

CHAPTER V

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

Mexico



CHAPTER V: MEXICO

I.	INTRODUCTION	1031
II.	FOLLOW-UP ON RECOMMENDATIONS	1032
A.	Citizen Security	1032
B.	Disappearances and forced disappearances	1044
C.	Torture	1055
D.	Extrajudicial executions.....	1063
E.	Access to justice.....	1071
F.	Impairment of the rights of particular groups	1081
G.	Access to information	1116
H.	Mechanism of Protection for Human Rights Defenders and Journalists	1120
III.	SUMMARY TABLE ON LEVEL OF COMPLIANCE WITH RECOMMENDATIONS	1131
IV.	CONCLUSIONS	1133

CHAPTER V

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

EIGHTH FOLLOW-UP REPORT ON RECOMMENDATIONS MADE BY THE IACHR IN THE REPORT ON THE HUMAN RIGHTS SITUATION IN MEXICO¹

I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations made in the report “Human Rights Situation in Mexico,” adopted December 31, 2015, by the Inter-American Commission on Human Rights (hereinafter “the Commission,” “the Inter-American Commission,” or “the IACHR”), pursuant to Article 59(9) of its Rules of Procedure. According to that provision, in Chapter V of its Annual Report the Commission will follow up on the measures adopted to carry out the recommendations made in the Country Report. In conducting such follow-up, the Commission addresses the main current human rights problems identified in the United Mexican States (hereinafter “Mexico,” “the Mexican State,” or “the State”). These have to do with citizen insecurity and militarization, disappearances, torture, access to justice and impunity, the situation of freedom of expression, as well as the situation of groups.

2. At Mexico’s invitation the IACHR made an onsite visit to the country from September 28 to October 3, 2015. The IACHR prepared the report Human Rights Situation in Mexico (hereinafter the Country Report) with a series of recommendations to the Mexican State, drawing on the findings and information obtained before, during, and after the onsite visit. In addition, the Country Report was based on research done at the Commission’s own initiative, information provided by the State, inputs from the different mechanisms by which the IACHR has followed up on the situation in Mexico, as well as news articles and decisions and recommendations of specialized international organizations, among others, in keeping with Article 59(5) of its Rules of Procedure.

3. In the years following the publication of the Country Report the IACHR prepared reports following up on the recommendations, which were incorporated in Chapter V of the Commission’s Annual Reports corresponding to all the years from 2016 to 2022. These follow-up reports have included, as relevant, the observations submitted by the Mexican State and civil society.

4. To prepare this follow-up report the IACHR, by communication sent on August 7, 2023, asked the Mexican State to present the information on measures of compliance adopted in the last year with respect to the recommendations contained in the Country Report. The State’s response was received on September 14 and 15, 2023, through the Inter-American SIMORE.² The Commission values and is grateful for the information received, which has been included in this follow-up report where relevant. In addition, the IACHR is grateful for the information provided by the civil society organizations.³

¹ In keeping with Article 17(2) of the Commission’s Rules of Procedure, Commissioner José Luis Caballero Ochoa, of Mexican nationality, did not participate in the discussion, research, deliberation, or approval of this report.

² [Progress report by the Mexican State on compliance with and follow-up to the IACHR’s Recommendations](#). Chapter V, September 2023 through the Inter-American SIMORE.

³ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS Litigio Estratégico y Derechos Humanos (hereinafter IDHEAS), Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (hereinafter CMDPDH), Fundación para la Justicia y el Estado Democrático del Derecho (hereinafter FJEDD), Intersecta Organización para la Igualdad (hereinafter Intersecta), Centro de Derechos Humanos Miguel Agustín Pro Juárez (hereinafter Centro Prodh), and the Movimiento Nacional por nuestros desaparecidos (hereinafter MNDM).

5. In addition, in keeping with Article 59(10) of the Rules of Procedure, on November 20, the IACHR forwarded this report to the Mexican State for it to send in its comments within four weeks. On December 20, 2023, the State submitted its observations, the relevant parts of which were included in the final version of this report⁴. This follow-up report was received final approved by the IACHR on December 29, 2023.

6. This follow-up report is divided into seven sections, which consider the most recent measures adopted by the State to comply with the Commission's recommendations and the challenges that persist related to implementation. Compliance with the recommendations has been evaluated based on the General Guidelines on the Follow-up of Recommendations and Decisions of the IACHR.⁵ Each section refers to the recommendations issued by the IACHR grouped by the main themes. The report presents, first, a summary of the information learned by the IACHR and its analysis in the last follow-up report, corresponding to 2022. After this summary the report addresses the information that the IACHR has come to learn of in 2023, through different sources, including the State and the civil society organizations, as well as the information that the Commission has collected monitoring the general human rights situation in Mexico.⁶ Next, the report presents an analysis of the level of compliance and refers to the main areas of progress and challenges to implementation identified by the Commission based on information it received in 2023. The analysis of each recommendation culminates with an assessment of the IACHR on the specific information that the State has not yet sent or on the measures yet to be adopted to determine the level of progress in complying with the recommendation. Finally, the IACHR presents its conclusions regarding the progress made and challenges that remain when it comes to complying with the recommendations in the Country Report as a whole.

II. FOLLOW-UP ON RECOMMENDATIONS

A. Citizen Security

Recommendation No. 1 Develop a concrete plan for the gradual withdrawal of the Armed Forces from public security tasks and for the recovery of such tasks by the civilian police forces.

7. In Chapter V of the 2022 Annual Report, the IACHR notes the establishment of the National Guard (GN: Guardia Nacional), which is apparently based on the guidelines in the National Public Security Strategy established by the Secretariat for Citizen Security and Protection. In addition, the Commission learned that the operational and administrative control of the GN was transferred to the Secretariat of National Defense (SEDENA). The IACHR invited the State to reconsider these modifications and to adopt measures aimed at reformulating its security strategy mindful of international standards. In addition, it invited the State to adopt measures to reinforce the civilian security forces and to take up anew a plan for gradual separation from the Armed Forces.⁷

Information on compliance

8. According to the information provided in 2023 by the State to the IACHR, the Supreme Court of Justice of the Nation (hereinafter, Supreme Court), through Unconstitutionality Action No. 137/2022, invalidated the transfer of organic, administrative, budgetary, and directive powers of the GN to the SEDENA. In this respect, the Supreme Court considered that Article 21 of the Constitution establishes that the GN will be a civilian entity and that it should be placed under the Secretariat for Citizen Security and Protection, which should be responsible for determining its actions, plans, and programs. In addition, the Constitutional Court

⁴ State of Mexico. [Observations and comments on the draft Chapter V 2023 on follow-up on the recommendations made by the Inter-American Commission on Human Rights in its "Situation of human rights in Mexico" report](#). December 21, 2023.

⁵ 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.

⁶ To that end, the IACHR has drawn on the information collected in public hearings, research done at its own initiative, input from the mechanisms for petitions and cases and precautionary measures, as well as the responses to the requests for information made pursuant to Article 41 of the American Convention on Human Rights; as well as the information collected from other public sources, and the decision and recommendations of specialized international agencies, among others.

⁷ IACHR, [Annual Report Chapter V, Mexico](#), 2022, paras. 8 and 17.

invalidated the power of the head of SEDENA to propose the appointment of the Commander of the GN, as it considered that said power violates the rule on assignment of authority to the Secretariat. According to the information provided to the Commission, the Supreme Court underscored the importance of the independence of the branches of government and the separation of powers and the existence of institutional checks and balances, given that the Armed Forces must only be deployed in temporary security tasks, in exceptional circumstances, subordinated to the civilian authorities and under the effective supervision of independent civilian bodies.⁸

9. Along the same lines, the Commission accessed information, provided by civil society organizations, that states that in May 2020 the President issued an “Executive order ordering the Armed Forces to permanently perform public security tasks on an extraordinary, regulated, overseen, subordinated, and complementary manner,”⁹ which apparently does not guarantee the requirements established in the Constitution, and repudiates Mexico’s international obligations.¹⁰ That executive order was upheld by the Supreme Court on May 11, 2020.¹¹

10. Moreover, civil society organizations told the Commission that although having the GN operate under the SEDENA was declared unconstitutional,¹² the amendments to the Organic Law on the Federal Public Administration, the Law on the GN, and the Organic Law on the Army and Air Force are such that the GN is controlled administratively by the SEDENA. According to the information provided by civil society to the IACHR, the President of the Republic announced that during the final month of his six-year term in 2024 he would launch a new initiative for considering once again placing the GN under the SEDENA. In addition, they indicated that, at odds with the above-mentioned ruling by the Supreme Court, the President had said that the GN would continue receiving instructions from the Army and Navy.¹³ Finally, civil society organizations informed the Commission that in November 2022 the period for the Armed Forces to be engaged in public security tasks was extended from five to nine years.¹⁴

11. Based on publicly-available information, the IACHR also learned that the model implemented by the State continues according a leading role to the Armed Forces in several tasks, such as immigration control and infrastructure projects, among others.¹⁵ The foregoing has also been observed by international human rights bodies such as the Human Rights Committee (under the ICCPR) of the United Nations (UN), which has expressed concern about the Armed Forces continuing to perform functions that should be entrusted to civilian authorities.¹⁶

Analysis and level of compliance with the recommendation

12. The Commission positively values the decision of the Supreme Court that found it was invalid for the GN to be under the SEDENA. It also observes that the finding is the result of a trial brought by civil

⁸ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 1](#).

⁹ Official Gazette of the Federation, Decision by which the permanent Armed Forces are available for performing public security tasks on an extraordinary, regulated, overseen, subordinated, and complementary basis, May 11, 2020.

¹⁰ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

¹¹ Supreme Court, [Supreme Court validates the temporary intervention of the Armed Forces in public security tasks](#), May 25, 2023.

¹² CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; El País. [López Obrador intentará en 2024 una nueva reforma para transferir la Guardia Nacional al Ejército](#), April 19, 2023; La Suprema Corte de la Nación (SCJN) declaró inválida la reforma del Congreso que transfería al Ejército el control operativo y administrativo de la Guardia Nacional el 18 de abril de 2023; El País. [La Suprema Corte tumba la reforma que transfiere al Ejército el control de la Guardia Nacional](#), April 18, 2023.

¹³ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; El País. [López Obrador intentará en 2024 una nueva reforma para transferir la Guardia Nacional al Ejército](#), April 19, 2023.

¹⁴ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, Centro Prodh, FJEDD, Intersecta, and the MNDM, September 2023.

¹⁵ WOLA, Mexico Deepens Militarization, September 2, 2022.

¹⁶ United Nations. Human Rights Committee, [Consideration of reports submitted by States Parties under article 40 of the Covenant. CCPR/CMEX/CO/5](#), April 7, 2010, para. 11.

society against the Executive branch's initiative to place the GN under the Armed Forces. Along the same lines, the Commission takes note of what was reported by civil society regarding the above-cited amendments of the various laws, as well as the public statements by the President stating his intention to introduce a new initiative in Congress to reassign the GN to the Armed Forces. The IACHR considers that this reassignment is not consistent with a provision of the State that calls for removing the Armed Forces from public security functions; to the contrary, it would have the effect of strengthening and guaranteeing that the Armed Forces would continue to perform public security work.

13. Considering the foregoing situation, the IACHR reiterates that maintaining internal public order and citizen security should be reserved primarily to the civilian police forces.¹⁷ In light of the aforementioned development, the Commission finds that this recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

14. The Commission reiterates its call to the Mexican State to adopt, pursuant to its international commitments in human rights, the relevant measures to comply with this recommendation and, accordingly, to limit the militarization of citizen security. In addition, it urges the Mexican State to reformulate its security strategy by strengthening the civilian security forces, and to draw up a plan for their gradual exit from the Armed Forces. In addition, the Commission urges the State to report on the reforms to the Organic Law on the Federal Public Administration, the Law on the GN, and the Organic Law on the Army and Air Force, indicating what their likely impact could be on compliance with this recommendation, and indicating how these amendments would be in keeping with the relevant international standards.

Recommendation No. 2 Strengthen the capacity of police forces to carry out public security tasks according to international human rights standards.

15. According to the information reported by the State for the 2002 Follow-Up Report, 112,661 members of the GN received training in human rights. In addition, the State reported that there were talks, campaigns, and dissemination and prevention activities related to human rights. In that report the IACHR considered the gains noted as positive, but asked for information on the number, regularity, and contents of the courses given, as well as information on how they have contributed to strengthening the police.¹⁸

Information on compliance

16. On this recommendation, in 2023 the State reported to the Commission that 6,761 persons working with the Secretariat for Citizen Security and Protection were trained in human rights. Moreover, it indicated that the states of Mexico earmarked resources from federal funds to train members of the public security forces on various topics, depending on the needs of each region and with a cross-cutting approach for the observance of human rights.¹⁹ In addition, in its observations on this report the State said that the Executive Secretariat of the National Public Security System trained 16,761 members in human rights from January to July 2023. In addition, it noted that in the 2019-2022 period 77,893 members received human rights training.²⁰

17. Nonetheless, the IACHR also received information reported by civil society organizations according to which the Secretariat for Public Security and Citizen Security stated that four years after the GN was created it still did not have the infrastructure to be able to have the GN under its command, and that that Secretariat itself hoped that SEDENA would be in command of the federal force.²¹ In addition, the Commission

¹⁷ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 13.

¹⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 18 and 21.

¹⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 2](#).

²⁰ Observations and comments by the State, December 20, 2023, p. 3.

²¹ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; La Jornada. [Paso de la GN a la Sedena es prioridad para alcanzar la paz: Icela Rodríguez](#), September 1, 2023.

received information reported by civil society according to which, in respect of the budget, the SEDENA had gone from having 215,243 positions in 2019 to 274,023 in 2023, i.e. an increase of 58,780. This information contrasts with the budget executed by the GN falling each year from 2019 on, from almost 35 billion pesos in 2019, to almost 26 billion pesos in 2022, which is the last year for which there's data. By way of contrast, according to information received by the IACHR, SEDENA had a budget of almost 99 billion pesos in 2018, almost 131 billion in 2019, and 141 billion pesos in 2022.²²

Analysis and level of compliance with the recommendation

18. The information received by the IACHR in 2023 indicates the persistent lack of infrastructure and failure to strengthen the police bodies that are assigned public security functions. The IACHR emphasizes that this recommendation should be understood together with the analysis of the recommendation that calls for a gradual separation from the Armed Forces. As indicated above, the Armed Forces continue to be strengthened with a view to retaining public security functions, while the civilian forces do not have the budgets or numbers needed to perform their functions optimally. While the Commission assigns a positive value to giving trainings to the staff of the Secretariat for Citizen Security and Protection, this is insufficient vis-à-vis the lack of minimal labor guarantees, budget sufficiency, and sufficiency of human resources for the civilian public security forces. In view of the foregoing, the Commission maintains its assessment that the level of compliance of this recommendation is **pending compliance**.

Measures and information to further compliance with the recommendation

19. The Commission considers that additional information is needed on the trainings being given to the police for them to be considered a measure of compliance with this recommendation, such as the periods in which they are being carried out, as well as whether they are offered continuously and whether they are mandatory. In that sense, it urges the State to report on the indicators of the courses given and how they have impacted the strengthening of the police. In addition, the IACHR urges the State to report on budget sufficiency and sufficiency of human resources, including numbers contracted by each subnational government based on the population index of that entity, as well as of the guarantees provided in respect of social security and job security by the civilian agencies engaged in public security vis-à-vis the organizations that make up the Armed Forces. It also invites the State to report on other measures implemented by the State to strengthen the police agencies beyond the trainings reported. For strengthening an agency tasked with public security lies not only in training but also in the guarantees one has for performing one's functions optimally and safely.

Recommendation No. 3 Adopt a General Law regarding the use of force according to international human rights standards.

20. Regarding this recommendation, the IACHR reiterates what is indicated in the 2019,²³ 2020,²⁴ 2021,²⁵ and 2022²⁶ reports, insofar as the recommendation having met with **full compliance**. Even so, the Commission requested information on the proceedings pending related to the study of its constitutionality. The Commission is grateful for the information provided by civil society organizations that report that the Supreme Court confirmed the constitutionality of the Law. In that regard, and in keeping with the General Guidelines on

²² Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Estefanía Vela Barba, "[Los \(malditos\) artículos transitorios de la reforma constitucional de la Guardia Nacional.](#)" Nexos: El Juego de la Corte, April 2023; Adriana E. Ortega & Fernanda Torres, "[El fraude del carácter civil de la Guardia Nacional.](#)" Nexos: El Juego de la Corte, April 2023.

²³ IACHR, [Annual Report, Chapter V, Mexico](#), 2019, paras. 28-29.

²⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2020, para. 27.

²⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2021, para. 23.

²⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 13.

Follow-Up of the IACHR,²⁷ the Commission declares the conclusion of follow-up on this recommendation, considering it has met with full compliance.

Recommendation No. 4 Implement measures so that federal and state public servants abstain from issuing public statements regarding the legality of the acts of security forces in cases that may constitute an undue use of force before the results of an investigation are available.

