⁹ According to the information available, the budget bill for the Special

³⁴⁵ INEGI, [Estadísticas a propósito de las personas ocupadas como periodistas y locutoras](#), May 2020.

³⁴⁶ Office of the Attorney General of the Republic. 2021 Statistical report. Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression (FEADLE). Information sent the Permanent Mission of Mexico to the OAS. October 12, 2022. File of the Office of the Special Rapporteur for Freedom of Expression.

³⁴⁷ Office of the Attorney General of the Republic. 2021 Statistical report. Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression (FEADLE). Information sent by the Permanent Mission of Mexico to the OAS. October 12, 2022. File of the Office of the Special Rapporteur for Freedom of Expression; El Financiero. October 22, 2021. [Feadle rechaza indagar 71% de asesinatos de periodistas](#).

³⁴⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁴⁹ Animal Político. September 10, 2021. [Pese a violencia e impunidad recortan presupuesto para indagar torturas y ataques a periodistas](#); LatAm Journalism Review. July 22, 2022. [En México, la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión tiene larga historia, pero pocos resultados](#).

Prosecutor's Office for Addressing Crimes against Freedom of Expression would represent one of the lowest among all the special prosecutor's offices in the FGR.³⁵⁰ Thus, the Commission considers that the recommendation is **pending compliance**.

413. Regarding the recommendation to **adopt special investigation protocols**, the State reported that during the 40th Plenary Session of the CNPJ that took place October 11-12, 2018, the members of the National Conference of Judicial Prosecutors approved the Standardized Protocol for Investigation of Crimes Committed against Freedom of Expression. On November 12, 2018, the Technical Secretariat of the CNPJ published the abstract of the Protocol in the Official Gazette of the Federation (DOF). In addition, the Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression developed the Standardized Protocol for the Investigation of Crimes Committed against Freedom of Expression in order to give journalists, as well as their direct family members, support, guidance, legal counsel, and protection to guarantee the life, integrity, freedom, and security of those in at-risk situations as a result of the practice of journalism. That protocol was approved on October 11, 2018. In addition, the State reported the preparation of the Standard of Competence for the "investigation of crimes committed against freedom of expression using a differential and specialized approach" for the purpose of showing the knowledge, capabilities, skills, and attitudes required for someone to carry out that activity. In this regard, the National Institute of Criminal Sciences, in collaboration with the United States Agency for International Development (USAID), conducted a course on the "investigation of crimes committed against freedom of expression" for substantive staff attached to the FEADLE during the period from October 23 to November 6, 2018.

414. The State also indicated that, as part of the entry into effect of the Standardized Protocol on the Investigation of Crimes Committed against Freedom of Expression, the FEADLE, in coordination with the civil organization ProVoces (project financed by USAID), conducted training for prosecutors in entities of the Republic in the facilities of the Office of the Attorney General of the Republic. That training process included a one-week, in-person course at the "La Muralla" facilities from March 25 to March 29, 2019. The State indicated that the Protocol established the parameters and elements that a complete and impartial investigation must bring together in order to determine criminal responsibilities in crimes committed against journalists and/or communications media institutions based on their exercise of the right to freedom of expression. The Standardized Protocol for the Investigation of Crimes of Forced Disappearance and Disappearances Committed by Private Parties (PHI) establishes a specific and differentiated technique for the investigation of these crimes, offering a detailed guide on the investigation of these crime during the initial stage of the criminal process, as well as guidelines for conducting the investigation using the methodological scheme of an Investigation Plan, on the use of investigative actions that take into consideration the victim's specific characteristics and vulnerable conditions.³⁵¹

415. In its follow-up reports on previous recommendations, the IACHR and the Office of the Special Rapporteur have recognized the FEADLE's efforts in the procedural impetus for investigating and punishing crimes committed against those who practice journalism. They have also observed that the FEADLE has made significant progress in convictions and arrests of those accused of crimes against journalists. Nonetheless, the Commission is concerned by the increased violence in Mexico against those engaged in the work of journalism, so that the Commission considers the recommendation to be **pending compliance**.

³⁵⁰ Animal Político. September 10, 2021. [Pese a violencia e impunidad recortan presupuesto para indagar torturas y ataques a periodistas](#); El Financiero. January 26, 2022. [Caso Lourdes Maldonado: 93% de crímenes contra periodistas quedan impunes](#).

³⁵¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

416. To guide the implementation of this recommendation, preventive measures need to be adopted to ensure that journalistic activities can develop without being exposed to risk. In addition, the Commission urges the State to provide information comparing complaints received from journalists in at-risk contexts due to their work and judgments handed down by the jurisdictional authority competent in this area.

417. Regarding the recommendation to **improve the relationship between the federal jurisdiction and the state jurisdiction**, the State indicated that the existing relationship between the jurisdictions is one of mutual cooperation, information-sharing, and constant support in order to obtain positive results in existing investigations. The State emphasized that when there is an investigation where the jurisdiction of the state Attorney General's Office is noted, the investigation is referred to it as competent based on the forum, thus avoiding unnecessary procedural delays. Thus, in all correlated cases there is coordination, and the case is assigned to local prosecutors whenever firearms are involved. The State indicated that in all investigation files the criminal investigation is conducted properly based on action protocols consistent with the legal framework and unrestricted respect for human rights.

418. Finally, the State reported that the National Code of Criminal Procedures establishes the guidelines for competence between the regular jurisdiction and the federal jurisdiction, which should at all times be respected by the Special Prosecutor's Office for Addressing Crimes Committed against Freedom of Expression, so as not to hamper the investigation into crimes of this type. Thus, competence is properly defined in the National Code of Criminal Procedures, the Federal Penal Code, and in the Organic Law of the Judicial Branch of the Federation, and thus considered fulfilled. Based on the foregoing, the relationship between the federal jurisdiction and the state jurisdiction has been improved in order to prevent forum disputes from hampering or delaying investigations.³⁵²

419. The Article 19 organization indicated that the State has yet to produce a Comprehensive Public Policy that recognizes the interrelationship and interdependency of the State's obligations to ensure that journalism and the right to freedom of expression and access to information are exercised freely and safely. The organization emphasized that thus the Mexican State should work not only on prevention but also on coordination between the different states and levels of government so as to produce measures of protection, as well as combat impunity by diligently investigating attacks against the press and murders of professional journalists.