21. In Chapter V of the 2022 Annual Report the State reported that its authorities are governed by the General Law on Social Communication as well as by other legal provisions. It reported in this regard that federal public servants, and the state-level offices of the Office of the Attorney General of the Republic (FGR: Fiscalía General de la República), have refrained from making statements. Nonetheless, the IACHR suggested the State adopt measures for public servants to refrain from making before-the-fact statements on the legality of the action of the security forces in relation to possible cases of human rights violations.²⁸

Information on compliance

22. In the context of follow-up on this recommendation the State informed the Commission that it trained 154 public servants of the FGR in human rights to ensure that their actions are always lawful, including communication with the media. These persons play different roles, including prosecutors, agents of the Federal Prosecutorial Police, experts, facilitators, analysts, and administrative personnel, with 65 men and 89 women.²⁹

23. The civil society organizations stated that the President has continuously spoken out so as to prejudge cases of human rights violations perpetrated by members of the Armed Forces or the police.³⁰ In this respect, the organizations said that after the leaks of classified SEDENA documents by the Guacamaya group, which were said to reveal illegal espionage conducted by the Armed Forces with *Pegasus*, the President was said to have denied such espionage, saying that his government only conducted intelligence work to further national security. In addition, in keeping with the publication *Voces contra la indiferencia*, in the morning press conferences of the Executive there is said to be a constant practice of justifying the actions of the Armed Forces, denying their responsibility for perpetrating human rights violations, even against the facts driving the increase in homicides and disappearances, among others, in which the participation of the Armed Forces was said to have been shown.³¹

Analysis and level of compliance with the recommendation

24. The IACHR values the information provided on the trainings given at the FGR, though it notes that this recommendation refers to any state or federal officer making public statements, not just an investigative agency. Nonetheless, as regards the information available, the Commission reiterates its concern in the face of the arguments made by civil society organizations on the statements of high-level state agents where they apparently take positions on the consistency of the Armed Forces' actions with treaty and/or constitutional obligations when faced with accusations of human rights violations, even when the victims and their families do not know the contents of the investigations. Given the lack of additional information on updated measures of compliance, the recommendation continues to be considered to have met with **partial compliance**.

²⁷ 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.

²⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 29 and 33.

²⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 4](#).

³⁰ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

³¹ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

Measures and Information to further compliance with the recommendation

25. The Commission considers it necessary to evaluate compliance with this recommendation integrally, with the foregoing recommendations, and considers it necessary for the State to refrain from making *ex ante* statements on the legality of the actions of the security forces in relation to possible cases of human rights violations. Based on the information submitted by civil society, the IACHR urges the State to provide information with respect to the statements allegedly made by the Federal Executive in which it appears to be taking a position *ex ante* on the legality of the actions of the Armed Forces, i.e. before there is a ruling by a competent judicial authority. In addition, the Commission invites the State to report on the measures adopted to cease and/or limit such anticipated statements to comply with the recommendation, which may include, among other institutional strengthening actions, guidelines on this point to be adopted by the high-level authorities.

Recommendation No. 5 Adopt and implement accountability measures by an agency that is independent of all security forces, in relation to their operations and public security tasks whenever there is use of lethal force.

26. In Chapter V of its 2022 Annual Report the Commission noted that the State reiterated information reported in 2021, without including information on the effective operation of the mechanisms stipulated in the National Law on the Use of Force. In this regard, the IACHR invited the State to adopt measures that ensure, in addition to the corresponding legal and regulatory adaptations, accountability mechanisms headed by a body independent of the security forces, guaranteeing impartiality in the processing of the information reported. In addition, it suggested contributing information on the gains in the creation of the independent observatory ordered as reparation in the case of *Women Victims of Sexual Torture in Atenco v. Mexico*.³²

Information on compliance

27. As for compliance with this recommendation in 2023, the State informed the Commission of the adoption of Order A/080/12 by the Attorney General's Office (when it was the PGR, now FGR) that contains the guidelines that should be observed by the agents of the Federal Prosecutorial Police for the legitimate use of force, which includes the obligation to provide a detailed report on the need for the use of force. The State also reported that the Institute of Police and Expert Prosecutorial Training (IFMPP) is following up on providing training and evaluation in this area.³³

28. In this respect, civil society organizations reported that as regards the obligation to issue detailed reports on the use of force ordered in Article 32 of the National Law on the Use of Force, information was requested to obtain the public versions of these documents.³⁴ In response to those requests, and in keeping with the resolutions on transparency, the GN said that it "has a record of 40 detailed reports on the use of force prepared exclusively by members of the GN."³⁵ According to the organizations, this figure is evidence of the breach of this obligation with respect to what is provided for in the law in question, for it provided for producing a report every time force is used in the performance of their function, which happened on at least 421 occasions according to the responses to the requests for information provided by the transparency units.

³² IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 34 and 41.

³³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 5](#).

³⁴ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

³⁵ National Guard. Unit on Legal Affairs and Transparency. [Response to Request for Information 332259823001175. Official note GN/UAIT/UT/3435/2023](#). Mexico City. August 29, 2023; Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 20, 2023.

In this regard, the organizations indicated that there should be at least 421 reports, far more than the 40 indicated by the GN.³⁶

29. The IACHR also received information from civil society organizations regarding the *Case of Women Victims of Sexual Torture in Atenco*³⁷ before the Inter-American Court. In this regard, the IACHR was told that the State had not yet implemented the measure of reparation ordered by the Court for the establishment of an independent observatory that would make it possible to monitor implementation of the policies in respect of accountability and the use of force by federal security agents.³⁸

Analysis and level of compliance with the recommendation

30. The Commission takes note of what was reported by the State. Nonetheless, this contrasts with the information provided by civil society organizations in which they point to a failure to carry out what was established in the existing regulation. In this respect, the Commission observes the information provided by civil society, stemming from the responses to the requests for information by the State, which report the production of less than 10% of the reports that should be produced, based on the number of cases in which the authorities are reported to have made use of force.³⁹ Moreover, the IACHR does not identify available information on any initiative to create a body independent of the security forces to ensure impartiality with respect to the processing of the information reported related to the deprivation of life when the authorities use lethal force. According to the information provided, the Commission determines that the recommendation is **pending compliance**.

Measures and information to further compliance with the recommendation

31. To further compliance with the recommendation, there must be a state commitment, not only to adopt the proper laws, but also when it comes to implementing the relevant legal framework. The IACHR emphasizes that accountability should be headed up by a body independent of the security forces to ensure impartiality in the processing of the information reported. Similarly, the data from reports indicating the existence of the use of force must be in keeping with the reports issued by the competent institutions, and these should also be verified and used to adopt investigative measures as necessary.

Recommendation No. 6 Ensure that in cases of forced disappearances, extrajudicial executions and torture, investigation lines relate not only to the material perpetrators, but also include the responsibility of those in the chain of command.

32. According to Chapter V of the 2022 Annual Report, the State reiterated the legal change that provides for incorporating the chain of command in investigations into serious human rights violations. Nonetheless, the IACHR concluded that said information does not show progress in implementing this practice in the judiciary. Accordingly, it invited the State, in addition to reporting on the applicable legal and regulatory framework, to adopt measures that ensure the investigation of the chain of command in cases of torture and extrajudicial executions. To that end, it indicated that it would be important to report the measures of institutional strengthening adopted to apply that framework.⁴⁰

³⁶ National Guard, [Unit on Legal Affairs and Transparency. Response to Request for Information 332259823001174. Official note GN/UAJT/UT/3034/2023](#). Mexico City. July 31, 2023; It should be noted that in 411 of these events firearms were used; Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," of September 20, 2023.

³⁷ I/A Court HR. Case of Women Victims of Sexual Torture in Atenco v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371.

³⁸ Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 20, 2023.

³⁹ National Guard, [Unit on Legal Affairs and Transparency. Response to Request for Information 332259823001174. Official note GN/UAJT/UT/3034/2023](#). Mexico City. July 31, 2023; National Guard, [Unit on Legal Affairs and Transparency. Response to Request for Information 332259823001175. Official note GN/UAJT/UT/3435/2023](#). Mexico City. August 29, 2023.

⁴⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 49 and 50.

Information on compliance

33. Regarding this recommendation, in 2023 the State informed the Commission that the rules on criminal liability (not only being the direct perpetrator), on participation and the presence of multiple offenses or perpetrators in criminal matters are applied to determine liability for the crimes provided for in the General Law on Forced Disappearance of Persons, Disappearance Committed by Private Persons, and the National Search System (SNB), and in the General Law to Prevent, Investigate and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the State indicated that on February 2, 2018, the Standardized Protocol for Investigating the Crime of Torture was adopted, and on October 6, 2020, it was published.⁴¹

34. The civil society organizations reported that as regards the *Case of Women Victims of Sexual Torture in Atenco*, in which the I/A Court HR ordered the State to investigate the chain of command, the investigation has not progressed even though the investigation was referred by the prosecutorial authorities of the state of México to the FGR, after an *amparo* ruling on behalf of the victims in which a multi-judge court ordered that the investigation be removed to the federal prosecutors.⁴² In addition, civil society organizations reported that in 2020 and 2021 no high-level civilian or military commanding officer had been convicted of torture or forced disappearance, according to the public judgments.⁴³ They reported that in the *Case of Rosendo Radilla Pacheco v. United Mexican States* the investigation into the disappearance continues to focus on seeking out the direct perpetrators.⁴⁴

Analysis and level of compliance with the recommendation

35. With respect to follow-up on this recommendation the IACHR reiterates that Chapter XI of the National Law on the Use of Force, on the Regime of Responsibilities, which seeks to make progress in fighting impunity in the public security bodies, regulates situations limited to the use of public force in official operations and by identified agents. Nonetheless, as the IACHR has mentioned on prior occasions, the investigations into this crime should include the chain of command, in keeping with the laws applicable to forced disappearance, extrajudicial executions, and torture.⁴⁵

36. Considering the foregoing considerations, the IACHR finds that the information submitted by the State in its last four reports on statutory and regulatory changes that provide for incorporating the chain of command in the lines of investigation into serious human rights violations is redundant. In particular, the reference made by civil society to cases in which compliance with this recommendation, in practice, has not been guaranteed indicates that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

37. With the aim of providing guidance for the implementation of this recommendation, the Commission reiterates to the State the need to adopt measures that ensure, in practice, the investigation of the chain of command in cases of forced disappearance, torture, and extrajudicial executions. In that regard, the IACHR considers that it is also important that in the process of following up on this recommendation the actions and measures adopted to implement it be reported, including protocols or any action for institutional strengthening in this regard, as well as disaggregated data that make it possible to quantitatively identify progress in the investigations and including the possible responsibility of the chain of command in the

⁴¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 6](#).

⁴² Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 20, 2023.

⁴³ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," October 20, 2022.

⁴⁴ Centro Prodh. Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," November 2022.

⁴⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2020, para. 41; IACHR, Annual Report, Chapter V, Mexico, 2019, para. 43.

investigative hypotheses. In addition, the State is invited to provide information on judicial precedents that apply the responsibility of the chain of command in cases of forced disappearance, torture, and extrajudicial executions.

Recommendation No. 7 Create systems for the information, compilation, and analysis of data regarding the violence that affects 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.

38. In Chapter V of the 2022 Annual Report the State reported a series of actions aimed at the creation of information systems by various groups, such as the creation of the System for Information and Registration of Children and Adolescents and accompanying adults (SIRENNA). The Commission observed progress in compliance with the recommendation with respect to women; children and adolescents; migrants; human rights defenders; LGBTI persons, indigenous and Afro descendent persons; and persons deprived of liberty. Nonetheless, it indicated that the recommendation was still pending compliance in relation to judicial officers. In addition, the Commission invited the State to go forward with establishing a uniform registry with disaggregated information that makes it possible to reflect the current context with respect to guaranteeing the human rights of women, children, and adolescents, LGBTI persons, human rights defenders, migrants, indigenous peoples, persons deprived of liberty, and judicial officers. In this respect, it indicated the importance of this registry being pulled together and updated through the joint efforts of the institutions and their information systems.⁴⁶

Information on compliance

39. In the context of following up on this recommendation, in 2023 the State informed the Commission of the publication of notebooks of information on prisons with disaggregated information, which includes prison conditions and situation of social vulnerability (belonging to an indigenous people or being an LGBTI person).⁴⁷ In addition, it reported on the publication of statistical documents on violence against women⁴⁸ and discrimination nationwide.⁴⁹

40. The State also reported that the Supreme Court resolved Unconstitutionality Action 63/2019; its holding is binding on judges in Mexico; in it, it analyzed the challenge to the National Law on the Registration of Detentions (LNR). The challenge had been brought by the National Commission on Human Rights (CNDH); the Supreme Court found that Congress engaged in a legislative omission for not establishing provisions related to security measures and administrative, physical, and technical processes for safeguarding the data bases and thereby protecting the information entered in them from any harm, loss, alteration, distribution, or unauthorized use or action.

41. In its observations on the report the State added that there is differential treatment in the Standardized Protocol for Investigating the Crimes of Forced Disappearance and Disappearance Committed by Private Persons. According to the State, that instrument was designed to guide the actions of the State in response to acts that the law describes as crimes of “forced disappearance of persons” and “disappearance committed by private persons,” and it provides guidelines for coordinating with the authorities involved in the subject matter addressed by this instrument.⁵⁰ Moreover, the State reported on the National Subsystem of

⁴⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 66 and 67.

⁴⁷ [Monthly Notebook of National Prison Statistical Information, on the Population Deprived of Liberty](#) (Age, schooling, supervised release, international transfers, extraditions, among others); from the Notebook of Prison Incidents recorded in Prisons of the Mexican Republic; and from the Monthly Notebooks of Statistical Data on the Vulnerable and Foreign Prison Population (Indigenous and LGBTTTIQ+ persons).

⁴⁸ Integrated System of Statistics on Violence against Women (SIESVIM), Statistical program “Centers of Justice for Women,” [National Survey on the Dynamic of Relationships in Households](#) (ENDIREH: Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares), 2003, 2006, 2011, 2016 and 2021.

⁴⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 7](#); National Survey on Discrimination (ENADIS) 2017 and 2022.

⁵⁰ Observations and comments by the State, December 20, 2023, p. 3.

Information of Government, Public Security, and Imparting of Justice (SNIGSPIJ), which has existed since 2008, and which seeks to produce, integrate, conserve, and distribute statistical and geographic information in the areas of government, public security, justice system, victimization, violence against women, corruption, and human rights and imparting justice.⁵¹ In addition, the State referred to the pulling together, since 2022, of the National Catalogue on Indigenous and Afro-Mexican Peoples and Communities by the National Institute of Indigenous Peoples, and on the piloting and implementation of the indicators on gender-based violence against women and on torture, and constructing the indicators on disappearance of persons.⁵²

42. Civil society organizations reported on the start of a process of requesting information to obtain data related to armed violence and human rights violations by the SEDENA and the FGR. Specifically, they requested information on persons who died, disappeared, and/or were tortured, disaggregated by age, sex, disability, and ethnic origin, among other variables. In response to these requests the organizations told the Commission that the SEDENA had responded as follows:

You are hereby informed that the data base of this Ministry on assaults on military personnel in the registry of persons who died, were wounded, and are detained does not have information on sex, gender, whether they were indigenous, indigenous language or languages they spoke, disability, nationality, or immigration status at the time; accordingly Criterion 07/17 issued by the National Institute for Transparency, Access to Information, and Protection of Personal Data (INAI) is applicable; it establishes that it will not be necessary for the Committee on Transparency to issue a resolution that information requested does not exist in those cases in which the analysis of the law does not indicate any obligation to have the information, and in which there is no basis for assuming that the information must be in its archives.⁵³

43. Similarly, civil society informed the IACHR that requests for information were put to the FGR along the same lines. In this regard, it indicated that the requests for information made through the National Transparency Portal (PNT) should be public and accessible to anyone who wants to see them. Nonetheless, it said that the FGR routinely obstructs public access to that information through responses in which it requests the modality in which the information must be delivered to ensure that its response is sent only to the requesting parties, and is not publicly available.⁵⁴ In that regard, the IACHR was told that the FGR is not publishing – as it is required to by the transparency regulations – the responses to requests for information through the PNT. In addition, it was reported that according to the response of the FGR to requests for information, the FGR denied having records of victims of the crimes it addresses, even though previously it had provided information in this respect.⁵⁵

44. Another civil society organization told the IACHR that previously the Criminal Investigation Unit for Migrants (UIDPM) published a statistical report on the subject annually. Nonetheless, this report stopped being published in violation of the obligation established at paragraph Nine of the Agreement Creating the Unit, which would represent backsliding in respect of transparency and processing of the data of the groups addressed in the recommendation.⁵⁶

⁵¹ Observations and comments by the State, December 20, 2023, p. 3.

⁵² Observations and comments by the State, December 20, 2023, p. 3.

⁵³ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; Secretariat of National Defense. Response to the request for information with folio 0000700078821, March 27, 2021.

⁵⁴ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023. For example, response to request for international 330024621000875 of February 2022.

⁵⁵ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023. Response to request for information 330024623002240, August 2023.

⁵⁶ FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023; Unit for Investigating Crimes for Migrants, [Decision on creation of the Unit](#), December 18, 2015.

Analysis and level of compliance with the recommendation

45. The IACHR values the publications reported by the State with information broken down on some of the groups addressed in the recommendation. Nonetheless, the Commission emphasizes that the recommendation in question poses the need to have information systems and systems for analyzing data related to violence against the groups referred to therein. In that sense, it is striking that, based on the information provided by civil society, the FGR and the SEDENA said that they did not have that information. While the Commission understands that the systematizing and processing of data may be done at various government institutions, they would have to draw on information available in all the institutions, including the FGR and SEDENA. Based on the foregoing analysis, the Commission finds that the measure monitored has met with **partial compliance**.

Measures and information to further compliance with the recommendation

46. The Commission emphasizes the need for the institutions, in particular the security and justice institutions, to design and perform institutional assessments grounded in methodologies for collecting, systematizing, and analyzing the information on a broad spectrum of armed violence and serious human rights violations, with intersectional indicators. In this respect, it emphasizes the importance of this methodology allowing for the recording of impacts disaggregated by sex, gender, age, ethnic origin, nationality, immigration status, and disability.

47. As for the information provided on differential treatment from the Standardized Protocol for Investigating Crimes of Disappearance,⁵⁷ the IACHR finds that this recommendation specifically indicates the need for information systems that make it possible not only to compile information, but also to conduct an analysis that makes it possible to have disaggregated data on violence committed against groups in vulnerable situations. To determine how the Protocol constitutes an action to comply with this recommendation, the IACHR requests additional information on its implementation and on how it contributes to a differential approach when it comes to compiling and analyzing information, in keeping with this recommendation.

48. In addition, in order to provide guidance for the implementation of this recommendation the Commission invites the State to guarantee not only that the various institutions establish data bases, but also that they have information articulated through a uniform registry with disaggregated information that makes it possible to take stock of the current context with respect to guaranteeing the human rights of women, children and adolescents, LGBTI persons, rights defenders, migrants, indigenous peoples, persons deprived of liberty, and judicial officers. In this respect, the implementation of this recommendation will be enriched insofar as this registry enables the authorities to contribute and strengthen their updates from their own areas of work. To this end, it is necessary for the institutions to work in a coordinated manner and for the information system each one maintains in a disaggregated manner to be updated uniformly to a single data base that makes it possible to have the content and information from the entire public administration.

49. Finally, the Commission observes the information on the creation of a National Information Subsystem on Government, Public Security, and Justice for the production, integration, conservation, and dissemination of information.⁵⁸ In this regard, the Commission invites the State to submit updated information on the methodology implemented for the operation of the Subsystem and on how the authorities have coordinated to provide it input. Considering that the State reported on two other information systems that are said to be integrating,⁵⁹ the Commission remains attentive to progress in the creation and operation of those systems.

⁵⁷ Observations and comments by the State, December 20, 2023, p. 3.

⁵⁸ Observations and comments by the State, December 20, 2023, p. 3.

⁵⁹ Observations and comments by the State, December 20, 2023, pp. 3 and 4.

Recommendation No. 8 Re-direct the approach to the issue of drugs in Mexico, away from a focus on militarization and “frontal attack” using public force, to one with an integral approach of human rights and public health regarding addictions and consumption without intent to distribute.

50. In the context of Chapter V of the 2022 Annual Report, the State affirmed that it had evolved from an “approach of militarization and frontal combat” that used the Armed Forces and police for fighting drugs to a more integral approach that considers human rights and public health. Despite these efforts, the IACHR indicated that the current drug policy in Mexico continues to be prohibitionist, and that a human rights perspective has not been designed or implemented. Accordingly, it invited the State to strengthen the public policies from a human rights perspective to make it possible to reorient the prohibitionist approach to drug policy.⁶⁰

Information on compliance

51. In the context of follow-up on this recommendation, in 2023 the State informed the Commission of the creation of the National Commission on Mental Health and Addictions (CONASAMA), which provides for merging the National Commission against Addictions, the National Council on Mental Health, and the Psychiatric Care Services for the purpose of making effective the right to mental health care and addiction prevention in the Mexican population through a community-based model with a focus on comprehensive primary health care with full respect for human rights. According to the information provided by the State, this represents an effort to tie together the public policy, the programs, and the services, and to make optimal use of the resources in this area and substantial reforms to the General Law on Health (LGS) in relation to mental health. In addition, the State reported on international trainings for the police personnel, experts, and analysts on control of illicit drug trafficking.⁶¹ In its observations on this report, the State said that CONASAMA undertook 16 communication campaigns for prevention and treatment of the consumption of tobacco, alcohol, and other substances, and on mental health care. According to this information, the campaigns reached 1,182,385 persons in different social networks.⁶² Similarly, the State added that the Lifeline (Línea de la Vida) phone line exists for primary care in Mexico.⁶³

52. On this recommendation, civil society organizations reported that once again the proposal to legalize recreational use of marijuana did not pass. The organizations said that the State is maintaining a model based on prohibition, criminalization, and penalization of consumption and possession of substances.⁶⁴ In addition, they reported the existence of government communication campaigns with respect to the drug strategy with a military approach, said to consist of messages, images, and videos that address the issue of addictions from a stigmatizing perspective tending to reinforce class stereotypes and discrimination against low-income persons and drug users.⁶⁵

53. The Commission also received information about the social communication campaigns “There is no happy end in the world of drugs” (“*En el Mundo de las drogas no hay un final feliz*”) and “Drugs are stained with blood” (“*Las drogas están manchadas de sangre*”),⁶⁶ which they maintain address the drug issue from a prohibitionist position that criminalizes and stigmatizes users. In this respect, according to the United Nations Office on Drugs and Crime (UNODC), that policy has generated a series of “unexpected negative consequences”

⁶⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 68-74.

⁶¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 8](#).

⁶² Observations and comments by the State, December 20, 2023, p. 4.

⁶³ Observations and comments by the State, December 20, 2023, p. 4.

⁶⁴ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

⁶⁵ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; Álvarez, Gustavo. [Sin más evidencia que el prejuicio: la segunda fase de la campaña contra las drogas del gobierno federal. Animal Político](#). March 25, 2020.

⁶⁶ Congress of Mexico City, [Proposal with point of agreement by which the Congress of Mexico City respectfully urges the federal executive to carry out various actions to prevent addictions and drug use](#), with a risk-reduction perspective, without stigmatizing or criminalizing users, October 2022.

of which special mention can be made of the following: the creation of an enormous criminal market; the displacement of production and transit to new areas (balloon effect); the diversion of resources from health to law enforcement; the inclination to use new drugs; and the stigmatization and marginalization of drug users.⁶⁷

Analysis and level of compliance with the recommendation

54. The Commission values the information provided by the State with respect to the creation of the CONASAMA and efforts to address the drug issue from a public policy and access-to-health approach, including the campaigns reported. Nonetheless, the IACHR observes that the approach proposed by the State is limited to a public policy for preventing addictions, replicating the initiative of a “frontal combat” on drugs. In this regard, while one values the public health approach and the development of a public policy in this area, these proposals do not appear to address drug use without distribution, in the terms of the recommendation. Similarly, the Commission observes with concern allegations on the production of social communication campaigns that address the drug issue from a prohibitionist perspective, criminalizing and stigmatizing users. Accordingly, the Commission considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

55. The IACHR reiterates the importance of human rights being an integral part and the touchstone for the design, implementation, and evaluation of any drug policy. Accordingly, the Commission invites the State to provide additional information on the government communication campaigns in place to address the drug issue in Mexico, including their content, details on their implementation, impacts, and sustainability strategies, as well as on the operation and powers of the CONASAMA and its results addressing addictions. Finally, the Commission invites the State to reconsider the approach of “frontally combatting” drugs.

B. Disappearances and forced disappearances

Recommendation No. 9 Adopt a General Law regarding Disappearances and Forced Disappearances and adopt all necessary measures to ensure that both at the federal and state level, the laws and practices comply with international standards on the subject.

56. In the context of Chapter V of the 2022 Annual Report, the State indicates that despite some advances in implementing the General Law on Disappearance in Mexico there are still major aspects pending. The IACHR expressed concern over the lack of a comprehensive strategy for undertaking the searches and investigations, despite the instructions in the standardized protocols. Accordingly, the IACHR invited the State to implement the law that is the subject of the recommendation through preventive measures to confront the structural phenomenon of disappearance in Mexico.⁶⁸

Information on compliance

57. On this recommendation, in 2023 the State informed the Commission that on November 17, 2017, the General Law on Forced Disappearance of Persons, Disappearance Committed by Private Persons, and the National System for the Search for Persons (General Law on Disappearance) was published in the Official Gazette of the Federation. In addition, it reported the creation of the Office of the Special Prosecutor on Forced Disappearance and Disappearance Committed by Private Persons, which enjoys technical and administrative autonomy within the scope of its authority, fostering the participation of victims through gatherings and roundtables.⁶⁹

⁶⁷ UNODC, [World Drug Report](#), 2009.

⁶⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 83-85.

⁶⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 9](#).

58. The civil society organizations informed the Commission of the lack of a public policy for identifying persons, related to the search for persons disappeared, and the failure to create instruments such as the National Forensic Database (BNDF), which is said to perpetuate the forensic crisis.⁷⁰ In this regard, they indicated that according to the General Law on Disappearance, “the BNDF should be created with the data bases of the state and federal forensic registries, including genetic information, which should be interconnected in real time.” In this way, the function of the database would have to be supplemented by permanent and continuous cross-checking of information with the RNPDO, the National Registry of Persons Deceased and Not Identified (RNPFNI), and other instruments that may contain forensic information relevant to the search for persons.⁷¹ Nonetheless, to date this has not been done. Moreover, the organizations said that the General Law on Disappearance establishes the obligation of prosecutorial offices to coordinate the operation of their registries with the FGR, which in turn would have to issue guidelines for submitting the information in a standardized fashion and thus administer the Federal Forensic Registry, which has not been done either.⁷² Along the same lines, civil society organizations said that there is no effective implementation of the Standardized Search Protocol since there was no articulation and collaboration among the authorities involved. In addition, they said that to date the Regulation of the General Law on Disappearance has not been issued, which poses a major obstacle to implementing the Law and the Standard Search Protocol.⁷³

59. The Commission has been recognizing Mexico’s major advances vis-à-vis the humanitarian crisis of the disappearance of persons in its national territory.⁷⁴ In its follow-up on the issue, through the Special Mechanism for Follow-up to the Ayotzinapa Matter (MESA), the IACHR was able to corroborate that in the last five years Mexico substantially changed its search policy. In effect, the Commission indicated that the efforts made by the State in this area represent an opportunity to attend to this serious human rights crisis that Mexico is facing.⁷⁵ In the context of this follow-up, the IACHR has realized just how important it is to have a state body that centralizes coordination of the search for persons disappeared, such as the National Search Commission (CNB). It has highlighted the facilitation work furthered by the National Search Commission for installing local search commissions in the states, strengthening forensic capabilities in Mexico, and creating databases and adopting legal instruments with a differential approach to searching for the disappeared.⁷⁶

60. With respect to the foregoing, in its observations on this report the State added that special mention should be made of field actions related to the Ayotzinapa case, such as: (a) breaking the pacts of silence in the places to be prospected, based on the testimony of collaborating witnesses who propose search sites of interest accompanied by an analysis of the context in the area; (b) application of the LIDAR technology and obtaining information that makes it possible to develop algorithms and search models applied to particular cases; and (c) collaboration with international agencies specialized in finding bony remains susceptible to genetic identification. According to the State, this has made it possible to identify 498 corpses in the state of Guerrero, experiences that can be replicated in other cases of disappearance.⁷⁷

61. In this area civil society organizations told the IACHR of their concern over the resignation of the director of the CNB, which was said to have happened when she refused to alter figures that reflect an

⁷⁰ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

⁷¹ [General Law on Forced Disappearance of Persons, Disappearance Committed by Private Persons, and the National System to Search for Persons](#), Article 119.

⁷² Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

⁷³ FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023.

⁷⁴ IACHR, [Avances y retos en la búsqueda forense en México](#), March 15, 2023.

⁷⁵ IACHR, [Informe del Mecanismo Especial de Seguimiento al Asunto Ayotzinapa](#), OEA/Ser.L/V/II. Doc. 270 November 8, 2022, para. 334.

⁷⁶ IACHR, [Informe del Mecanismo Especial de Seguimiento al Asunto Ayotzinapa](#), OEA/Ser.L/V/II. Doc. 270 November 8, 2022, para. 339.

⁷⁷ Observations and comments by the State, December 20, 2023, p. 5.

increase in the number of persons disappeared⁷⁸ and as a result of the implementation of a process of verification of the pattern of persons disappeared – called a census – carried out by personnel of the Secretariat for Well-being, without the participation of the CNB or of the Local Search Commissions. This census was motivated by the exponential increase in the number of victims of this pattern in recent times.⁷⁹ In this regard, press reports and information from civil society organizations have sounded the alarm as to the risks of such verifications without consulting with the families of victims and due to possible political motivations.

62. The Commission observes that according to public information, on October 23, 2023, the Federal Executive appointed the new National Search Commissioner⁸⁰ in the context of a process called into question by civil society organizations since the process established in the General Law on Disappearance has not been guaranteed,⁸¹ including consulting with civil society organizations, experts, victims, and victims' family members. Along the same lines, the office of the OHCHR in Mexico said that "the process of designating the new head of the CNB was not accompanied by the desirable levels of consultation, participation, transparency, and scrutiny."⁸² In this respect, the Commission has made a public appeal to the State to maintain the technical quality of the new designation, and the independence and institutional life of the CNB and the registry.⁸³

63. The Commission is concerned about the public statements by the Federal Executive in which he accuses the previous National Search Commissioner of "affecting his administration with a pattern of persons disappeared"⁸⁴, that "was altered," affirming that the more than 126,000 persons registered as disappeared did not exist.⁸⁵ In addition, the Federal Executive reported that the process of updating the registry is entrusted to Secretariat for Well-being,⁸⁶ even though the General Law on Disappearance establishes that the CNB has exclusive authority for coordinating, operating, and maintaining the registry⁸⁷ in collaboration with the Local Search Commissions and prosecutorial authorities.⁸⁸ In this regard, the Commission appeals to the State to guarantee that any change or update to the data and the methodologies for preparing the RNPDO should be done strictly in keeping with the law, by the competent authorities. Similarly, as regards the accusations against the previous commissioner of the CNB, the IACHR urges the State to refrain from making stigmatizing statements against former public servants that go to the performance of their functions.

Analysis and level of compliance with the recommendation

64. The IACHR observes with concern the information provided by civil society in relation to the context in which the resignation of the National Search Commissioner happened, and regarding the census to verify the registry of persons disappeared and not located. This so-called census has been called into question due to its methodology being unclear, the lack of training of the census personnel for interacting with the families of persons disappeared, and because it did not involve the CNB or the personnel of the Local Search Commissions in its implementation.⁸⁹ The IACHR finds worrisome the reports of revictimization expressed by

⁷⁸ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; El País, [Karla Quintana, comisionada de Búsqueda de Personas, renuncia al cargo en medio de la crisis de desaparecidos en México](#), August 24, 2023.

⁷⁹ Press Conference of President Andrés Manuel López Obrador October 12, 2023.

⁸⁰ Ministry of Interior, [Nombramiento de Comisionada Nacional de Búsqueda](#), October 23, 2023.

⁸¹ Pie de Página, [Designación de la Comisionada Nacional de Búsqueda genera dudas entre los colectivos](#), October 24, 2023.

⁸² UN OHCHR Mexico, [Designación de la titular de la CNB](#), October 23, 2023.

⁸³ IACHR, [CIDH hace un llamado al Estado para mantener la calidad técnica de la CNB](#), August 25, 2023.

⁸⁴ Government of Mexico, [Conferencia del Presidente](#), November 13, 2023.

⁸⁵ Government of Mexico, [Conferencia del Presidente](#), November 13, 2023.

⁸⁶ Government of Mexico, [Conferencia del Presidente](#), November 13, 2023.

⁸⁷ [General Law on Forced Disappearance of Persons, Disappearance Committed by Private Persons, and the National System to Search for Persons](#), Article 53.

⁸⁸ Animal Político, [AMLO acusa a Karla Quintana de alterar registro de desaparecidos pero 66 instancias de todo el país alimentan la base](#), November 14, 2023.

⁸⁹ El País, [Los avances del nuevo censo de desaparecidos aumentan la tensión con la Comisión Nacional de Búsqueda: "No sabemos qué está pasando"](#), October 12, 2023.

some family members of the disappeared because of the way in which the questions to verify whether the family member continues to be disappeared are put to them.⁹⁰

65. The foregoing is relevant in terms of the recommendation, insofar as the registries, the CNB, and their operativity are at the core of the Law and seek to guarantee that measures are adopted so that the Law and its enforcement are in line with the relevant international standards. In addition, the IACHR is concerned about the alleged lack of coordination among the authorities responsible for enforcing the Law, which hinders its effective enforcement. Considering the information provided to this Commission regarding the failure of the authorities to carry out the obligations mandated by the General Law on Disappearance, and awaiting information related to the updating of the RNPDO, or, as the case may be, the implementation of the above-mentioned census, the recommendation has met with **partial compliance**.