420. In this regard, as indicated by the FEADLE's statistical report updated as of September 2021, of the 92 murders of journalists recorded from 2010 to date, the Special Prosecutor's Office has acknowledged jurisdiction in 27 of them, understanding the motive to be linked to journalistic activity.³⁵³ In contrast, in 65 cases – representing 70.7% – it determined that it did not have jurisdiction as no tie was found with the exercise of the right to freedom of expression.³⁵⁴ The Commission and the Office of the Special Rapporteur believe that the number of cases under the jurisdiction of the FEADLE continues to be low compared to the high figures on murders of journalists.

³⁵² Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁵³ Office of the Attorney General of the Republic. 2021 Statistical report of Special Prosecutor's Office for Addressing Crimes against Freedom of Expression (FEADLE). Information sent by Mexico's Permanent Mission to the OAS. October 12, 2022. File of the Office of the Special Rapporteur for Freedom of Expression.

³⁵⁴ Office of the Attorney General of the Republic. 2021 Statistical report of Special Prosecutor's Office for Addressing Crimes against Freedom of Expression (FEADLE). Information sent by Mexico's Permanent Mission to the OAS. October 12, 2022. File of the Office of the Special Rapporteur for Freedom of Expression; El Financiero. October 22, 2021. [Feadle rechaza indagar 71% de asesinatos de periodistas.](#)

421. According to the information reported by civil society, since its creation in 2010 and up to 2021, the FEADLE has obtained 28 convictions, six of which correspond to cases of murdered journalists.³⁵⁵ Nonetheless, the figures on crimes against the press that occurred between 2010 and 2021 exceeds that figure by far.³⁵⁶ In addition, civil society has reported that the FEADLE acts with “excessive discretion” when taking on cases.³⁵⁷ The Committee for the Protection of Journalists has documented 28 unresolved murders of journalists during the last ten years, which they maintained is the highest number of cases without a conviction in the countries under analysis, and they thus consider Mexico “the most dangerous country for journalists in the western hemisphere.”³⁵⁸ Based on the foregoing, the Commission considers the recommendation to be **pending compliance**.

422. To guide compliance with this recommendation, objective criteria need to be established making it possible to determine when the power to assert jurisdiction at the federal level is exercised, avoiding discretionary measures. In addition, given the increased violence against journalists in the country, it is necessary to strengthen investigative procedures and avoid procedural delays.

423. With respect to **allowing victims, their families and, where appropriate, third parties to participate in criminal proceedings**, the State indicated that the Executive Commission for Attention to Victims has provided support and legal counsel to the victims of crimes at various stages in the criminal process. In addition, through the Specialized Directorate for Attention to Journalists and Human Rights Defenders, it grants guidance, counsel, representation, and legal support service in 472 cases involving journalists who are victims of crimes against freedom of expression and human integrity, which applies to the crime of murder, with a view to guaranteeing access to justice, truth, and comprehensive reparation in investigative actions, criminal procedures, and non-judicial procedures.

424. The State indicated that the CEAV, through the General Coordinating Office for Comprehensive Care Centers, provides support on requests received provide care and/or multidisciplinary support to allow victims, their families, and third parties, when applicable, to participate in criminal proceedings with full guarantees, both to search for the truth and to clarify the facts and when demanding reparations. In addition, the CEAV has a Protocol of the Federal Legal Counsel, the objective of which is to provide the Federal Legal Counsel with a tool that can be used to develop each of the various activities within the adversarial criminal procedure for guaranteeing victims’ rights, particularly the right to protection, the truth, justice, and comprehensive reparation, ensuring investigation and due process. The State emphasized that, in view of the principal of joint participation established in the General Law on Victims, the Federal Legal Counsel is required to guarantee the right of victims to collaborate with the investigations and measures to overcome their vulnerable conditions, considering the context, whenever such measures do not involve impairment of their rights.

425. Finally, the State indicated that Article 110 of the National Code of Criminal Procedures establishes that legal counsel may be appointed at any stage in the procedure by the victims or injured parties.

³⁵⁵ LatAm Journalism Review. July 22, 2022. [En México, la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión tiene larga historia, pero pocos resultados](#); CPJ. November 1, 2022. [La impunidad por el asesinato de periodistas: La gran mayoría de los asesinos de periodistas andan libres](#).

³⁵⁶ LatAm Journalism Review. July 22, 2022. [En México, la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión tiene larga historia, pero pocos resultados](#); CPJ. November 1, 2022. [La impunidad por el asesinato de periodistas: La gran mayoría de los asesinos de periodistas andan libres](#).

³⁵⁷ Swissinfo. November 2, 2021. [La impunidad da alas a los crímenes contra los periodistas en México](#); Latinus. 2 de noviembre de 2021. [En México quedan impunes 98% de las agresiones contra periodistas: Article 19](#).

³⁵⁸ CPJ. November 1, 2022. [La impunidad por el asesinato de periodistas: La gran mayoría de los asesinos de periodistas andan libres](#).

Legal counsel must have a law degree or be a licensed attorney and must certify his/her profession from the time his/her intervention starts based on a professional license. He shall only promote what he has previously reported to his client and shall intervene to represent the victim or the injured party on equal footing with the Defender. In addition, the Code provides that when the victim or injured party belongs to an indigenous people or community, legal counsel shall have knowledge of their language and culture and, if this is not possible, must be assisted by an interpreter who has that knowledge.³⁵⁹

426. The Commission notes that the State reported that the families' guarantee of participation in the investigation is achieved through the CEAV. Nonetheless, the request that may be made through that institution through their advisors does not thereby guarantee that the prosecutor's office will allow the family's participation in and access to the investigations. In addition, the State does not provide information on examples or results indicating that the right provided for in the recommendation is guaranteed. Based on the foregoing, the Commission considers that the recommendation is **pending compliance**.

427. To guide compliance with this recommendation, it is necessary for the institutions charged with representing the victims at the federal and state level, or the victims *per se* to have guaranteed the right before the prosecution to be able to participate in investigations. Similarly, the State needs to submit information regarding how prosecutorial authorities guarantee compliance with the recommendation.

H. Access to Information

- Regarding the authority conferred by the Access to Information Law on the Legal Counsel Office of the Presidency, the Commission recommends regulating it in accordance with international principles related to access to public information and national security.
- Strengthen laws, policies, and practices to ensure that judicial authorities have full access to relevant information when investigating and prosecuting cases of human rights violations attributed to members of the security forces.
- Adopt pertinent measures to ensure that the security forces compile, systematize, and periodically publish the information regarding harm done to life and integrity, as a consequence of efforts to combat organized crime. The information related to such harm shall include a description of the place where it occurred, the date, data on the security sector unit reportedly present when it occurred, and information regarding that unit's mandate and oversight. Likewise, what were the causes of the harm done and the inability to prevent it.