Measures and information for furthering compliance with the recommendation

66. To carry out this recommendation, the IACHR requests that the State report on measures to strengthen the BNDF, guaranteeing that information is cross-checked with the RNPDO and the RNPFI, as well as any other action aimed at ensuring the implementation of this Law and the compatibility of state and federal practices with international standards. The IACHR also invites the State to provide information on the strategies of collaboration among the prosecutorial offices that are adopted to guarantee the creation of standardized registries and thereby allow for the creation and effective administration of the Federal Forensic Registry, in keeping with what is provided for in the General Law on Disappearance. Finally, the Commission invites the State to present information on the process of updating the RNPDO and/or the implementation of the census of persons disappeared, as well as the process for designating the head of the CNB.

Recommendation No. 10 Establish mechanisms of immediate search for disappeared persons in the entire national territory.

67. For Chapter V of the 2022 Annual Report, the State reported having implemented federal and state mechanisms and protocols to search for disappeared persons, such as the Alba Protocol and the Amber Alert, in addition to the gradual implementation of the Standardized Search Protocol. In addition, for that year the State said that requests for searches were handled in all the state-level offices of the FGR. For its part, the IACHR considered it important to continue monitoring implementation of the Standardized Search Protocol in the next year, especially as regards the immediate search actions carried out by the authorities. The IACHR invited the State to report on the measures that ensure effective implementation of the Protocol and its provisions regarding immediate search, including various actions for institutional strengthening.⁹¹

Information on compliance

68. In 2023 the State informed the Commission of the use of INTERPOL tools, such as publishing Yellow Notices, with the objective of ensuring effective inter-institutional coordination that facilitates the application of the mechanisms to search for disappeared persons. Accordingly, it reported that 255 notices were made in the course of 2023. In addition, the State reported that it has the Alba Protocol and the Amber Alert, which are said to have yielded favorable results, specifying that although the Alba Protocol has yet to be adopted in all the states, its gradual implementation has facilitated coordination between state and federal authorities.⁹²

69. Civil society organizations reported to the Commission that there is fragmentation in the search and investigation processes that has a negative impact when it comes to getting results in immediate

⁹⁰ El Economista, [Nuevo censo en desaparecidos, sin cumplir con el estándar internacional](#), October 4, 2023.

⁹¹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 86-91.

⁹² Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 10](#).

searches.⁹³ In this respect, they said that there continue to be unjustified delays in getting first responders to promote immediate search actions, and families continue to be forced to wait 72 hours before the competent authority accepts the complaint, in addition to the delay in the authorities taking the basic search actions. In this regard, the organizations said that there was no intention on the part of the authorities to modify the National Protocol of Action for First Responders to make possible the actions of more authorities in immediate search processes.⁹⁴ It was also reported, in this connection, that the FGR had said that “it is not viable to vest the Search Commissions with the authority of first responders.”⁹⁵

Analysis and level of compliance of the recommendation

70. The Commission assigns a positive value to the implementation of the Standardized Search Protocol, insofar as it provides for immediate search procedures. It also welcomes the use of INTERPOL tools for implementing mechanisms to search for disappeared persons, as well as the Alba Protocol and the Amber Alert. Nonetheless, the Commission observes that discontent and inconformity persist in civil society stemming from the alleged lack of coordination among authorities and the delay in implementing immediate search actions. In this respect, while the General Law and the Standardized Search Protocol have complied with the recommendation to establish immediate search mechanisms, the information provided indicates that these are not applied throughout the national territory and that their application poses challenges that must be addressed to guarantee their effective application. Accordingly, the recommendation continues to meet with **substantial partial compliance**.

Measures and information for furthering compliance with the recommendation

71. Regarding compliance with this recommendation, the Commission appeals to the State to provide information that clearly indicates in which states immediate search mechanisms have been implemented, indicating whether there are territories of the country where they have yet to be adopted. The IACHR also invites the authorities who participate in immediate searches for disappeared persons to coordinate, guaranteeing that immediate search mechanisms are carried out effectively. The IACHR invites the State to promote collaboration between the prosecutorial authorities and the search commissions to deploy immediate search actions. Accordingly, to make progress in compliance the State could report on the measures adopted to strengthen this coordination and to ensure that the immediate search mechanisms established in the Standardized Search Protocol are applied without delay nationwide.

Recommendation No. 11 Improve the National Registry of Disappeared Persons to become a sole registry of disappearance so that it can also register a person as a victim of forced disappearance. A database should contain personal information of the disappeared persons, all necessary information, primarily genetic information, and cellular samples, of relatives of disappeared persons with their consent, and genetic information and cellular samples from any unidentified person who is deprived of life. Such personal information shall be protected on the Registry’s platform in accordance with international standards regarding access to information.

72. In Chapter V of its 2022 Annual Report the IACHR noted that the State records and updates the data on disappeared persons through the RNPDNO. Nonetheless, the IACHR indicated that challenges persist, such as duplication of information and the lack of records on disappeared persons. In addition, the IACHR invited the State to adopt the measures necessary for completing the creation and effective implementation of the BNDF, the Registry of Unidentified and Unclaimed Deceased Persons, the National Registry of Collective Graves, and the creation of the Exhumation Program. The IACHR suggested that these,

⁹³ FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023.

⁹⁴ MNDM, Report to the Committee on Enforced Disappearances and submitted to the IACHR to follow up on compliance with the recommendations of the report “Human Rights Situation in Mexico,” August 9, 2023.

⁹⁵ Committee on Enforced Disappearances, [Mexico comments on the report of the visit of the UN Committee on Enforced Disappearances pursuant to Article 33 of the Convention](#), 2022.

like the RNPDO, be created with a methodology that enables society in general to access reliable records on the search for disappeared persons.⁹⁶

Information on compliance

73. In 2023, in its observations on this report, the State indicated that at present the National Registry of Persons Deceased and Not Claimed (RENAPEFA: Registro Nacional de Personas Fallecidas y No Reclamada), the Federal Forensic Registry (REFOFE: Registro Forense Federal), the National Registry of Collective Graves (RENAFO: Registro Nacional de Fosas), and the National Base of Genetic Information (BaNIG: Base Nacional de Información Genética) are all up and running.⁹⁷

74. The civil society organizations reported to the Commission that in December 2022, the 47th Plenary Assembly of the National Conference of Prosecutorial Authorities (CNPJ) approved the terms and conditions for cooperation for the operations of the BNDF; the RNPFI; the National Registry of Collective Graves and Clandestine Graves (RNFCyFCI); and the National Base of Genetic Information. Nonetheless, since the approval of the terms and conditions, there has been no progress. Accordingly, they indicated that the operation and functioning of the BNDF is pending, without the terms for the operations of the Bank, which should have been in operation since January 2019.⁹⁸

75. The organizations also reported that the terms and conditions lack interconnectivity among the states, and do not effectively connect family members with the remains of their disappeared relatives. Moreover, most of the states do not have a public policy on disappearance, and some have not harmonized their legislative frameworks with the General Law. In addition, civil society organizations said that the existing registries in this area lack a methodology that would allow for traceability and transparency.⁹⁹ It was reported that this is so given that the Attorney General's Office resisted presenting information, as a result of which the BNDF system does not have data bases of genetic information, fingerprints, or clandestine graves, and is not interconnected with the RNPDO. In addition, the organizations said that the FGR had reported initially that the BNDF was already operating, and later that it would not be ready until 2025 or 2026.¹⁰⁰

76. In addition, in light of what was reported in recommendation no. 9 of this report, civil society informed the Commission that in July 2023 the President announced what was called a census on disappeared persons, due to an apparent duplicity of records and the localization of persons who are still listed as disappeared in the RNPDO.¹⁰¹ In this regard, it was noted that based on the vaccination records and names of disappeared persons the families received visits from search commissions and other public officials in coordination with the CNB, who asked if their family members have been located, and who were seeking some indication of their apparent location, which the family members of disappeared persons described as a revictimizing process¹⁰² in the terms already indicated in this report.

77. Along the same lines, the organizations said that the President had ordered a census of persons disappeared to be entrusted to public servants working in the Secretariat for Well-being. This has been characterized as being at odds with the General Law, which provides that only the National Search Commission

⁹⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 96 and 97.

⁹⁷ Observations and comments by the State, December 20, 2023, p. 5.

⁹⁸ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Animal Político, [3 meses después, el Banco Nacional de Datos Forenses no funciona: FGR no ha cumplido orden judicial](#), August 28, 2023.

⁹⁹ Data Cívica, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 8, 2023.

¹⁰⁰ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Animal Político, [3 meses después, el Banco Nacional de Datos Forenses no funciona: FGR no ha cumplido orden judicial](#), August 28, 2023.

¹⁰¹ Andrés Manuel López Obrador, President of Mexico, [Gobierno de México avanza en censo para búsqueda de personas desaparecidas](#), August 24, 2023.

¹⁰² MNDM, Report to the Committee on Enforced Disappearances and submitted to the IACHR to follow up on compliance with the recommendations of the report "Human Rights Situation in Mexico," August 9, 2023.

has such powers, as the authority in charge of the RNPDO. In addition, organizations said that carrying out the so-called “census” would have the aim of reducing the universe of disappeared persons registered at present, which civil society groups have described as the act of “disappearing disappeared persons” (“*desaparecer desaparecidos*”).¹⁰³ Similarly, civil society organizations said that the CNB informed the National Citizen Council that the RNPDO would not result in duplicate cases due to the existence of filters for new entries that guarantee a single registration per disappeared person. In this respect, they indicated that the CNB had indicated that there were no duplications, independent of whether multiple authorities enter the same person, and that in addition a manual review would be performed to avoid the use of automatic methods that do not take account of the existence of spelling errors and persons with the same name.¹⁰⁴ In addition, the organizations reported on the dissemination of the Public Consultation of the RNPDO, a search mechanism that is a counterpart to the one for persons detained that would allow one to know whether the authorities are updating reports, and whether they are acting in keeping with the obligations set forth in the Law.¹⁰⁵

78. Along the same lines, the Commission observes that, in keeping with the public information, on September 21, 2023, the Federal Executive and the governors agreed to create a new registry of disappeared persons.¹⁰⁶ In this connection, the Citizen Councils, which allow for citizen participation in searches, had demanded that they first be convened prior to the census, since they had not been previously consulted, as required by the Law.¹⁰⁷ The press reported that local search commissioners found it unusual and protested that they had been excluded from the decisions related to the census and the new registry described above.¹⁰⁸

Analysis and level of compliance with the recommendation

79. While the State has the obligation to do its utmost and coordinate the operation to search for persons disappeared under its jurisdiction, including constituting and verifying the records of disappeared persons, the Commission reiterates its concern over the information reported by civil society in the context of recommendation No. 9 of this report in the face of the concerns noted regarding the methodology, legality, participation of the National Search Commission and the local search commissions, and revictimization in carrying out the survey. In the context of an election year this concern is aggravated by the statements by the President in his morning press appearance of October 12, 2023, in which he questioned the figures of the RNPDO, pulled together by the National Search Commission, indicating only the presumption of the humanitarian nature of his administration, though without indicating just what the errors were in collecting information from the questioned registry.¹⁰⁹

80. The IACHR observes with concern the allegations of a lack of dissemination related to the census referred to in previous paragraphs. In addition, the IACHR observes the challenges reported by the civil society organizations with respect to the failure to guarantee an inter-connection in the existing databases, the transparency of those databases, and the alleged refusal of the prosecutorial offices to participate in

¹⁰³ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023; MVS Noticias, [¿Desaparecer a los desaparecidos?](#) August 30, 2023; El País, [Malestar entre los familiares de desaparecidos por el nuevo censo: “¿A mí también me van a desaparecer?”](#), September 9, 2023; Milenio, [Desapareciendo desaparecidos](#), August 30, 2023.

¹⁰⁴ MNDM, Report to the Committee on Enforced Disappearances and submitted to the IACHR to follow up on compliance with the recommendations of the report “Human Rights Situation in Mexico,” August 9, 2023; National Search Commission, [methodology for standardizing the historical information in the RNPDO](#), March 2023; National Search Commission, [Public Consultation of the National Registry of Persons Disappeared and Not Located](#), October 1, 2023; National Search Commission, [Methodological note on the publication of databases with individualized information on persons disappeared and not located contained in the National Registry of persons disappeared and not located \(RNPDO\)](#), August 23, 2023.

¹⁰⁵ MNDM, Report to the Committee on Enforced Disappearances and submitted to the IACHR to follow up on compliance with the recommendations of the report “Human Rights Situation in Mexico,” August 9, 2023.

¹⁰⁶ Aristegui Noticias, [AMLO y gobernadores acuerdan crear Padrón Nacional de Desaparecidos](#), September 21, 2023; El Universal, [Gobernadores de la 4T acuerdan construir Padrón Nacional de Personas Desaparecidas](#), September 21, 2023; El Economista, [En marcha, nuevo padrón sobre desaparecidos: AMLO](#), July 31, 2023.

¹⁰⁷ That consultation is provided for in the third chapter of the General Law on Disappearance.

¹⁰⁸ El País, [Los avances del nuevo censo de desaparecidos aumenta la tensión con la CNB](#), October 13, 2023.

¹⁰⁹ Infobae, [AMLO arremete contra Karla Quintana, extitular de la Comisión Nacional de Búsqueda: “Hay gente íntegra que puede sustituirla.”](#) October 13, 2023.

strengthening and implementing the records provided for in the General Law on Disappearance. Accordingly, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

81. For this recommendation to be complied with, the IACHR reiterates the appeal it made to the State last year, to complete the process of establishing and effectively implementing the Forensic Database, the Registry of Unidentified and Unclaimed Deceased Persons, the National Registry of Collective Graves, and the Exhumation Program. Now it is also important that the State report to the Commission on the process of updating the RNPDO and/or carrying out the above-mentioned census, considering that the recommendation points to the importance of having a single registry. Similarly, considering the recommendations made by the Committee on Enforced Disappearances on Mexico, it is necessary “to ensure that the different institutions that report on cases of disappeared persons they know of and that the RNPDO clearly identify the phenomenon of disappearance of persons with regular or irregular immigration status, and that it be interoperable with the existing registries of migrants.”¹¹⁰

82. The Commission reiterates that the creation and strengthening of the National Registry Data of Missing and Disappeared Persons should guarantee its transparency and access for family members. As for carrying out the census, one would have to make public the procedure of the alleged vetting of data and the mechanisms by which the registry of disappeared persons is being drawn up, making it publicly known to the citizens which official or officials are authorized to implement the census and draw up the questions.

Recommendation No. 12 Strengthen existing mechanisms in terms of early alerts and urgent search in cases of disappearances of women and children, to ensure their effective application at the federal, state, and municipal levels. In addition, strengthen the National Registry of Data of Missing or Disappeared Persons, so that it may provide precise and reliable information about women and children who are disappeared and forcibly disappeared.

83. In the context of Chapter V of the 2022 Annual Report, the State reported having updated and standardized the Alba Protocols at the national level, including the installation of the National Technical Coordinating Body for Harmonization of the Alba Protocols in August 2021. Nonetheless, the IACHR expressed concern over the large numbers of girls and women reported disappeared in Mexico. Accordingly, it invited the State to make progress in adopting measures to continue and to guarantee implementation of the search actions set out in the Standardized Search Protocol and the PABNNA, in addition to continuing to make progress in standardizing the Alba Protocols at the national level, and that the rest of the states adopt measures to guarantee harmonization of the protocols at the national level.¹¹¹

Information on compliance

84. In 2023, the State reiterated to the Commission that the Standardized Search Protocol incorporates differentiated search approaches based on criteria such as gender and whether the person is a child or adolescent, among others. In addition, it reported that its provisions are complementary with the application of the Alba Protocol and the Amber Alert, currently in use in the 31 states and Mexico City.¹¹²

85. The civil society organizations reported to the Commission that the Alba Protocol is not standardized at the state level, making immediate searches difficult. In addition, they stated that the application

¹¹⁰ Committee on Enforced Disappearances, Report of the Committee on Enforced Disappearances on its visit to Mexico under Article 33 of the Convention, 2022.

¹¹¹ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 101 and 102.

¹¹² Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 12](#).

of the Alba Protocol is compromised by the lack of dissemination of its contents as well as the lack of infrastructure and sufficient human and material resources to put it into practice.¹¹³

Analysis and level of compliance with the recommendation

86. The Commission welcomes the Standardized Search Protocol providing for searching with differentiated approaches and search mechanisms for women and girls. Nonetheless, it notes that this information has been provided by the State for prior years, without any update on additional compliance measures. As for what civil society said about the lack of standardization of the Alba Protocol, the IACHR also notes that in 2022 the State had already reported that the National Search Commission, along with the National Commission for the Prevention and Eradication of Violence against Women (CONAVIM), had initiated, as of 2021, a process for implementing the National Program for Harmonization and Application of the Alba Protocol.¹¹⁴ Nonetheless, it also finds that the State had not reported additional measures for updating and standardization. Considering that the State has not provided information on updated measures for implementing this recommendation, the IACHR finds that the level of compliance continues to be **substantial partial**.