428. Regarding the recommendation on regulating the authority conferred by the Access to Information Law on the Legal Counsel of the Presidency, in accordance with international principles related to access to public information and national security, in its first report the State indicated that it did not have updated information.³⁶⁰ Nonetheless, in its observations on the preliminary version of the report, the State indicated that Article 5 of the General Law on Transparency and Access to Public Information (LGTAIP) provides that information may not be restricted when, among other cases, it: **a)** involves serious human rights violations; and **b)** crimes against humanity in accordance with international treaties ratified by the Mexican State, the resolutions issued by international organizations whose jurisdiction is recognized by the Mexican

³⁵⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁶⁰ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano.

State, as well as applicable legal provisions. In this regard, it stated that the power of the Legal Counsel of the Federal Executive to file an appeal for review before the Supreme Court of Justice of the Nation to challenge the INAI's resolutions based on reasons of national security was already regulated by the Legislative Branch and limited to the indicated assumptions, so that, in its judgment, the exercise of that power respects international principles on access to public information and national security. In this regard, it stated that this is so, considering that the appeal for review is only filed in those cases in which it is considered necessary to safeguard information related to guaranteeing the bases and minimum structures required to achieve the stability, permanence, and integrity of the Mexican State.³⁶¹

429. In addition, the State indicated that, on May 16, 2022, the Supreme Court of Justice of the Nation, when ruling on the appeal for review on national security matter **3/2021 and 6/2021**, determined that ***“the appeal for review on matters of national security constitutes an extraordinary or exceptional means of legal defense. This is so because in the case of subject entities, both the Constitution and legislation in this area established as a general principle the binding, definitive, and unassailable nature of the resolutions of the INAI (...).”*** In this regard, the State indicated that, according to these decisions, this appeal “may not assume a means for defining the legality of each and every one of the questions resolved by the INAI, as if a second instance were involved; thus it is that, based on its very nature, the appeal is limited to the analysis of those determinations, whether substantive or adjectival in nature, that result in the disclosure of certain information that, in the judgment of the responsible authorities or subject entities, may jeopardize natural security; a question that shall be resolved definitively by and under the full jurisdiction of the Supreme Court of Justice of the Nation.”³⁶²

430. On the subject of access to information, Article 19 referred to the National Evaluation of Organizations Guaranteeing the Right to Information (hereinafter “ENOGDAI”). Based on that initiative we analyzed the actions of the 33 Guarantor Organizations of the Right to Information (32 local and one at the federal level, using as a basis the obligations and powers granted to them by the General Law on Transparency and Access to Public Information). The ENOGDAI calculates the rate of recurrence of those bound by the obligation in each federative entity, i.e., the percentage of appeals for review that were filed compared to total requests for information submitted.

431. The organization indicated that the findings have shown that the states with the highest rates of recurrence were Veracruz (31.9%), San Luis Potosí (22.1%) and the State of Mexico (19.8%). In contrast, the lowest rates of recurrence were recorded in Jalisco (2.3%), Nayarit (2.8%), and Mexico City (3.5%). It also emphasizes that the most common reason why appeals for review were filed during 2019 was the lack of a response from the person bound by the obligation within the deadlines set by the law. It is also significant that in 36.5% of the rulings on appeals for review issued during 2019, the Guarantor Organizations did not analyze the merits of the appeals, as 20.4% of the rulings dismissed the appeals for review and 16.1% threw out the appeals.

432. With regard to the relative opacity of the information on “national security,” the Commission noted a decree issued by the federal government declaring as a matter of “public interest and national security the performance of projects and works in the Mexican Government’s charge associated with infrastructure in the communications, telecommunications, customs, border, hydraulic, hydric, environmental, tourism, health, railways, railroads in all their modalities, energy, ports, and airports sectors and those sectors that, based on their purpose, characteristics, nature, complexity, and magnitude are considered to be priorities and/or strategic for national development.” As reported to the Commission and its Special Rapporteurship, the

³⁶¹ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

³⁶² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

standard may constitute a direct violation of the right of access to public information, recognized by the Mexican Constitution and international human rights treaties acceded to by the State.³⁶³

433. With respect to the above, in its observations on this report, the State informed the IACHR that the INAI filed constitutional challenge (217/2021) before the SCJN regarding the cited agreement. Thus, on December 13, 2021, the Examining Magistrate in the matter ruled on the suspension sought by the INAI, indicating as appropriate the suspension of all the effects and consequences of the challenged agreement that derive from categorizing the information detailed therein as being matters of public interest and national security, without complying with the assumptions that the respective laws provide for that purpose. On that basis, the State indicated that the SCJN suspended the effects of the agreement under analysis, although it clarified that the effects of said agreement do not mean that information related to Mexican Government projects and works considered to be in the public interest are categorized as restricted information in general terms, considering that it falls to each subject entity to attend to requests for access to information under the terms of the General Law on Transparency and Access to Public Information and the Federal Law on Transparency and Access to Public Information.³⁶⁴

434. In addition, the IACHR and its Special Rapporteur have received information on the existence of restrictions on the effective use of the formal mechanisms for access to information as provided in the General Law on Transparency and Access to Public Information.³⁶⁵ In this regard, the IACHR and the Special Rapporteur noted that the Office of the President would likely be one of the subject entities that presents the greatest obstacles when granting public information at the request of private parties.³⁶⁶ According to a report from the Article 19 organization Mexico, when analyzing the responses to 30 requests for information directed to the Office of the President of the Republic related to 28 statements made by the President, they observed that in 50% of the cases, this subject entity declared itself to be incompetent, while in 27% it indicated that it had not found the documentary information related to the request, and in 3% it indicated that it had previously declared that the information did not exist. In conclusion, they state that in practically 80% of the total responses no documentary support was provided by said officials, based on various reasons.³⁶⁷

435. The IACHR has indicated on various occasions that the power that the LGTAIP assigns to the Legal Counsel of the Office of the President to seek review of a decision made by the INAI to declassify information, arguing reasons of national security, represents risks to access to information of high public interest. However, based on the information provided by the State, the IACHR has carefully noted that Article 5 of the LGTAIP indicates that information related to serious human right violations or crimes against humanity

³⁶³ CIDH, [Informe Anual. Capítulo V](#), México, 2021, párr. 335. Citó: 4 Infobae, Por qué el decreto de AMLO pone en riesgo el acceso a la información pública: “Lo más delicado es incluir la expresión ‘seguridad nacional’”, 23 de noviembre de 2021; Expansión, AMLO declara de seguridad nacional los proyectos de infraestructura de la 4T, 23 de noviembre de 2021; Proceso, ONU-DH analiza implicaciones de acuerdo de AMLO sobre seguridad nacional, 29 de noviembre de 2021.