Measures and information to further compliance with the recommendation

87. In the guidance provided since 2022, the IACHR emphasizes that compliance with this recommendation requires promoting measures for the standardization of the Alba Protocol and Amber Alert at the national level, and their application, to guarantee an effective and coordinated search based on the criteria established in those protocols. In addition, the IACHR invites the State to report on measures for implementing the search actions set out in the Standardized Search Protocol and the PABNNA. In this regard, the IACHR also reiterates the importance of the rest of the states adopting measures to ensure harmonization of the protocols implemented nationally.

Recommendation No. 13 Follow the recommendations of the Interdisciplinary Group of Independent Experts (GIEI) in accordance with the attributes established by its mandate, specifically the reiterated request to interview the members of the Army and visit Battalion No. 27 and continue the investigation of the Ayotzinapa case. Consider utilizing similar mechanisms for other cases of gross human rights violations.

88. In Chapter V of its 2022 Annual Report the IACHR noted that the State reported the collaboration of the Commission for Truth and Access to Justice in the Ayotzinapa Case (COVAJ): Comisión para la Verdad y Acceso a la Justicia del Caso Ayotzinapa) with the Interdisciplinary Group of Independent Experts (GIEI), whose members were called to all the regular meetings held in 2022 to participate as guests with voice. At that moment the IACHR reiterated that it would continue participating and deploying its functions of monitoring and technical assistance for the search efforts, investigation, victim assistance, and putting in place structural measures of non-repetition considering the precautionary measure for the 43 disappeared students and their families, and Mexico's treaty obligations.¹¹⁵

Information on compliance

89. Regarding this recommendation, in 2023, the State informed the Commission of progress in the context of the COVAJ, which includes recognizing and addressing the case as a state crime, determining new lines of investigation to locate various search sites, and permanently disseminating its work and progress.¹¹⁶ The IACHR notes that the COVAJ submitted its second report, in which it concluded that at all times the federal, state, and municipal authorities were aware of the students' movements from the time they left up until their

¹¹³ IDHEAS, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

¹¹⁴ IACHR, [2022 Annual Report, Ch. V](#), para. 100.

¹¹⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 103 and 114.

¹¹⁶ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 13](#).

disappearance, and that their acts, omissions, and participation made possible the disappearance and execution of the students, as well as the homicides of other persons.¹¹⁷ In its observations on this report the State emphasized that the COVAJ report recognized that the narrative put forth by the authorities constituted a second disappearance of the students, due to the omissions, manipulation, and coverup of evidence and information by the State; and that statements were obtained under torture, which resulted in the opening and current follow-up of a new line of investigation against the public servants who participated in those events.¹¹⁸

90. The IACHR reiterates its recognition of the efforts made by Mexico during the current administration, to create and implement an institutional model for the purpose of refocusing attention on the Ayotzinapa case. It is important to recall the installation of the COVAJ, the creation of the Special Unit for Investigation and Litigation of the Ayotzinapa Case (UEILCA), as well as the opening to international scrutiny with the installation of a team of the MESA in Mexican territory, and the reactivation of the GIEI. As regards progress investigating and punishing the persons responsible, the IACHR has considered in a positive light reactivating the search on the ground and the genetic identification of three students, Jhosivani Guerrero de la Cruz, Christian Alfonso Rodríguez Telumbre, and Alexander Mora Venancio, as well as the positive findings in 2023, which were given to the Institute of Legal Medicine of Innsbruck, Austria, with results pending.¹¹⁹ In addition, it has welcomed the issuance of arrest warrants that went beyond the local or state sphere and incorporated prosecutorial agents and members of the military.

91. Civil society organizations related to the matter and media outlets spoke out publicly in 2023 to express their concern over how the case was handled in 2023. Their concerns have revolved around the scant progress made in 2023,¹²⁰ the deterioration of the relationship of the families of the 43 disappeared students with the authorities,¹²¹ the persistent use of *Pegasus* software against the victims' legal representatives,¹²² and, above all, the departure of the GIEI due to its lack of access to documents of the SEDENA.¹²³ Regarding the lack of progress, the IACHR notes that in 2023 no identification was made related to determining the victims' whereabouts. The Commission values the reinstatement of the 21 arrest warrants for members of the Armed Forces, and that in the meeting of the COVAJ the President reported, directly, all the measures adopted to search for the students, and the status of the case.¹²⁴ Without prejudice to the foregoing, the Commission observed with concern that the advances slowed, and also took note of the change in the precautionary measure (from regular imprisonment to house arrest) granted to an Army general being investigated. This change was publicly characterized by the representatives of the students' families as "unusual" under the argument that it appears the person in question is being given preferential treatment because he is a member of the Army.¹²⁵

92. Similarly, in July 2023, the GIEI presented its last report in Mexico with respect to the Ayotzinapa case and reported it was leaving the country because the conditions were not in place for continuing its work. According to what was presented at the press conference and what was indicated in the GIEI report, the group was not only blocked from interviewing all the persons in the Armed Forces that it considered necessary for carrying out its mandate, but the Armed Forces repeatedly denied the GIEI the information requested. The IACHR has emphasized the seriousness of the SEDENA not turning over the information requested by the GIEI. In this regard, the Commission reiterated its structural recommendation as to the importance of evaluating the mechanisms for determining the participation and responsibility of military agents vis-à-vis the occurrence of human rights violations and on the establishment of protocols so that the documents that could constitute evidence in the Ayotzinapa case can be quickly and simply incorporated in the

¹¹⁷ COVAJ, [Second Report by the Presidency of the COVAJ](#), September 2023.

¹¹⁸ Observations and comments by the State, December 20, 2023, p. 5.

¹¹⁹ Observations and comments by the State, December 20, 2023, p. 5.

¹²⁰ El Economista, [CIDH ve que indagatorias por caso Ayotzinapa se han rezagado](#), September 27, 2023.

¹²¹ Animal Político, [La marcha por los 9 años de Ayotzinapa muestra la ruptura de los padres con AMLQ](#), September 27, 2023.

¹²² Centro Prodh, [Investigación contra AIC y Tomás Zerón no esclarece espionaje de Gobierno: Artículo 19](#), May 17, 2023.

¹²³ A dónde van los desaparecidos, [Oculta Sedena investigación interna sobre Ayotzinapa](#), June 14, 2023.

¹²⁴ El Economista, [AMLQ informará avances de caso Ayotzinapa a familiares de las víctimas](#), September 20, 2023.

¹²⁵ IACHR, Press Release, [IACHR: Nine Years After 43 Students from Ayotzinapa Went Missing, Mexico Must Persist in the Search for Truth](#), September 26, 2023.

investigations and prosecutions under way.¹²⁶ In light of the foregoing, while a court order of September 2023 ordered that those documents be turned over and prohibited their destruction, the IACHR found that the litigation to preserve the documents was avoided with the good-faith cooperation of the authorities in possession of the documents. The IACHR expects that the relevant authorities will abide by said court order.¹²⁷

93. According to the observations on this report presented by the State, despite certain difficulties, the GIEI had the opportunity to interview participants in the events who were assigned to the SEDENA and the SEMAR; and was also able to witness statements before the competent authorities, unlike what happened in 2015, when it was blocked from interviews with members of the Armed Forces.¹²⁸ In addition, according to the State, the members of the GIEI pointed to the cooperation and assistance of the COVAJ for obtaining information from SEDENA and SEMAR, for its third report, as well as the accompaniment on occasion of the onsite visits to the SEDENA archives, which enabled it to identify findings contained in its fifth and sixth reports.¹²⁹ In addition, according to the State, in each of the extensions of the GIEI, the Ministry of Foreign Affairs maintained close communication with the Technical Secretariat of the Commission for Truth and Access to Justice in the Ayotzinapa Case (COVAJ) to forward the requests to keep them current. In this regard, according to the State, from the beginning to the end of its mandate the GIEI presented a total of six reports on its activities by which it made known the results of its investigations.¹³⁰ In addition, the State indicated that the COVAJ continues its work and shores up the Attorney General's Office and the National Search Commission.¹³¹

94. Finally, in the context of the Commission's 188th period of sessions a public hearing was held on the Ayotzinapa case, following up on compliance with precautionary measure 409-14,¹³² in which the families and their representatives stated that "more than nine years after the facts, truth and justice have not been achieved, and the students' whereabouts remain unknown." They also reiterated that the Armed Forces continue to resist turning over information to clarify the facts. The family members emphasized that "the failure of the authorities responsible for the matter is a reflection of the constant evasive attitude of the authorities when it comes to addressing the case."¹³³ During the hearing the Commission asked the State to report on the alleged bringing of criminal proceedings against the former head of the UEILCA.

Analysis and level of compliance with the recommendation

95. The content of this recommendation has two aspects, the first related to access to information, places, and interviews with members of the Armed Forces, and the second related to creating similar mechanisms for investigating cases of serious human rights violations. As regards the first aspect, the Commission observes with concern that the GIEI has said that it had to leave the country given the alleged lack of conditions for performing its functions, and due to the refusal by the Armed Forces to provide the information requested.¹³⁴ These refusals obstruct progress in the investigations and, accordingly, full compliance with the recommendation.

96. As regards the second aspect of the recommendation, the Commission had already noted that it viewed as positive the efforts implemented by the State to create a Truth Commission for the case, and the creation of a new office of special prosecutor for the case, the UEILCA. These efforts were highlighted as

¹²⁶ IACHR, Press Release, [IACHR: Nine Years After 43 Students from Ayotzinapa Went Missing, Mexico Must Persist in the Search for Truth](#), September 26, 2023.

¹²⁷ IACHR, Press Release, [IACHR: Nine Years After 43 Students from Ayotzinapa Went Missing, Mexico Must Persist in the Search for Truth](#), September 26, 2023.

¹²⁸ Observations and comments by the State, December 20, 2023, p. 5.

¹²⁹ Observations and comments by the State, December 20, 2023, p. 5.

¹³⁰ Observations and comments by the State, December 20, 2023, p. 5.

¹³¹ Observations and comments by the State, December 20, 2023, p. 5.

¹³² IACHR, [Precautionary Measure: 43 estudiantes desaparecidos de la Escuela Normal Rural de Ayotzinapa en México](#), November 9, 2023.

¹³³ Tlachinollan, [Fundar, Centro Prodh, Serapaz, Press Release](#), November 9, 2023.

¹³⁴ GIEI Ayotzinapa, [Mensaje Final del GIEI Ayotzinapa](#), July 31, 2023; El País, [El GIEI se despide del 'caso Ayotzinapa' apuntando nuevamente al Ejército](#), July 25, 2023.

important measures for compliance with the recommendation, as well as an institutional strengthening measure that may help guarantee the rights of access to the truth and justice. In this context, moreover, the IACHR has observed with concern in 2023 that the gains in respect of justice had slowed down, making clear the need for the cooperation by the authorities in possession of the documents relevant to the case.¹³⁵ As there are challenges pending related to the first aspect of the recommendation, the IACHR considers that measures have not been adopted that would make it possible to update the level of compliance; accordingly, it remains at **partial compliance**.

Measures and information to further compliance with the recommendation

97. To implement the recommendation, it is necessary for the State to guarantee full access to the information available to make progress with the relevant investigations, including the information in the hands of the Armed Forces. The willingness of the Armed Forces to collaborate by providing access to places under their exclusive control and to give interviews in the context of the investigation is essential to achieve the objective of this recommendation. In addition, the IACHR reiterates its call to deepen state efforts to break the so-called “pact of silence,” guaranteeing security measures and personal protection for those who contribute information relevant for advancing in the lines of investigation and determining the students’ whereabouts through different persons’ voluntary and legal confessions. Similarly, it urges the judicial branch to establish the criminal liability of the persons prosecuted, and to duly punish those responsible to keep the facts from remaining in impunity. In this context, the IACHR invites the State to continue adopting specific measures to carry out the recommendations of the GIEI and the MESA.¹³⁶

C. Torture

Recommendation No. 14 Adopt a General Law against Torture and other cruel, inhuman, or degrading treatment or punishment, and adopt all necessary measures to ensure that both at the federal and state level the laws and practices comply with international standards on the subject, particularly the Inter-American Convention to Prevent and Punish Torture and the Optional Protocol to the UN Convention Against Torture.

98. In Chapter V of the 2022 Annual Report the IACHR took note that 26 of the 32 states had brought their legislation into line with international standards by adopting special laws. In addition, it noted that although there was progress in adopting legal measures related to the National Registry of the Crime of Torture (RENADET), its implementation took longer than the legal timeframes stipulated, as the Commission pointed out in its 2021 Annual Report, without significant progress in its implementation. The IACHR invited the State to give impetus to uniform judicial training at all levels to ensure effective harmonization in the struggle against torture, and it urged the states to harmonize their legislation, and the SEGOB to continue the dialogue and the formulation of the National Program established by the General Law on Torture.¹³⁷

Information on compliance

99. Regarding this recommendation, in 2023 the State reiterated to the Commission that the Attorney General’s Office (FGR) issued the Operational Guidelines of the National Registry of the Crime of Torture with the aim of regulating the functioning, operation, cooperation, and administration of the RENATED. It also reported that there is an Office of the Special Prosecutor for Investigating the Crime of Torture, which has given impetus to seeing to it that the investigations being conducted at the state level are in keeping with

¹³⁵ IACHR, Press Release 226/23, [IACHR: Nine Years After 43 Students from Ayotzinapa Went Missing, Mexico Must Persist in the Search for Truth](#), September 26, 2023.

¹³⁶ IACHR, Press Release 226/23, [IACHR: Nine Years After 43 Students from Ayotzinapa Went Missing, Mexico Must Persist in the Search for Truth](#), September 26, 2023.

¹³⁷ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 116-124.

the General Law to Prevent, Investigate, and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.¹³⁸

100. The civil society organizations reported to the Commission data that describe the use of torture during detention. They reported that in keeping with the National Survey of the Population Deprived of Liberty (ENPOL 2021) carried out by the National Institute of Statistics and Geography (INEGI), of the persons reported detained, 39% of the women indicated they had experienced physical torture, compared to 49% of the men. In all, 69% of the women and 66% of the men reported having been victims of psychological torture while being transferred from their arrest to the judicial authorities.¹³⁹ Moreover, civil society organizations reported the refusal of the FGR to comply with the obligation to publish the National Program to Prevent and Punish Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (PNCT).¹⁴⁰ In this regard, in June 2023 the Ministry of the Interior published the *Strategy against Torture*, in which it stated that:

in February 2023 personnel from the FGR told the Ministry of Interior of their “impossibility of publishing” the PNCT in the Official Gazette of the Federation, as mandated by Article 70 of the relevant General Law, resulting in the failure of the Attorney General’s Office to implement a national policy to fight torture.¹⁴¹

Analysis and level of compliance with the recommendation

101. The first component of this recommendation calls for the adoption of a General Law on Torture, which was published in the Official Gazette of the Federation on June 26, 2017.¹⁴² The recommendation also calls for adopting measures to ensure that the legislation and practices are in line with the relevant international standards. The information available provided to this Commission refers to the alleged persistent use of torture in Mexico, which is why for the IACHR the second component of the recommendation poses major challenges. Likewise, the Commission notes that the State did not produce updated information related to legislative harmonization at the state level, in keeping with the General Law to Prevent, Investigate and Punish Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and the relevant international standards. Finally, in the context of applying the relevant Law, the Commission observes with concern the statements which, according to the information alleged, were made by the FGR referring to the “material impossibility of publishing the PNCT.”¹⁴³ Accordingly, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

102. For complying with this recommendation, the State must produce information related to the extent to which progress has been achieved in legal harmonization of the state-level practices and legislation with international standards for preventing and punishing torture, considering the progress reported in previous years. The foregoing will make it possible to enforce the law and fight torture in a cross-cutting way, across the entire institutional apparatus of the State. Likewise, it is necessary for the State to comply with the second component of the recommendation, related to the effective application of the General Law in this area,

¹³⁸ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 14](#).

¹³⁹ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

¹⁴⁰ Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023.

¹⁴¹ SEGOB, [National Strategy against Torture](#). June 27, 2023, p. 13; Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023.

¹⁴² Official Gazette of the Federation, [Decree by which is issued the General Law to Prevent, Investigate, and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#); and reforming, adding, and derogating various provisions of the Federal Criminal Code, the Law on the National Commission on Human Rights, the Law on the National Public Security System, and the Law on International Extradition, June 26, 2017.

¹⁴³ SEGOB, [National Strategy against Torture](#). June 27, 2023, p. 13.

at both the state and federal levels. Applying the General Law against Torture includes the obligation to publish the National Program against Torture (PNCT) in the terms of Article 70 of that Law.