³⁶⁴ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

³⁶⁵ Artículo 19. 4 de abril de 2022. [Negación: informe anual 2021 sobre libertad de expresión e información en México](#); El Economista. 18 de febrero de 2022. [Niega Presidencia tener datos sobre eventos que organiza](#); The Washington Post. 16 de agosto de 2022. [El acceso a la información en México se dificulta y el INAI debe dejar de ser tibio](#); Human Rights Watch. 28 de enero de 2022. México: [La transparencia y la privacidad, amenazadas](#); Eme Equis. 20 de julio de 2022. [Con AMLO se disparan las negativas a dar información por estar “reservada” o “clasificada”](#); Article 19. 18 de julio de 2022. [ENOGDAI: Evaluación Nacional de los Órganos Garantes del Derecho a la Información](#).

³⁶⁶ El Economista. 18 de febrero de 2022. [Niega Presidencia tener datos sobre eventos que organiza](#); The Washington Post. 16 de agosto de 2022. [El acceso a la información en México se dificulta y el INAI debe dejar de ser tibio](#); Human Rights Watch. 28 de enero de 2022. México: [La transparencia y la privacidad, amenazadas](#); Eme Equis. 20 de julio de 2022. [Con AMLO se disparan las negativas a dar información por estar “reservada” o “clasificada”](#); Article 19. 18 de julio de 2022. [ENOGDAI: Evaluación Nacional de los Órganos Garantes del Derecho a la Información](#).

³⁶⁷ Artículo 19. 4 de abril de 2022. [Negación: informe anual 2021 sobre libertad de expresión e información en México](#).

cannot be classified as restricted. In addition, it has noted the information submitted on the two rulings of the Supreme Court of Justice of the Nation in 2022 in response to appeals for review filed by the Legal Counsel of the Office of the President against decisions made by the INAI. In this regard, the IACHR appreciates that the decisions of the Supreme Court stress the exceptional nature of the power established in Article 157 of the LGTAIP, although it cannot be used as a second instance and considering that the appeal must be limited to counteracting determinations to disclose information that could jeopardize national security, which is definitively resolved by the Supreme Court. Based on the foregoing, the IACHR notes that the power established in Article 157 of the LGTAIP would be legally limited by Article 5 of the same law, in the sense that it could not be used to classify as restricted information related to serious human rights violations and additionally that it involves a power that, as has been confirmed by the Supreme Court, in addition to the fact that it must be resolved by that judicial body, it is exceptional and limited in nature. Considering the most recent position reported by the State regarding the decisions of the Supreme Court of Justice, the IACHR considers this recommendation to be the complied with at a **substantively partial** level.

436. Likewise, in order to guide the implementation of this recommendation, the Commission invites the State to provide additional information regarding the decisions that the Supreme Court of Justice has adopted to resolve the appeal for review indicated in the LGTAIP, with a view to verifying whether that Court has defined other limits on the power of the Legal Counsel of the Office of the President, considering access to information of public interest. In addition, the Commission asks the State to report whether there is another standard or internal regulation that confirms the exceptional nature of the power of the Legal Counsel of the Office of the President established in Article 157 of the LGTAIP, as well as data demonstrating that in practice the exercise of that power is not used to limit access to information in the public interest. Finally, the Commission is also awaiting developments in the constitutional dispute reported by the State (217/2021) with respect to the decree issued by the federal government declaring as a matter of “public interest and national security the performance of projects and works in the charge of the Mexican Government associated with infrastructure in the communications, telecommunications, customs, border, hydraulic, hydric, environmental, tourism, health, railways, and railroads in all their forms, energy, ports, and airports sectors and those sectors that, based on their purpose, characteristics, nature, complexity, and magnitude, are considered to be priorities and/or strategic for national development.”

437. Regarding the recommendation to **strengthen laws, policies, and practices to ensure that judicial authorities have full access to relevant information when investigating and prosecuting cases of human rights violations attributed to members of the security forces**, the State reported that it is committed to legislating in collaboration with the three levels of government the laws and regulations needed to establish laws and policies guaranteeing that judicial authorities have access to information on the subject of crimes committed against human rights. The State indicated that laws, policies, and practices have been strengthened to ensure that judicial authorities have full access to relevant information when investigating and prosecuting human rights violations attributed to members of the security forces.

438. The State reported that the General Law on Transparency and Access to Public Information and the Federal Law on Transparency and Access to Public Information extend the exercise of the rights of access to information seamlessly throughout the country in order to continue guaranteeing the right of access to public information in the possession of any authority. In addition, there has been follow-up on the initiative to reform Article 20 of the Political Constitution of the United Mexican States, the purpose of which is to guarantee the right to the truth, providing that the State must guarantee that victims know about all data in the investigation that leads to the truth, as well as the initiative presented to reform Article 20 of the Constitution to provide that when human rights violations are carried out by agents of the State, all measures must be issued

to clarify the facts within a reasonable and peremptory period of time, which shall be established in a Regulatory Law.³⁶⁸

439. The IACHR considers the information provided by the State to be insufficient for the purposes of complying with the recommendation. As indicated in recent annual reports, the Commission understands that the context of serious human rights violations faces significant challenges and requires institutional efforts to strengthen transparency requirements.³⁶⁹ In this regard, and since an obligation subject to gradual compliance is involved, the IACHR estimates that the status of the recommendation is one of **partial compliance**, and urges the State to continue to strengthen the right of access to public information, particularly with regard to serious human rights violations.³⁷⁰

440. To guide the implementation of this recommendation, the Commission sees fit to suggest the adoption of measures that are specifically directed to strengthening the right of access to public information, particularly with regard to serious human rights violations. In addition, the Commission asks the State to adopt relevant measures to ensure that judicial authorities have access to information in the context of investigative procedures.