Recommendation No. 15 In particular, ensure that the General Law against Torture excludes “evidence” or “confessions” obtained using torture from the criminal trial of the person tortured and of other persons implicated in such confessions. Establish clearly in the law that the prosecution has the burden of proof to prove the lawfulness of any questioned evidence or confession.

103. As regards this recommendation, the IACHR reiterates what is indicated in the reports for 2019,¹⁴⁴ 2020,¹⁴⁵ 2021,¹⁴⁶ and 2022¹⁴⁷ to the effect that the recommendation has met with full compliance. In that regard, and in keeping with the IACHR’s General Guidelines on Follow-Up,¹⁴⁸ the Commission declares that the process of monitoring this recommendation has drawn to a close.

Recommendation No. 16 Create a Single National Registry of detained persons and ensure that such persons are taken immediately before a judge under risk of sanctions for failure to do so.

104. According to Chapter V of the 2022 Annual Report, the State reported that in May 2019 it published the LNR, and in the 47th regular session of the National Council on Public Security, held December 16, 2021, Guidelines 2.0 of the National Registry of Detentions (RND) were approved. The State also reported that on April 20, 2022, Annex 1 of Order 09/XLVII/21 of the National Public Security Council was published; it issues the Guidelines for the Functioning, Operation, and Conservation of the RND. The State indicated that by legal mandate, all state agents and first responders who place a person under their custody must file a report with the RND, allowing for public consultation to locate persons detained in real time. The Commission invited the State to guarantee transparency and civil oversight in the operation of the RND.¹⁴⁹

Information on compliance

105. In 2023, the State reiterated to the Commission that on April 20, 2022, the FGR published the New Guidelines of the RND, establishing the responsibility of the public servants to immediately register persons detained. It reported that through the Bureau of Investigation Specialized in Federal Crimes (DIEDF), it seeks to prevent human rights violations, acts of torture, inhuman treatment, and forced disappearance by registering the persons detained when they execute arrest warrants. The State reported on the trainings given on the RND and its inclusion in police reports to identify detainees. In addition, it highlighted the strengthening of the registry through guidelines that are binding on the public security institutions of the three levels of government, with the aim of preventing human rights violations and acts of torture or forced disappearance.¹⁵⁰

106. The civil society organizations informed the Commission that in January 2023, the Supreme Court ruled on Unconstitutionality Action 63/2019, filed by the CNDH, in relation to Article 19 and the Fifth Transitory article of the National Law on Registration of Detentions (LNRD).¹⁵¹ By this decision the Supreme Court determined that Congress breached the obligation to regulate the activity of the personnel of the RND to consider facts or events that could put at risk the information contained in the RND. It also determined that the

¹⁴⁴ IACHR, [Annual Report. Chapter V, Mexico](#), 2019, paras. 28-29.

¹⁴⁵ IACHR, [Annual Report. Chapter V, Mexico](#), 2020, para. 27.

¹⁴⁶ IACHR, [Annual Report. Chapter V, Mexico](#), 2021, para. 23.

¹⁴⁷ IACHR, [Annual Report. Chapter V, Mexico](#), 2022, para. 13.

¹⁴⁸ 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.

¹⁴⁹ IACHR, Annual Report. Chapter V, Mexico, 2022, paras. 133-136.

¹⁵⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 16](#).

¹⁵¹ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023.

Armed Forces are bound by the LNRD.¹⁵² In this regard, organizations told the Commission that the resolution of the Supreme Court had provided greater clarity and certainty on the relevant obligations. Nonetheless, they said that it was not guaranteed that the Armed Forces carrying out public security tasks would comply with this duty.¹⁵³ They also indicated that the LNRD continues to allow for the possibility of justifying not making the entry in the registry when there is a delay, or it is impossible to do so.¹⁵⁴

Analysis and level of compliance with the recommendation

107. The Commission welcomes the implementation of the Guidelines of the RND, which are said to regulate the obligation of all the prosecutorial authorities to register persons detained immediately.¹⁵⁵ Considering the creation of the RND, as well as the guidelines that require immediate registration of persons detained and the other measures for institutional strengthening reported, the IACHR considers that this recommendation has advanced to **full compliance**.

Recommendation No. 17 Investigate cases in which judges have not ordered an investigation where there are reports of indications that torture or mistreatment took place. Ensure that the Istanbul Protocol is applied at the national level by competent and independent authorities in an expedited manner and under risk of sanctions for failure to do so.

108. In the context of Chapter V of the 2022 Annual Report, the IACHR learned that the State has implemented internal mechanisms for investigating torture. Nonetheless, there is no evidence of its results to be able to affirm or assess an improvement in the investigation and prosecution of the crime of torture. In this respect, the IACHR has invited the State to adopt institutional strengthening measures to ensure investigation and punishment of torture in Mexico, and to provide quantitative and qualitative information on these actions.¹⁵⁶

Information on compliance

109. On this point, the State informed the Commission that the FGR oversees the National Registry on the Crime of Torture (RENADET), which is a tool for investigation and statistical information that includes the data on all cases with allegations and investigation of torture and other cruel, inhuman, or degrading treatment or punishment. This information includes the number of victims in the databases of the prosecutorial institutions, the National Commission, the human rights protection agencies, the Executive Commission and the Commissions for Attention to Victims.¹⁵⁷ In addition, the State reported that this database only includes records of crimes as of January 1, 2018, but not for previous years.¹⁵⁸ In addition, the State reported on implementation of the Standardized Protocol for Investigating the Crime of Torture,¹⁵⁹ as well as the Training Program on the prevention, investigation, and prosecution of the crime of torture and other cruel, inhuman or degrading treatment or punishment.¹⁶⁰

¹⁵² Judgment of the Plenary of the Supreme Court in [Unconstitutionality Action 63/2019](#), as well as the separate vote by Justice Luis María Aguilar Morales and the concurrent vote by Justice Juan Luis González Alcántara Carrancá. January 24, 2023.

¹⁵³ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 20, 2023.

¹⁵⁴ Judgment of the Supreme Court in Unconstitutionality Action 63/2019, January 24, 2023, para. 127.

¹⁵⁵ National Council on Public Security, [New Guidelines of the National Registry of Detentions](#), ANNEX 1 of Decision 09/XLVII/21 approved in its 47th Regular Session, held December 16, 2021, published December 29, 2021.

¹⁵⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 145-146.

¹⁵⁷ General Law to Prevent, Investigate and Punish Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Article 85.

¹⁵⁸ Official Gazette of the Federation, [Guidelines for Operation of the National Registry of the Crime of Torture L/002/2021](#), Third Transitory Article. December 15, 2021.

¹⁵⁹ National Council on Public Security, Approved by Decision CNPJ/XXXVIII/14/2017, of the Plenary Assembly of the XXXVIII CNPJ, December 4 and 5, 2017.

¹⁶⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 17](#): Approved by CNPJ on March 22, 2018.

110. In addition, the civil society organizations gave the Commission information related to the practice of torture in Mexico. They indicated that from January 2006 to October 2022, the state-level prosecutorial offices have on record at least 33,768 cases for the crimes of torture and cruel, inhuman, or degrading treatment or punishment with information on 30 institutions. The organizations also noted that in its response to the request for information the FGR indicated that it had a record of 16,755 investigations in the period under study, which would indicate at least 50,523 cases nationwide.¹⁶¹

Analysis and level of compliance with the recommendation

111. The Commission is grateful for the information provided with respect to this recommendation. Even though the State reported on the legislation that regulates the prohibition of torture and the responsible authorities of the RENADET, the Commission highlights that the content of the recommendation implies promoting and strengthening the investigation of cases where judges have not ordered investigations when there are reports or indicia of torture, as well as applying the Istanbul Protocol. While the State has reported on the efforts implemented to address the issue of torture and giving trainings on the subject, the information available is not sufficient to show the existence of investigations in the terms of the recommendation. Without prejudice to the foregoing, the Commission welcomes implementation of the RENADET, under the FGR, and of the trainings of public servants with the aim of optimizing investigations of acts of this sort. Based on the information provided that describes updated state measures of compliance, the IACHR considers that the level of compliance with this recommendation has advanced to **partial compliance**.

Measures and information to further compliance with the recommendation

112. The IACHR invites the State, for it to comply with this recommendation, to provide information related to the mechanisms implemented to guarantee investigations in cases in which there are indicia of torture when judges have not ordered such investigations, including the results of these investigations. In addition, it is necessary to report information on the procedures that make it possible to guarantee that the Istanbul Protocol is applied in all cases in which there are allegations or indicia of torture.

Recommendation No. 18 Establish the mandatory use of cameras and other security protocols during investigations and inside police vehicles, as a measure to prevent torture and other cruel, inhuman, and degrading treatments.

113. According to Chapter V of the 2022 Annual Report, the State indicated that it would use video systems in the state-level offices of the Attorney General's Office to guarantee internal security and prevent mistreatment, without the use of cameras in patrol cars or interrogations having been implemented. Based on the information provided by the State, the IACHR considered that sufficient and necessary legislative actions have not been taken to establish as mandatory the use of cameras and other security protocols during interrogations. In this respect, the Commission invited the State to adopt measures that guarantee the use of security protocols to prevent torture.¹⁶²

Information on compliance

114. On this recommendation, in 2023 the State informed the Commission that meetings were being held with the Armed Forces and police entities to come up with solutions for implementing such cameras,

¹⁶¹ Centro Prodh, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 20, 2023; Requests for information: FGR (330024621000875, 330024621000883 and 330024622003450), Querétaro and Veracruz had not presented information. Approximately half of the prosecutorial offices provided information at least since 2012, while the rest provided data only for the most recent years; there are, in addition, 2,430 investigations for which the year is not indicated (from the state of México and Coahuila).

¹⁶² IACHR, Annual Report. Chapter V, Mexico, 2022, paras. 147-150.

even in detention areas. In addition, it was reported that efforts are being pursued to strengthen personnel training as a means of preventing such acts.¹⁶³

115. As regards compliance with this recommendation, the civil society organizations reported that according to the information from the National Census of the State-level Public Security, “in 2020 and 2021 state public security agents were given, respectively, 435 and 110 body cameras to record their daily tasks of patrolling and making arrests.”¹⁶⁴ The organizations said that the agents assigned to state public security functions, whether local patrols, prevention, response, or investigation, number 174,536 persons nationally, without taking into account other types of authorities, i.e. municipal or federal.¹⁶⁵ Along the same lines, according to information from ENPOL 2021, of persons deprived of liberty who were detained in the context of an inspection, only 6.8% said they had been videorecorded. It should be noted that according to the findings reported, only 12% of the persons deprived of liberty had been detained in this manner. In this respect, it was indicated that there was no information on cameras in the remaining 88% of detentions.¹⁶⁶

Analysis and level of compliance with the recommendation

116. Based on the information provided, the Commission observes that in practice the mandatory use of cameras and other security protocols in interrogations is not guaranteed. The Commission welcomes the initiatives reported by the State with respect to the meetings for implementing those cameras and the relevant training of personnel. Nonetheless, this is the first step for complying with the recommendation. In the absence of updated information on measures of compliance, the IACHR considers that this recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

117. The Commission invites the State, for it to carry out the recommendation, to present information with respect to the gains and results of the initiatives to implement the use of cameras in interrogations. In addition, sufficient, necessary, and timely actions need to be undertaken at the legislative level to guarantee the regulation and mandatory use of cameras and other security protocols in interrogations.

Recommendation No. 19 Establish federal and state-level guidelines regarding the collection of uniform statistics regarding gross human rights violations. In particular, the State should improve its system to compile information that is disaggregated, transparent and that follows a consistent methodology.

118. In Chapter V of the 2022 Annual Report the State indicated that in 2021 it adopted the Technical Standard of the National Justice Procurement Statistical System (SENAP) and issued operational guidelines for the National Registry on the Crime of Torture (RENADET). It indicated that these systems integrate the databases of several institutions, including international organizations, to have greater control and knowledge of the cases related to human rights violations. In addition, the State indicated that the Attorney General’s Office has an IT system called *Justici@NET* that records details of electronic case files. Despite this information, the IACHR invited the State to adopt specific guidelines and a methodology for recording disaggregated information in this area, as well as to compile statistics at all levels and authorization for the specialized authorities to provide the information to the registry.¹⁶⁷

¹⁶³ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 18](#).

¹⁶⁴ *Intersecta*, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; INEGI, [Censo Nacional de Seguridad Pública Estatal](#), 2022.

¹⁶⁵ *Intersecta*, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

¹⁶⁶ *Intersecta*, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; INEGI, [National Survey of Population Deprived of Liberty \(ENPOL\)](#), 2021.

¹⁶⁷ IACHR, Annual Report. Chapter V, Mexico, 2022, paras. 151-156.

Information on compliance

119. In this respect, in 2023 the State reported to the Commission that since 2017 the INEGI has been generating annual statistical and geographical information about the work and performance of the public human rights agencies through the National Census on Human Rights at the state and federal levels.¹⁶⁸ In addition, according to observations made by the State on this report, one of the surveys used by the INEGI is the National Survey of Adolescents in the Criminal Justice System (ENASJUP), which generates information on abuses committed by the authorities against the adolescent population. In addition, in its observation the State reported on the Protocol for action for public defenders for a study of causes related to torture and other cruel punishment, under the Federal Institute of Public Defense. Finally, the State reported that a methodology is being designed to develop a Classifier of Acts Violative of Human Rights, for statistical purposes.¹⁶⁹

120. The civil society organizations emphasized that the ENPOL serves as a statistical resource that makes it possible to describe the experiences of persons deprived of liberty in Mexico. The ENPOL provides information on detention, experiences with prosecutors, their judicial procedures and experiences in prisons, and their expectations once released. Civil society organizations reiterated that beyond the government data, this survey would make it possible to pick up on patterns of action in this area.¹⁷⁰

Analysis and level of compliance with the recommendation

121. The Commission places a positive value on the information provided by civil society in relation to the utility and operation of the ENPOL and the work of the INEGI in the statistical processing of human rights-related information, which should unfold in keeping with a transparent and objective methodology. Nonetheless, the information reported to the Commission suggests that at present the ENPOL is only processing information related to persons deprived of liberty. The IACHR identifies the need for additional information to enable it to identify whether the statistical and geographical data of the INEGI are equivalent to uniform statistics on serious human rights violations. The IACHR reiterates that the recommendation establishes that the compilation and processing of data should be done with respect to serious human rights violations. The information that has come to the IACHR this year allows it to conclude that despite the need to adopt additional measures of implementation, as well as additional information, the level of compliance with this recommendation has advanced to **partial compliance**.

Measures and information to further compliance with the recommendation

122. The Commission invites the State to replicate the exercise of compilation, processing, and systematization of information adopted for the ENPOL, for the serious human rights violations against all population groups, guaranteeing objectivity and the application of an objective and transparent method for compiling uniform statistics on the subject. It also invites it to report on the measures adopted to ensure the compilation of statistics on serious human rights violations at all levels of the State and to report on progress in developing the Classifier of Acts Violative of Human Rights.

Recommendation No. 20 Eliminate “*arraigo*” and *quasi flagrante delicto (flagrancia equiparada)* from the Mexican legal framework.

123. For Chapter V of the 2022 Annual Report, the State reported that according to its Constitution *arraigo* is only allowed in organized crime cases. In this regard, it indicated that there have been initiatives in the last two legislatures to eliminate *arraigo*, and legislative efforts to repeal it. Despite this information, the IACHR found that as of the date of the report there was no data available to evaluate gains in complying with

¹⁶⁸ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 19](#).

¹⁶⁹ Observations and comments by the State, December 20, 2023, p. 6.

¹⁷⁰ Intersecta, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023; INEGI, [National Survey of Population Deprived of Liberty \(ENPOL\)](#), 2021.

the recommendation. In this respect, the IACHR observed with concern that the State had not taken immediate or progressive actions to eliminate *arraigo* in Mexico at any level of government, even though *flagrancia equiparada* was already eliminated from Mexican law in 2015.¹⁷¹

Information on compliance

124. In this respect, in 2023 the State informed the Commission of the beginning of related domestic cases (cases 1/2023 and 3/2023) whose aim is to study the content of the judgments of the Inter-American Court of Human Rights (I/A Court HR) in the cases of *García Rodríguez et al. v. Mexico*,¹⁷² and *Tzompaxtle Tecpile et al. v. Mexico*.¹⁷³ The objective of this study is to determine the measures that the Judicial branch takes to comply with the judgments that analyzed *arraigo* and pretrial detention regulated by the Mexican legal system at this time.¹⁷⁴

125. Civil society organizations reported to the Commission that eight months after the judgment was issued by the I/A Court HR in the case of *García Rodríguez and one other v. Mexico*,¹⁷⁵ legislative measures had not been adopted to eliminate the institution of *arraigo* from the Mexican Constitution. The same thing has happened with respect to *mandatory pre-trial detention*, which is in force pursuant to Article 19 of the Constitution.¹⁷⁶ The organizations indicated that in response to the Congress's refusal to comply with the judgments of the I/A Court HR, the judicial branch has begun to apply the inter-American standards established in its case-law. In this connection, the organizations referred to the resolution of July 13, 2023, handed down by the Regional Plenary for Criminal Matters of the Central-North Region, in the context of Conflict of Criteria 40/2023, by which *mandatory pre-trial detention* was suspended, in keeping with what was established in the cases of *García Rodríguez et al. v. Mexico*¹⁷⁷ and *Tzompaxtle Tecpile et al. v. Mexico*.¹⁷⁸

Analysis and level of compliance with the recommendation

126. Regarding this recommendation, the Commission welcomes the decision of the judicial branch to analyze the measures that should be implemented to carry out the above-mentioned judgments of the I/A Court HR. Nonetheless, there is no information reported to the Commission concerning initiatives aimed at eliminating *arraigo* from the Mexican legal system. Accordingly, the Commission considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

127. The Commission reiterates what is indicated above to the effect that compliance with this recommendation can only come with the legislative abolition of *arraigo*.¹⁷⁹ The Commission suggests that the State hold forums for public and democratic debate to continue the discussion on eliminating that legal institution, accompanied by forceful actions that achieve, in practice, the objective of this recommendation.