441. Regarding the recommendation to **adopt pertinent measures to ensure that the security forces compile, systematize, and periodically publish the information related to harm done to life and integrity as a consequence of efforts to combat organized crime, the information related to such harm shall include a description of the place where it occurred, the date, data on the security sector unit reportedly present when it occurred, and information regarding that unit's mandate and oversight, as well as causes of the harm done and the inability to prevent it**, in its first report the State indicated that it did not have updated information.³⁷¹ Nonetheless, in its observations regarding this report it referred to the Memory and Truth site as a virtual forum dedicated to the disclosure of existing public information regarding cases of alleged human rights violations and crimes against humanity occurring in Mexico. The objective of the site is to promote transparency, the right of access to information, the right to the truth, the guarantee of non-repetition, and the generation of a collective memory.³⁷²

442. The PRODH Center stated that more than one year has passed and the National Guard has still not properly complied with what was ordered by the National Institute of Transparency, Access to Information, and Protection of Personal Data as regards preparing public versions of its detailed reports on the use of force.³⁷³ In addition, they indicated that the National Guard has reported nearly 300 incidents in 2020 and 2021 in which it used force and firearms³⁷⁴ up to the month of May 2022, after lengthy litigation before the transparency agency.³⁷⁵

³⁶⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁶⁹ IACHR. Information reported by the State of Mexico to the Inter-American SIMORE of the IACHR. October 24, 2022.

³⁷⁰ IACHR. Information reported by the State of Mexico to the Inter-American SIMORE of the IACHR. October 24, 2022.

³⁷¹ Informe de avance del Estado mexicano sobre el cumplimiento y seguimiento de las recomendaciones de la CIDH. Capítulo V, de octubre de 2022 a través del SIMORE Interamericano.

³⁷² State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

³⁷³ ONU-DH, [ONU-DH saluda la orden a la Guardia Nacional de hacer públicos sus informes sobre uso de la fuerza](#), September 20, 2021; and Arturo Ángel et al. [Guardia Nacional se niega a dar datos de uso de la fuerza y el armamento para contener protestas, en Animal Político](#), October 14, 2021.

³⁷⁴ National Guard, [Informe Anual de Actividades 2020](#), p. 49; National Guard. [Informe Anual de Actividades 2021](#), p. 30.

³⁷⁵ Animal Político, [Pese a más de 400 quejas ante CNDH, la Guardia Nacional solo reconoce un caso de uso excesivo de la fuerza](#), May 4, 2022.

443. The organization indicated that the State reported that, during the year 2021, the National Guard used lethal force with firearms in 125 incidents and in one of them it was determined that there was excessive use of force, which led to CNDH Recommendation 92/2021.³⁷⁶ Those incidents resulted in the deaths of 65 civilians and an additional 20 people who were wounded.³⁷⁷ Moreover, in that year, 7,586 disciplinary correctives and penalties were imposed on components of the institution – without detailing the grounds for them – and no criminal penalty was recorded.³⁷⁸ Nonetheless, the organization emphasizes that the report does not mention the circumstances and reasons for using firearms and although it indicates that in only one case was there excessive use of force, it does not detail the criteria or mechanisms for determining when force was excessive. In this regard, in its reports on 2020³⁷⁹ and 2021,³⁸⁰ the National Guard respectively reports only two cases of excessive use of force related to CNDH recommendations, so that it is not clear whether the National Guard's criterion is based on recognizing as excessive only those cases that lead to a resolution by the national human rights institution, which would not reflect actual conditions but would make recognition of the excessive use of force contingent on whether a complaint had been filed with the National Commission and that commission had issued a recommendation.

444. For its part, Article 19 emphasized that subject entities of the armed forces and security forces, such as SEDENA, continue not to provide information regarding the use of force, detention of alleged criminals, and confrontations. In this regard, the organization indicated that continual refusals in response to requests for access to public information affects society's right to information and its right to know, and also limits accountability on the part of subject entities. Article 19 emphasized that access to information on topics related to human rights violations and particularly the disappearance of persons continues to be limited. As part of the Fourth Action Plan of the Alliance for Open Government, to which Mexico is a party, a commitment was developed on the creation of an interoperable platform that would include different databases on security topics. In this regard, there continues to be doubt, firstly, regarding the publication of such databases in open data together with their analytical methodologies for analysis and scrutiny and, secondly, regarding the creation of the public and interoperable platform.

445. The Commission recalls that in democratic societies it is essential for State authorities to be governed by the principle of maximum disclosure, so that all information held by the State is presumed to be public and accessible, subject to a limited list of exceptions. In this context, the concept of national security must be interpreted in accordance with the parameters of “just requirements of the common good in a democratic society.”³⁸¹ In this regard, the Inter-American Court has maintained that the establishment of restrictions on the right of access to state-held information “without respecting the provisions of the Convention (...) creates fertile ground for discretionary and arbitrary conduct by the State in classifying information as secret, reserved, or confidential.”³⁸² In view of the information reported in recent annual reports and the lack of information indicating new progress in response to this recommendation, the IACHR considers that its status continues to be one of **partial compliance**.

446. To guide the implementation of this recommendation, the IACHR sees fit to ask the State to adopt measures to systematize the data on impacts arising from combating organized crime and to provide

³⁷⁶ National Guard, [Informe Anual de Actividades 2021](#), p. 30.

³⁷⁷ National Guard, [Informe Anual de Actividades 2021](#), p. 35.

³⁷⁸ National Guard, [Informe Anual de Actividades 2021](#), p. 33.

³⁷⁹ National Guard, [Informe Anual de Actividades 2021](#), p. 49.

³⁸⁰ National Guard, [Informe Anual de Actividades 2021](#), p. 30.

³⁸¹ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Derecho a la información y seguridad nacional](#). OEA/Ser.L/V/II IACHR/RELE/INF.24/20. July 2020. para. 76.

³⁸² I/A Court H.R. Case of Claude Reyes et al. v. Chile. Merits, Reparations, and Costs. Judgment of September 19, 2006. Series C No. 151, para. 98.

specific information on these measures. In addition, the Commission sees fit to suggest that the State ensure that this systematization process is transparent, updated, clear, concise, and coordinated and explains how these characteristics have been guaranteed. The Commission also asks the State to ensure that the registry breaks down the data by ethnic-racial origin, age, gender, sexual orientation, identity, and/or gender expression of those indicated in the recommendation and, finally, that the registry can be used for reparations actions.

I. Mechanism to Protect Human Rights Defenders and Journalists

- Require the competent authorities to take into consideration the international parameters on protection, especially the considerations set forth in the “Second Report on the Situation of Human Rights Defenders in the Americas” and the “Report on Violence against Journalists and Media Workers of the Special Rapporteur for Freedom of Expression of the IACHR.”
- Provide all the political support needed for the protection mechanism to function properly, including the financial resources it needs to exercise its protective powers and be sustainable over time.
- Adopt all measures needed to assign and train all the personnel it requires to operate properly.
- Ensure that the risk assessment and the implementation of preventive and protective measures are carried out appropriately and in a timely fashion. Ensure, in risk assessments, the choice of protection measures, and review of their suitability, that guarantees are provided for adequate participation, communication, and coordination with the persons protected by the Mechanism and the beneficiaries of precautionary measures requested by the IACHR.
- Evaluate and adopt differentiated measures for women, indigenous leaders, and environmental defenders.
- Urge the State to implement the strategies needed for the different institutions, at the various federal and state levels, to work in a coordinated manner to provide a comprehensive response to all issues related to the protection of human rights defenders, as well as journalists.
- Encourage the protection mechanism to implement a strategy to publicize its competencies, the requirements for joining the program, as well as other necessary information to ensure that human rights defenders and journalists are aware of the protection that the mechanism can provide. Likewise, and in accordance with international standards, provide access to the necessary information regarding the protection mechanism, in order to provide greater transparency on the work it performs.
- Encourage the protection mechanism to adopt a procedure that allows it to order, ex officio, protection measures in those cases that, due to their seriousness and urgency, require them immediately.
- Urge the State to redouble its efforts to investigate the circumstances that lead persons to enter and remain in the protection mechanism, with a view to establishing, as a matter of State policy, that investigations will be pursued as a preventive measure.

- Encourage the mechanism to adopt tools that enable it to measure the effectiveness of the measures implemented and to increase the transparency of all actions taken in order to enhance beneficiaries' trust in the mechanism. All that needs to be accompanied by a policy of prevention and participation of the target population.

447. Regarding the recommendation to **require the competent authorities to take international parameters on protection into consideration, especially those developed in the “Second Report on the Situation of Human Rights Defenders in the Americas,” and the “Report on Violence against Journalists and Media Workers of the Special Rapporteur for Freedom of Expression of the IACHR,”** the State reported that, in 2019, the Office of the United Nations High Commissioner for Human Rights presented the diagnosis on the operation of the protection mechanism, with 104 recommendations for strengthening it in the area of protection, prevention, and institutional strengthening. In this regard, the State indicated that in order to provide institutional responses, priority actions are identified, and concrete measures will be adopted encouraging respect, protection of defenders and journalists and promotion of their rights. The State emphasized that, indicators will be established for the timely follow-up of actions. This initiative will be carried out through a forum for dialogue with civil society organizations and the support of the OHCHR.³⁸³

448. According to the information provided, the Commission does not have sufficient data to determine progress made in complying with the recommendation. The IACHR welcomes the participation of other international human rights organizations to strengthen compliance with obligations in this area. In addition, it notes the series of actions implemented on the Mechanism. Nonetheless, it estimates that the status of the recommendation is one of partial **compliance**.

449. In order to guide compliance with this recommendation, the IACHR sees fit to ask the State to ensure that the information provided for follow-up makes it possible to report how the standards provided in the “Second Report on the Situation of Human Rights Defenders in the Americas” and the “Report on Violence against Journalists and Media Workers of the Special Rapporteur for Freedom of Expression” of the IACHR have been adopted.

450. With regard to the recommendation to **provide all the necessary political support for the proper functioning of the protection mechanism, which includes the financial resources needed for them to efficiently develop their protection skills, and ensure that it is sustainable over time,** the State indicated that the Interior Ministry has promoted having sufficient material resources and specialized human resources to ensure the operations of the Protection Mechanism for Human Rights Defenders and Journalists, providing timely and quality attention, working with the states and other federal authorities to eliminate geographic obstacles. Likewise, coordination with states continues to be strengthened, prioritizing the work in those states where there were changes in government, seeking to affirm the institutional commitments so as not to compromise routes of intervention. The State emphasized that the actions promoted by the current administration to strengthen the protection and prevention policy include the signing of agreements with eight states, the purpose of which is to coordinate specific actions on the subject of protection for human rights defenders and journalists. With the creation of a General Law, the transition to a National System of Protection is anticipated, with definitions of the powers of local and federal authorities.³⁸⁴ The State also reported that 544 million pesos were disbursed during 2022 in comprehensive compensation and reparations for 800,000 victims or relatives of human rights defenders and journalists. In addition, with the implementation of the

³⁸³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁸⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

Strengthening Plan, the number of protected persons has increased by more than 100 percent, growing from 798 to 1,672.³⁸⁵

451. The IACHR commends the Interior Ministry's promotion of actions to strengthen the Protection Mechanism, based on continuing training, the allocation of public resources, agreements signed with states, and the development of working panels to address problems with the support of the Protection Mechanism. The Commission recognizes the evaluation work that the State has done. However, as indicated in previous paragraphs, it has also been informed of challenges in the implementation of protection measures by the Mechanism. Accordingly, it asks the State to continue with actions designed to strengthen the Mechanism, considering that it is necessary to consolidate its operations in response to the persistent violence faced by defenders and journalists in Mexico. For this reason, the status of the recommendation continues to be **partial compliance**.

452. To guide follow-up of this recommendation, the IACHR asks the State to adopt specific measures to ensure the financial and operational sustainability of the Mechanism. In addition, it is important to adopt actions to ensure that authorities within the framework of their areas of competence collaborate with the work of the Mechanism.

453. Regarding the recommendation to **adopt all measures needed to assign and train all the personnel required for the Mechanism to function properly**, the State reported that the Mechanism for the Protection of Human Rights Defenders and Journalists is aware of the need to have personnel with the working skills linked to providing care and protection for human rights defenders and journalists, incorporating in that care international human rights standards. In this regard, the State reported that, with the support of the USAID Defenders and Journalists Project (PDP), during 2022 five training sessions have been conducted to strengthen the use of methodological tools; the application of the differential, specialized, and intersectional approach; regulations, labor support, and victims' care. In addition, the State indicated that the structure's staff should have 40 hours of training every year; that the education is provided by institutions that promote human rights such as the National Human Rights Commission and the National Council for the Prevention of Discrimination, to mention some of them.³⁸⁶

454. The Commission notes the efforts made by the State. In addition, it determines that additional information is still needed to establish whether this training has been provided totally or partially to staff. In addition, the IACHR believes that it is still necessary to report on evaluation indicators, as well as the type of topics addressed, and to indicate whether these training sessions are conducted regularly. Based on the foregoing, the recommendation is **pending compliance**.