¹⁷¹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 157-162.

¹⁷² I/A Court HR. Case of *García Rodríguez and one other v. Mexico*. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 25, 2023. Series C No. 482.

¹⁷³ I/A Court HR. Case of *Tzompaxtle Tecpile et al. v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 7, 2022. Series C No. 470.

¹⁷⁴ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 20](#).

¹⁷⁵ I/A Court HR. Case of *García Rodríguez and one other v. Mexico*. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 25, 2023. Series C No. 482.

¹⁷⁶ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

¹⁷⁷ I/A Court HR. Case of *García Rodríguez and one other v. Mexico*. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 25, 2023. Series C No. 482.

¹⁷⁸ Regional Plenary for Criminal Matters of the Central-North Region of the Federal Judiciary, Contradictory holdings (*Contradicción de criterios*) 40/2023, July 2023, paras. 2010-225.

¹⁷⁹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 162.

D. Extrajudicial executions

Recommendation No. 21 In any act in which there is lethal use of force or loss of life at the hands of members of the security forces, undertake a comprehensive formal investigation in accordance with international standards; the investigations from the crime scene on should be conducted by experts who are not members of the police or military.

128. In Chapter V of the 2022 Annual Report the State indicated that chain-of-command liability is already provided for in Article 13 of the Federal Criminal Code (Chapter III, entitled “Persons Responsible for Crimes”). It also mentioned that there is an Office of Special Prosecutor for cases of torture that carries out exhaustive investigations into such crimes and, if appropriate, brings criminal actions against all who are involved. The State also noted the existence of the Standardized Protocol for Investigating Crimes of Forced Disappearance and Disappearance by private persons, which provides a detailed guide for investigating these crimes. The IACHR considered that despite the statutory authorization noted by the State, there were no significant gains in implementing this practice in the judicial system.¹⁸⁰

Information on compliance

129. In 2023 the State informed the Commission that in keeping with Article 36 of the General Law to Prevent, Investigate and Punish the Crime of Torture it is established that victims have the right to be evaluated by physicians or psychologists of their choice. Along the same lines, in keeping with Article 45 of that Law the medical-psychological expert opinions, based on the Istanbul Protocol, should be drawn up by specialized national agencies or independent experts, and shall be incorporated in the file of the investigation if they meet the statutory and procedural requirements. These expert opinions should include medical and psychological antecedents, the victim’s description of the acts of violence, current health, results of the medical exam, especially the psychological lesions or impairments, if any, and the physician’s conclusions on the consistency of the elements mentioned.¹⁸¹

130. In this respect, civil society organizations reported to the Commission that there is not a public policy for attending to cases of executions that involve security forces. Extrajudicial executions are treated as homicide cases such that there is no distinction or measures when the perpetrators are public servants. According to the information reported, that situation makes it complex to identify and monitor cases. Moreover, it is said that there is no cooperation of the Armed Forces in the investigations of cases that involve their members, and the prosecutors’ offices have a tendency to minimize the impact of such acts.¹⁸² In addition, organizations indicated that to date the State has not established the special commission for multidisciplinary investigation recommended by the Committee on Enforced Disappearances in April 2022 for massacres and disappearances of migrants, which should be made up of national and international experts to support the investigations with a regional perspective.¹⁸³ In that regard, the organizations indicated that from 2014 to March 2023, 131 complaints had been submitted to the CNDH regarding homicides and executions purportedly perpetrated by members of the SEDENA and the Secretariat of the Navy (SEMAR).

Analysis and level of compliance with the recommendation

131. The Commission observes that the State did not provide information on updated measures to comply with this recommendation. The information provided regarding the content of Article 36 of the General Law to Prevent, Investigate and Punish Torture establishes the right of victims to be evaluated by physicians

¹⁸⁰ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 44 and 49.

¹⁸¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 21](#).

¹⁸² FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023.

¹⁸³ Committee on Enforced Disappearances, Report of the Committee on Enforced Disappearances on its visit to Mexico under Article 33 of the Convention. Observations and second part of the recommendations (Art. 33 para. 5), para. 50, April 12, 2022; FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023.

or psychologists of their choice in cases of torture, but not of deprivation of life by security forces. Accordingly, the recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

132. As was indicated last year, compliance with the recommendation requires measures that give impetus to investigations into the crimes in question. In addition, the Commission considers it important that specific information be provided with respect to how an exhaustive investigation in keeping with international standards is being guaranteed. It would be advisable for the State to produce information about those cases in which independent experts were involved.

Recommendation No. 22 Ensure that the Armed Forces register statistics regarding persons who are killed or wounded in their operations, and that the relevant investigations are initiated as appropriate.

133. In Chapter V of the 2022 Annual Report the State reported that the registry of figures related to persons killed and wounded in security forces operations is kept in the Executive Secretariat of the National Public Security System (SNSP) and that a specific database was created for military crimes. Despite this information, the IACHR noted the lack of data that would make it possible to determine whether the public policies related to attention to, and the investigation of persons killed and wounded in Armed Forces operations have improved. In addition, the IACHR indicated that the State did not provide information on the opening of investigations in cases of extrajudicial executions nor about the list of cases prosecuted, making it difficult to evaluate compliance with this recommendation.¹⁸⁴

Information on compliance

134. Regarding compliance with this recommendation, in 2023 the State sent information to the Commission indicating that through the Federal National Human Rights Census (CNDHF: Censo Nacional de Derechos Humanos Federal), prepared by the INEGI, information is being captured on acts purportedly violative of human rights in which the SEDENA and SEMAR are said to be responsible.¹⁸⁵ In addition, in its observations on this report, the State said that INEGI collects information on persons deceased, wounded, and detained during confrontations in which members of public security forces are said to have been involved, through the Federal National Public Security Census (CNSPF), which has been carried out at the federal level since 2018; the National Public Security Census (CNSPE), carried out at the state level from 2011 to 2020; and the National Census of Municipal Governments and Territorial Demarcations of Mexico City, carried out since 2011.¹⁸⁶

135. Civil society organizations reported to the Commission that while in those years there was a positive measure to strengthen the registration of figures with respect to the persons killed and wounded by the Armed Forces, due to the enforcement of the National Law on the Use of Force (LNUF), the information reported by the Armed Forces in relation to the quantity and quality has not improved. They stated, in this regard, that in many cases the Armed Forces were refusing to provide the information required by the law and that in other cases, when they did provide information on persons detained, wounded, and killed, this information was insufficient, with inconsistencies and/or stigmatizing content.¹⁸⁷

Analysis and level of compliance with the recommendation

136. In this respect, the Commission values the information provided by the State regarding the census being prepared by the INEGI. Nonetheless, based on the data provided and the legal obligation to report

¹⁸⁴ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 169-171.

¹⁸⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 22](#).

¹⁸⁶ Observations and comments by the State, December 20, 2023, p. 7.

¹⁸⁷ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

operations involving the use of force in the terms of the LNUF, it finds that sufficient information as would be required to update the level of implementation of the recommendation has not been provided. Accordingly, the data provided do not make it possible to determine an improvement in the development of public policies whose purpose is to attend to and investigate the situation of persons killed and wounded in Armed Forces operations. Accordingly, the Commission finds that the recommendation continues to meet with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

137. The IACHR reiterates that for there to be compliance with this recommendation, specific information is needed on the operation and methodology of the census reported by the State to show the existence of a registry of persons killed and wounded because of actions by the Armed Forces. The State must also submit information as to how this registry is being used, and on the measures implemented to address the issues raised with respect to the Registry of the LNUF. While the State reported information on various censuses that compiled information in this area, the IACHR invites it to provide specific information about how these operate in an articulated and coordinated fashion, and about how their findings impact the opening of investigations into the cases indicated in this recommendation.

Recommendation No. 23 Establish a national registry regarding the unidentified remains unearthed in cemeteries throughout the country, which are the result of violent deaths. In addition, search for clandestine graves in states with the highest levels of violence.

138. In the context of Chapter V of the 2022 Annual Report the State reported on having adopted several guidelines and terms of collaboration related to implementing the BNDF, the National Registry of Unidentified and Unclaimed Deceased Persons, the National Register of Common Graves, and Clandestine Graves (RENAFO), and the National Database of Genetic Information, mandated by the General Law on Disappearance. In addition, it mentioned that in-person roundtables were held with state-level prosecutorial for implementing the BNDF. Based on this information the IACHR recognized the efforts made by the Mexican State to secure forensic identifications and to search for disappeared persons, highlighting the importance of these measures being implemented effectively and in a coordinated fashion by the federal and state authorities to address this humanitarian crisis and to guarantee the right of all persons to be searched for.¹⁸⁸

Information on compliance

139. In this regard, in 2023 the State informed the Commission that the BNDF and the National Register of Unidentified Missing and Deceased Persons (RENAPEFA) started operations on May 29, 2023, in keeping with a General Notice of May 11, 2023. The implementation and connection of the RENAF0 is said to be unfolding gradually. The State said that the main challenge has been the quality of existing information since the diversity of criteria as among the states and the central government hinders standardization of data management and limits progress in the cooperation agreements.¹⁸⁹

140. In its observations on this report the State indicated that the INEGI compiles information on corpses and human remains based on status of identification received by the forensic services of the institutions in charge of security and justice functions. In addition, it noted that said entity performs the forensic examinations of these remains or corpses.¹⁹⁰

141. The civil society organizations reported to the Commission that to date Mexico lacks national registry of unidentified corpses in cemeteries and medical-legal services at the state and federal levels.¹⁹¹ In

¹⁸⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 173-177.

¹⁸⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 23](#).

¹⁹⁰ Observations and comments by the State, December 20, 2023, p. 7.

¹⁹¹ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 19, 2023.

addition, on March 15, 2023, a public hearing was held before the IACHR where delays were reported in the creation and implementation of the search and forensic identification mechanisms required by the General Law on Disappearance. In this respect, the organizations said that despite six years having elapsed since the adoption of this law, the Guidelines for the Implementation and Operation of various forensic databases were not published in the Official Gazette of the Federation until April 6, 2023.¹⁹²

Analysis and level of compliance with the recommendation

142. The IACHR finds that institutional efforts have been made by the Mexican State to address the crisis of the disappearance of persons and human identification, including establishing the BNDF and the RENAPEFA, and that gradual implementation of the RENAFO is said to have begun. Nonetheless, effective coordination between the federal and state-level authorities is essential for the existing databases to work correctly and to help locate and identify persons who have disappeared. In this context, the complex scenario, as well as the challenges indicated by the State, require the coordinated activity of the authorities and an institutional effort by the State to counter the humanitarian crisis of the disappearance of persons. With these considerations in mind, the IACHR is aware that extraordinary measures to address the crisis are planned for 2024.¹⁹³ Nonetheless, it is important to reiterate to the State the importance of the Registry serving its purpose in the work of forensic identification and to guarantee the right of every disappeared person to be looked for in a search. Accordingly, the Commission considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

143. Reiterating the guidance for compliance provided in the last annual report, the IACHR considers that although there are various databases reported by the State regarding unidentified remains, it is necessary to have registries in which the information can be engaged with in a coordinated manner to promote the cross-checking of information, to have an objective and transparent methodology that facilitates access to information for persons searching for their disappeared family members. The Commission also invites the State to provide additional information on how the databases that have been designed on the remains of persons who died in violent circumstances and on clandestine graves work effectively. Moreover, the IACHR invites the State to report on the activities to search for clandestine graves in states that have recorded high levels of violence, considering that information on such actions is lacking.

Recommendation No. 24 Create a national, autonomous institution of forensic services with adequate infrastructure, sufficient financial and human resources, and standardized protocols applicable at the national level.

144. For Chapter V of the 2022 Annual Report, the State reported the creation of the Regional Center for Human Identification (CRIH) in August 2020, an expert center specialized in the forensic search for disappeared persons for purposes of identification, situated in Saltillo, Coahuila. It indicated that this center is the only one of its type in Latin America and is the result of a joint effort among the CNB, the State Search Commissions (CLB), the FGR, and the state and federal governments, with the participation of the families of disappeared persons. Despite these gains, the IACHR indicated that there are obstacles to the consolidation of policies for human identification, including the lack of sufficient legal development and the lack of effective coordination among the authorities, with a negative impact on disappeared persons, the search communities, and the State Search Commissions. In addition, the IACHR invited the State to create a national forensic services

¹⁹² FJEDD, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 19, 2023.

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

institution independent of the prosecutorial authorities and the administration of justice, and to create similar institutions at the state level.¹⁹⁴

Information on compliance

145. In 2023, the State informed the Commission that the expert proceeding established must be carried out methodologically to demonstrate scientifically or technically what is requested by the authority, according to the relevant legislation. In addition, the State said that implementation of the CRIH and the Standardized Search Protocol have continued, in compliance with this recommendation.¹⁹⁵

146. In addition, though it was not reported, the IACHR notes that in 2023 the Extraordinary Mechanism for Forensic Identification (MEIF) carried out an operation that is still limited; it was unable to sign the agreements with the prosecutorial offices to coordinate their functions in the national territory; and its operational fate is unclear, including whether this initiative will be supplanted by the entities for human identification.¹⁹⁶ In addition, the legal establishment of the genetic database is a positive development, though it has yet to start up operations.¹⁹⁷

147. The civil society organizations also reported to the Commission that to date Mexico had not established a national forensic services institution independent of the agencies entrusted with prosecution and the administration of justice, or similar institutions at the state level. They noted that MEIF, created in 2019 to address the forensic crisis, is not enough.¹⁹⁸ In addition, they indicated that although the creation of the National Center for Human Identification (CNIH) in 2022 sought to address this issue, it has yet to start up operations effectively due to the lack of coordination and resources. In addition, there have been delays in creating and starting up regional centers for human identification in several states, which makes it difficult to identify disappeared persons. According to the information provided to the Commission, the institutional affiliation of these centers varies; they have been established under different government agencies, which also makes coordination complicated.¹⁹⁹

Analysis and level of compliance with the recommendation

148. The IACHR values the progress made strengthening the CNIH and applying the Standardized Search Protocol, specifically with respect to the guidelines related to human identification. Nonetheless, the policy on forensic identification is still not clear, taking into consideration that despite the official start-up of the MEIF it has yet to report significant results. Thus, considering the analysis made in the section on disappearance in this report, and in keeping with the information reported, it is important to overcome the challenges to coordination among the search authorities so as to have a solid, independent institution and the resources needed for the forensic work. Acknowledging the establishment of the CNIH, the IACHR finds that there is information that allows one to update the level of compliance with this recommendation to **substantial partial compliance**.

Measures and information to further compliance with the recommendation

149. In these terms, the Commission reiterates that it understands that compliance with the recommendation in question would imply the creation of a national forensic services institution independent of the entities entrusted with prosecution and the administration of justice and the creation of counterpart

¹⁹⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 179-183.

¹⁹⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 24](#).

¹⁹⁶ Proceso, [La ONU reprueba al MEIF](#), January 29, 2023.

¹⁹⁷ Forbes, [Banco de datos forenses arranca tarde y entre incertidumbre](#), May 29, 2023.

¹⁹⁸ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

¹⁹⁹ FJEDD, Follow-up on compliance with the recommendations in the report "Human Rights Situation in Mexico," September 19, 2023.

institutions in the states. While the centers for human identification point in this direction, the IACHR invites the State to report on the level of autonomy that these institutions enjoy meeting the standard required by the recommendation.

Recommendation No. 25 Undertake all processes of unearthing and identifying remains strictly abiding by a dignified treatment of the victims' families by all authorities of all levels of government involved in the process.