455. To guide the implementation of this recommendation, the IACHR asks the State to adopt the measures needed to ensure that all personnel needed for the proper operation of the Mechanism are trained. In addition, the IACHR asks the State to ensure that training is properly evaluated to ensure its usefulness as well as to report on its continuation and duration and the main results obtained from conducting the training.

456. Regarding the recommendation to **ensure that the risk assessment and the implementation of preventive and protective measures are carried out appropriately**, the State indicated that in accordance with the Law for the Protection of Human Rights Defenders and Journalists, all protection measures are defined and implemented by mutual agreement with the beneficiaries. In addition, protection

³⁸⁵ State of Mexico, OAS Note 517 of February 17, 2023. Observations on the preliminary version of the report.

³⁸⁶ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

measures are determined based on the risk assessment methodology. That methodology takes up the differential, specialized, gender-based, and intersectional approach to develop a protection plan that considers the particular needs of the person and his/her context. The State reported that, based on the nature of the case, an effort is made to handle the case on a timely basis, in accordance with the indicated criteria. Nonetheless, the State indicated that it is aware that the capacities of the Mechanism are limited, so that it continues with related arrangements to increase the resources of the Mechanism so as to ensure the effectiveness of the services provided.³⁸⁷

457. The Commission notes the substantive legislation applicable to the Mechanism, corroborating what the State has indicated. However, the IACHR notes with concern that the risk assessments do not comply with international standards in this area. In this regard, the Commission has indicated in earlier sections information received regarding cases of beneficiaries whose protection measures have been withdrawn based on the alleged reduction in the risk they face. Based on the foregoing, the status of the recommendation continues to be **partially compliant**.

458. Regarding the recommendation to **evaluate and adopt differentiated protection measures for women, indigenous leaders, and environmental defenders**, the State insisted that protection measures are determined based on the risk assessment methodology. That methodology utilizes the differential, specialized, gender-based, and intersectional approach to develop a protection plan considering the particular needs of the person and his/her context.³⁸⁸

459. The Commission notes that the State did not provide sufficient information to determine progress made in complying with the recommendation. In this regard, it asks the State to provide more information regarding measures with a differentiated approach available to the Mechanism. Based on the foregoing, the recommendation is **pending compliance**.

460. To guide compliance with this recommendation, the Commission suggests that the State provide information on how differentiated protection measures are determined for the persons indicated in the recommendation. In that regard, the Commission urges the State to submit more information on the methodology used for the risk assessment and how it is developed with a differentiated approach.

461. In relation to the recommendation to **implement strategies so that the different institutions, at the various federal and state levels, work in a coordinated manner in order to provide a comprehensive response to all issues related to the protection of human rights defenders, as well as journalists**, the State indicated that in order to ensure coordination between the federation and the states to work on topics related to the protection of male and female human rights defenders and journalists, the Governing Board of the Mechanism for the Protection of Human Rights Defenders and Journalists was created, and its members include various institutions that coordinate actions for timely handling of cases.

462. In addition, it is pointed out that the coordination agreements signed during the course of this year reaffirm the commitments made by states to work in coordination on the protection of human rights

³⁸⁷ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁸⁸ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

defenders and journalists. In addition, the State emphasized that working meetings were held with the various states to share practices on strengthening methods of care.³⁸⁹

463. On this subject, the CNDH emphasized that more resources or more powers at the federal level are not sufficient if there is no impact on comprehensive public policies that get to the bottom of the problem. Presenting the problems related to the violence suffered by male and female media workers and activists is insufficient to understand their complexity. In this regard, the CNDH considered that a part of the solution is to build a climate favorable to discussion and the serious practice of journalism.³⁹⁰

464. The Commission notes that the State repeats the information previously provided. In this regard, the Commission reiterates its view as presented in the 2021 Follow-Up Report that the implementation of the Mechanism for the Protection of Journalists continues to be ineffective in terms of coordination at all levels of government and between institutions. Despite the cooperation agreements signed with the 32 states, they are not binding, and the federal government cannot demand their fulfilment, making it impossible to properly implement the protection measures. In addition, the lack of the security forces' participation in the programs, reactive police intervention, the lack of risk analysis and protection measures consistent with the needs of defenders and journalists, and the privatization of security measures are some of the difficulties posed by the Mechanism. The Commission will anticipate the approval of a General Law and its implications for coordination among the various levels of the State that are involved in the operation of the Mechanism. The IACHR considers the status of the recommendation to be one of **partial compliance**.

465. To guide the implementation of this recommendation, the IACHR sees fit to ask the State to adopt the measures necessary to ensure that the strategies implemented for coordinated work are mandatory and used to provide a comprehensive approach to the protection of human rights defenders and journalists.

466. Regarding the recommendation to **encourage the protection mechanism to implement a strategy for publicizing its sphere of competence**, the State indicated that the institutional website of the Mechanism for the Protection of Human Rights Defenders and Journalists is used to disseminate information on activities carried out, bulletins, and monthly statistical reports. In addition, during the year 2022, the dissemination of informative material in infographic format on the Mechanism, its operations and processes, which are disseminated through social networks, has been strengthened.³⁹¹

467. The State reiterated information submitted earlier with respect to the Mechanism's institutional website, indicating that "information is disseminated on those who produce attacks on human rights defenders and journalists." In that the State did not add information different from that provided for follow-up of the recommendation in 2021, the IACHR considers that the status of the recommendation is still one of **partial compliance**.

468. To guide compliance with this recommendation, the IACHR asks the State to submit specific information regarding the content disseminated and where it is published. With respect to informative material, the Commissions suggests that the State seek more information regarding the reach that this strategy

³⁸⁹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁹⁰ CNDH, Follow-up on Compliance with the Recommendations in the Report on the "Situation of Human Rights in Mexico, October 21, 2022, p. 26.

³⁹¹ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

has had, as well as its duration. This information will make it possible to better assess progress made in implementing the recommendation.

469. On the recommendation to **encourage the protection mechanism to adopt a procedure that allows it to order ex officio protection measures in those cases that due to their seriousness and urgency require them immediately**, the State reiterated that the Protection Mechanism for Human Rights Defenders and Journalists is able to react to obviously serious and urgent cases with a special procedure that defines urgent protection measures.³⁹²

470. Based on the information provided by the State, the IACHR considers that there is **partial compliance** with the recommendation and asks the State to redouble its efforts to adopt measures to ensure effective protection in those cases that require emergency attention.

471. To guide compliance with this recommendation, the IACHR asks the State to adopt specific measures and guidelines issued and applied to establish reaction procedures in response to serious and urgent cases. Likewise, to follow up this recommendation, it would be useful to have access to this information, as well as to the results of these procedures.

472. In relation to the recommendation to **redouble efforts to investigate the facts that induce people to enter and stay in the protection mechanism, with a view to establishing investigation as a protective measure and as State policy**, the State reported that one of the Mechanism's functions is to establish cooperation to implement and operate preventive measures and urgent protection measures to ensure the life, integrity, freedom, and security of those in at-risk situations as a result of defending or protecting human rights and exercising freedom of expression and practicing journalism and it does not have functions in the investigation of the facts.³⁹³

473. In view of the lack of detailed information, the Commission finds that there is **partial compliance** with the recommendation.

474. To guide compliance with this recommendation, the Commission asks the State to adopt institutional strengthening measures to ensure the investigation of the facts that induce people to enter the protection mechanism, and to report on the results of these measures. Likewise, the Commission asks the State to report on progress made on investigation procedures related to the cases that are part of the protection mechanism and to report on the actions adopted to ensure that investigations are conducted impartially, exhaustively, and expeditiously and also lead to appropriate prosecution and punishment of those responsible.

475. Regarding the recommendation to **encourage the Mechanism to adopt tools that enable it to measure the effectiveness of the measures implemented**, the State indicated that, in order to verify the effectiveness of the protection mechanisms implemented by the Protection Mechanism for Human Rights Defenders and Journalists, an evaluation is currently being designed on the effectiveness of the help buttons (*botones de asistencia*). To this end, work is being done on the methodology, plan of work, and schedule.³⁹⁴

³⁹² Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁹³ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

³⁹⁴ Progress report of the Mexican State on compliance with and follow-up to the recommendations of the IACHR. Chapter V, October 2022 through the Inter-American SIMORE.

476. The Commission notes that the State did not report specific information to allow for progress on the level of compliance with the recommendation, so that the IACHR considers that this recommendation is **pending compliance**.

477. To guide compliance with this recommendation, the IACHR asks the State to adopt measures allowing it to have evaluation indicators to verify the effectiveness of all the measures implemented and not just the panic buttons. It also suggests that this evaluation take into consideration the perspectives of those who are using these measures.

III. CONCLUSIONS

478. The Commission reiterates to the Mexican State the recommendations issued in its 2015 Country Report. Although significant progress has been made in complying with the recommendations highlighted by the IACHR in this document, challenges persist in terms of strengthening human rights institutions, specifically with regard to the promotion of gender equality and the eradication of violence against women, as well as the protection of human rights defenders and journalists, and comprehensive protection and care for victims of human rights violations, with an intersectional approach.

479. In the context of analyzing compliance with the 80 recommendations subject to follow-up, the IACHR recognizes state efforts and measures intended to move ahead in complying with the recommendations. The Commission reiterates to the State the importance of effective compliance with the recommendations issued in its 2015 Country Report.

480. In view of the information received, the Commission notes with concern the context of militarization in Mexico. Although the State reported in previous years on the creation of a civilian security force and a gradual plan to withdraw the armed forces, the Commission notes that this year represents a setback in compliance with the recommendations on the subject of citizen security. In this regard, the Commission reiterates that the consequence of the situation of violence and insecurity in Mexico, due to the activities of organized crime groups along with a militarized response, is an increase in serious human rights violations.

481. As of 2022, issues of particular concern continue to be the high number of disappearances and homicides without proper investigation, as well as the insecure situation of individuals or groups most exposed due to historical discrimination against them. In this context, although the Commission appreciates the strengthening of the National Search Commission, the creation of the Extraordinary Forensic Identification Mechanism, and the Human Identification Centers, the coordination and commitment of prosecutor's offices continues to be fundamental to working with these institutions. The prosecution also needs to provide for registries, systematization, and data processing. In addition, the Commission notes that, although the State has implemented actions to address the crisis of disappearances, public prevention policies need to be implemented.

482. In relation to the recommendations on the subject of torture and extrajudicial executions, the Commission reiterates its concern with regard to the intervention of the armed forces in public security tasks and the implications of that intervention. Likewise, the Commission considers it important for the State to provide specific information on the information registries enabling the identification of uniform figures and statistics on serious human rights violations.

483. A significant challenge with respect to the Mexican State lies in the lack of access to justice. It is essential to redouble efforts to break the cycle of impunity in order to achieve effective prevention,

investigation, prosecution, and punishment of those responsible for human rights violations and thus to ensure that regulatory advances produce real changes in peoples' daily lives. The IACHR emphasizes that the information submitted by the State does not contain information provided by law enforcement agencies or concrete measures for eliminating the concept of *arraigo* from the Mexican legal system.

484. The Commission notes with concern the persistence of reports of threats and violence against human rights defenders and journalists. It is particularly concerned by the information provided by civil society regarding public comments made by State authorities against journalists and human rights defenders. In this regard, the IACHR is able to note that, despite the existence of various regulatory provisions and public policies intended to guarantee the integrity of such individuals, the State must strengthen its efforts to ensure practical, appropriate, and widespread compliance with its regulatory framework in order to protect and guarantee the aforementioned human rights.

485. Along the same lines, the Commission has noted that various population groups continue to live in a delicate state of vulnerability, and it is a matter of particular concern that violence persists against LGBTI persons, women, migrants, indigenous peoples, boys, girls, and adolescents in Mexico. In addition, the IACHR is concerned about the situation of private persons deprived of liberty as well as the lack of measures to reduce the use of pretrial detention in the country.

486. Finally, the Commission is grateful for the information reported by the State and civil society organizations. The Commission notes the efforts reported by the State for effective compliance with the recommendations issued in the 2015 Country Report and the State's willingness to continue working in coordination with the Commission to guarantee human rights in Mexico. In this regard, the Commission reaffirms its commitment to collaborating with the Mexican State in the search for solutions to the problems and challenges identified, as well as to support its efforts to comply with its international obligations in the area of human rights.