150. For Chapter V of the 2022 Annual Report, the State reported that through the Executive Commission for Attention to Victims (CEAV) it has participated in the handing over of human remains in collaboration with the FGR, providing comprehensive attention to victims in keeping with the Constitution, the General Law on Victims, and the relevant international treaties. In addition, it mentioned that from February 8, 2019, to November 24, 2022, the CNB effectuated 3,431 days of field searches in 410 municipalities of 28 states. In this regard, it indicated that these actions include forensic accompaniment in coordination with communities and groups that search for persons and personnel of the FGR and the CNB to guarantee fundamental rights, access to the truth, and dignified treatment for the family members of victims of disappearance. Based on the information reported by the State, the IACHR invited the State to adopt measures that guarantee results from implementing its protocols on dignified return of human remains to family members and to report to the Commission on such advances.²⁰⁰

Information on compliance

151. In 2023, the State informed the Commission that to comply with the recommendation it would be applying the Standardized Search Protocol, as well as the Internal Guide on Comprehensive Attention for Victims, of the CEAV. Along the same lines, the State indicated that the FGR would be applying the protocols conducive to and in force with dignified treatment for the corpses, segments, human bony remains, as well as their aggrieved family members with the participation of all the experts involved to ensure certainty of the expert analyses; they would participate in the notices and in the dignified return once the authority has fully identified them.²⁰¹ Through its observations on this report, the State reported that the Forensic Commission will continue operating as per its mandate and that, within its functions, 72 migrants have been identified in the case of San Fernando and 96 remains in the case of Cadereyta.²⁰² Finally, the State added that on June 19, 2023, the Organic Statute of the FGR was published in the Official Gazette of the Federation, describing the creation of the office of the Special Prosecutor for Investigating Crimes Related to Migrants and Refugees.²⁰³

152. Civil society organizations reported to the Commission that the new Guidelines were published for the Mechanism for Foreign Support for Search and Investigation (MAEBI); it will expand consulates' functions in cases of disappearance of migrants, and is planned to operate in all the countries of the region.²⁰⁴ Nonetheless, the organizations stated their concern given the lack of clarity as to coordination among different search and investigation efforts, which could have a negative impact on the effectiveness of the process. In addition, they said that the Forensic Commission established in 2013 continues to operate, yet it is facing difficulties due to obstacles by the FGR and needs more governmental support and collaboration with the state attorney generals' offices and the countries of origin of migrant victims.²⁰⁵

Analysis and level of compliance with the recommendation

153. The IACHR welcomes the state-level efforts aimed at complying with the recommendation mentioned to carry out the exhumation and identification of remains and strictly ensure dignified treatment of the victims. Considering this situation, the Commission is eager to receive news of progress in implementing

²⁰⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 184-189.

²⁰¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 25](#).

²⁰² Observations and comments by the State, December 20, 2023, p. 8.

²⁰³ Observations and comments by the State, December 20, 2023, p. 8.

²⁰⁴ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

²⁰⁵ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

the internal guide for comprehensive attention to victims in notifying the handing over of the corpses. Considering the foregoing, and awaiting the information requested, the IACHR considers that this recommendation now meets with **partial compliance**.

Measures and information to further compliance with the recommendation

154. To guide the implementation of this recommendation the IACHR invites the State to adopt measures that guarantee results from the implementation of its protocols on dignified return of human remains to families and to report to the Commission on such progress.

Recommendation No. 26 Continue and expand the work of the Forensic Commission for the Identification of Remains in cases found along the routes followed by migrants. Adopt all necessary measures to create a Transnational Mechanism of Access to Justice for Migrants and their Families, as well as the creation at the federal level of a Special Prosecutor's Office for Violent Crimes against Migrants.

155. For Chapter V of the 2022 Annual Report, the State reported that the Guidelines of the Mechanism for Foreign Support for Search and Investigation (MAEBI) were approved by the SNB in 2022. In addition, it mentioned that the UIDPM would continue working in collaboration with the experts who are part of the Forensic Commission to identify human remains. It also reported that the guidelines of the MAEBI were published in the Official Gazette on December 14, 2022. Based on the information provided by the State, the IACHR invited it to adopt measures that ensure the implementation and effectiveness of the MAEBI, as well as the status of operation of the Forensic Commission and the Office of the Special Prosecutor for Violent Crimes against Migrants, or of the entities that perform these functions institutionally, as well as reporting on these implementation actions.²⁰⁶

Information on compliance

156. In 2023, the State reiterated to the Commission that on December 14, 2022, the Guidelines of the MAEBI were approved by the SNB. These guidelines have as their main objective to allow the embassies, consulates, and attachés' offices to operate as points of contact for the family members of disappeared persons who are abroad, facilitating the reporting of disappearances, obtaining information, and conducting transactions related to their rights as victims, from their countries of residence. In addition, the State reported that the Office of the Special Prosecutor for Human Rights oversees investigating crimes related to migrants, and that the UIDPM works in collaboration with the actors involved in the MAEBI.²⁰⁷

Analysis and level of compliance with the recommendation

157. The IACHR views in a positive light the adoption of the MAEBI Guidelines reported by the State, as they will delimit normative guidelines for interinstitutional coordination and international cooperation for investigating crimes committed against migrants, as well as for transnational searches for migrants and other persons who have disappeared in the context of human mobility. Without prejudice to the foregoing, given the need for additional and updated information on the work of the Forensic Commission and the creation of the Office of the Special Prosecutor, the Commission finds that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

158. The IACHR considers that to effectively value the recommendation, it needs information on the implementation and effectiveness of the MAEBI, and on the status of the operation of the Forensic

²⁰⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 190-192.

²⁰⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 26](#).

Commission and the Office of the Special Prosecutor for Violent Crimes against Migrants, or on the entities that perform these functions institutionally.

Recommendation No. 27 Implement a national mechanism to facilitate the exchange of forensic information on the unidentified remains of Mexicans and Central Americans disappeared in Mexico with the forensic databases of disappeared migrants that have been developed throughout the region.

159. According to the information reported by the State for the 2022 Follow-up Report, the Roundtable for the Search for Disappeared Migrants was established with the aim of exchanging information among different institutions and giving impetus to the search for disappeared migrants, particularly in their transit through the Central America-Mexico-United States migration corridor. In this regard, the Commission invited the State to adopt state measures to ensure the effectiveness of the Roundtable for the Search for Disappeared Migrants or another mechanism for exchanging information among forensic databases in Mexico and Central America and indicated the importance of reporting such progress to the Commission.²⁰⁸

Information on compliance

160. For 2023, the State reiterated information with respect to the implementation of the RNPDNO within the National Public Security System and reported that on December 22, 2022, the Terms of Collaboration for the operation of various registries were approved; the other registries, including the BDNF, the National Registry of Unidentified and Unclaimed Deceased Persons, the National Registry of Common Graves and Clandestine Graves, and the National Database of Genetic Information. In addition, it noted the participation of the UIDPM in the search for disappeared migrants convened by the CNB.²⁰⁹

161. Civil society organizations reported to the Commission that on May 4, 2022, the Decision of the SNB was published that established the Roundtable for the Search for Disappeared Migrants in Mexico. Nonetheless, the organizations told this Commission that to date the Roundtable had not been installed nor had any public notice been issued for the participation of families, committees, or civil society.²¹⁰ The organizations also reported that the CNB had formed an Interinstitutional Working Group Specialized in the Search for Foreign Migrants. Nonetheless, they noted that the progress and actions of the Roundtable were not known, which led the Committee on Enforced Disappearances to note the lack of operativity of these spaces and mechanisms that have been created.²¹¹

Analysis and level of compliance with the recommendation

162. With respect to compliance with the recommendation, the Commission values the implementation of the Roundtable for the Search for Disappeared Migrants. Nonetheless, considering the standards on disappearance, the IACHR considers that the implementation of actions in the context of the Roundtable should consider participation by the families of the disappeared. With respect to the exchange-of-information component, the Commission values the efforts to strengthen the existing registries. Nonetheless, the Commission does not have information related to how, in practice, these registries facilitate the sharing of information with forensic databases of disappeared migrants in the region. Considering the foregoing, the IACHR considers that this recommendation continues to meet with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

163. To determine progress in complying with this recommendation the IACHR emphasizes that its purpose is for the mechanism created by the State to facilitate the exchange of forensic information on the

²⁰⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 193 and 196.

²⁰⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 27](#).

²¹⁰ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

²¹¹ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

unidentified remains of Mexican and Central American persons disappeared in Mexico with other databases of the region. Accordingly, it invites the State to report information on the effectiveness of the Roundtable for the Search for Disappeared Migrants to meet this purpose, particularly indicating the specific measures adopted for the information systems and registries in Mexico to allow for exchange of data with forensic databases on disappeared migrants in the region.

E. Access to justice

Recommendation No. 28 Strengthen the prosecutors' offices throughout the country in terms of technical and independent training, with the objective of guaranteeing investigations with due diligence.

164. According to the information reported by the State for the Follow-up Report on 2022, an administrative rule is in force for training public servants in the realm of prosecutorial services. Moreover, it indicated that there is a "Cycle of Lectures for Strengthening the Substantive Operation," entrusted to the General Bureau of Professional Training. In that regard, the Commission observed that the information filed by the State did not describe an integral and sustainable model to shore up the independence of prosecutorial personnel. To that end, the Commission suggested to the State that it produce information on measures to guarantee – beyond the holding of different types of trainings – that the training of prosecutorial personnel should answer to a sustainable plan, not isolated actions.²¹²

Information on compliance

165. In 2023, the State reported to the Commission on implementation of the guidelines for the training, evaluation, certification, and renewal of the facilitators of the Specialized Organs on Alternative Dispute Settlement Mechanisms in Criminal Matters. In addition, the State reported on training courses given to investigative agents within the state-level offices of the FGR to ensure their professionalization in organizing investigations and their development in the courts. These courses encompass a variety of issues such as investigative techniques, gender perspective, and criminal investigation, among others. In addition, the State noted the participation of experts in academic activities and mandatory courses related to public security and the prosecutorial function.²¹³

Analysis and level of compliance with the recommendation

166. The Commission is grateful for the information provided by the State and attaches a positive value to the commitment to guarantee technical trainings for a proper investigation. Based on the information reported, the IACHR considers that this recommendation has now met with **full compliance**. The Commission invites the State to continue training and evaluating the public servants of the prosecutors' offices by a plan that can be sustained over time.

Recommendation No. 29 Establish a coherent plan regarding cooperation between prosecution authorities at the federal and state levels in the investigation of gross human rights violations, with an integral vision, specific protocols, and the adoption of technical and professional—but not political—criteria for the decision to transfer specific investigations to the federal level.

167. In Chapter V of the 2022 Annual Report the IACHR observed that the State has adopted a series of protocols to standardize the prosecution of human rights violations or criteria for concentrating cases at the federal level for the purpose of furthering uniform prosecution of similar cases. Nonetheless, the IACHR emphasized that the State had not reported information on the processes of interinstitutional cooperation for moving forward investigations and prosecutions. To the contrary, the IACHR had identified discrepancies between prosecution authorities and Executive branch agencies such as the CNB or the MEIF. For that reason,

²¹² IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 197 and 200.

²¹³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 28](#).

the IACHR invited the State to report on measures to standardize the investigation and prosecution of serious human rights violations.²¹⁴

Information on compliance

168. In 2023, the State reported information to the Commission related to the proceedings provided for in the General Law to Prevent, Investigate and Punish Torture to help with the application of it in other entities. The State told the Commission that Article 88 of the Law on the FGR provides for drawing up the Strategic Plan for Prosecution, which sets forth the criteria that govern the assumption of an investigation. In addition, the State indicated that there would be interinstitutional collaboration with the various prosecutorial offices that exist in Mexico; and that it would hold meetings with the Armed Forces and police forces to address issues and come up with solutions. Accordingly, interinstitutional meetings are held with the state-level attorney general's office to discuss technical issues; all the procedures performed by the FGR are carried out in keeping with the applicable laws and regulations. Similarly, the State indicated that the Office of the Special Prosecutor for Human Rights had given workshops to standardize criteria for implementing tools such as the RENADET.²¹⁵

169. Civil society organizations indicated to the Commission that there are not adequate public policies to investigate and prosecute serious human rights violations in Mexico.²¹⁶ They also reported the alleged lack of contextual analysis, efficient investigation plans, and investigative actions aimed at establishing state responsibility, especially in cases that involve the collusion of the State with organized crime. They also noted that coordination between the FGR and the states in investigating crimes against migrants is insufficient. They further indicated that impunity prevails in several massacres of migrants over the last 13 years, except for a recent case in Camargo, Tamaulipas.²¹⁷

Analysis and level of compliance with the recommendation

170. The Commission observes that the State has adopted a series of protocols and laws to standardize the prosecution of human rights violations and criteria for concentrating cases at the federal level with a view to favoring the uniform prosecution of similar cases. Nonetheless, the IACHR finds that additional information is still needed on implementation of the processes of interinstitutional cooperation for moving investigations and prosecutions forward as among prosecution authorities at the federal and state levels. Considering the foregoing, the IACHR finds that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

171. The IACHR invites the State, to make progress in implementing this recommendation, to provide detailed information on the processes of interinstitutional cooperation adopted to promote coordination among prosecution authorities with respect to serious human rights violations at the federal and state levels. In this respect, it would be useful to have information on the content of these processes, the entities that have carried them out, and relevant results.

Recommendation No. 30 Adopt specific protection measures for victims, their families, their representatives, witnesses, experts, and defenders who participate in the investigation or search for justice, when they are at risk. Guarantee access to files to families and their legal representatives. Impose appropriate sanctions in cases of reprisals against any of these persons.

²¹⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 201 and 205.

²¹⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 29](#).

²¹⁶ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

²¹⁷ FJEDD, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 2023.

172. In Chapter V of the 2022 Annual Report the IACHR recognized that the State has a legal framework for implementing measures of protection for persons who are victims of attacks. Nonetheless, it observed that throughout 2022 various persons from groups in vulnerable situations (journalists, human rights defenders, women, and children and adolescents) were victims of reprisals or attacks because of their work or differentiated condition, thus there are questions about the effectiveness of efforts to prevent or neutralize attacks or reprisals, even when they have measures of protection by the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism). Accordingly, the Commission invited the State to contribute indicators that would make it possible to see an effective improvement in the protection of victims, human rights defenders, and persons in vulnerable situations.²¹⁸

Information on compliance

173. In 2023, the State provided information to the Commission on the application of the Protection Mechanism, the National Code of Criminal Procedure, and the Federal Criminal Code. In addition, it was reported that the INEGI carries out the Federal National Human Rights Census (CNDHF), where it compiles information on the persons who filed complaints related to alleged human rights violations, including the indigenous population and persons with disabilities, as well as measures and actions to defend and protect human rights promoted by public human rights agencies.²¹⁹ In addition, in its observations on this report the State said that in addition to the human rights censuses the INEGI compiles information on measures of protection for crime victims requested by the state-level attorney general's offices and decreed by the supervisory judge or judge of guarantees.²²⁰

174. The civil society organizations informed the Commission that on August 21, 2023, a complaint was made public that was filed by an analyst from the Risk Assessment Unit reporting that there was a policy within the Protection Mechanism to reduce expenditures of resources earmarked for measures of protection for the users, purportedly on orders of the National Executive Coordinator.²²¹ In addition, they indicated that according to this complaint "actions were carried out against persons included in the Mechanism, removing measures of protection," adding that even when the risk analysis determines that the measures should continue, instructions are being given "to the persons in charge of performing the analysis, so that in their analysis interviews they can 'set up' ('cuadrar') an unfavorable result when it comes to providing these persons security."²²² The civil society groups also noted the repeated tactic of the Mechanism of withdrawing the measures of protection.²²³

Analysis and level of compliance with the recommendation

175. The Commission recognizes that the State has a legal framework for implementing measures of protection for persons who participate in investigations or the search for justice. Nonetheless, the IACHR is struck by the facts noted by civil society according to which a complaint was filed regarding the existence of a policy within the Mechanism to reduce expenditures by withdrawing measures of protection. The IACHR also recalls that in 2022 the organizations reported a series of such reprisals and attacks against family members of disappeared persons.²²⁴

176. Accordingly, the IACHR considers that questions persist around the effectiveness of efforts to prevent or neutralize attacks and reprisals against victims and their family members. This context indicates that there is still a need to strengthen the measures to comply with this recommendation so that, beyond the

²¹⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 206 and 212.

²¹⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 30](#).

²²⁰ Observations and comments by the State, December 20, 2023, p. 8.

²²¹ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²²² Gloria Leticia Díaz, [Abuso y acoso... en el Mecanismo de Protección](#), Proceso, August 21, 2023.

²²³ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²²⁴ IACHR, [Annual Report, Chapter V – Mexico](#), 2022, paras. 209 and 210.

existing legal framework, in practice measures of protection are guaranteed for the persons indicated. In addition, the IACHR identifies the need for additional information on the components of the recommendation related to access to case files for family members and legal representatives, and the imposition of sanctions for any reprisals against these persons. Awaiting information on additional measures to comply with this recommendation, the IACHR concludes that it continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

177. To provide guidance for progress in implementing this recommendation, the Commission invites the State to guarantee measures of protection for human rights defenders, victims, and family members, as well as their representatives and witnesses and experts who participate in the investigation or search for justice. Considering the allegations received, the IACHR invites the State, beyond the existing legal framework, to strengthen measures to make adequate risk assessments that lead to the imposition of measures of protection and to report their adoption. In addition, the Commission urges the State to report on the allegations made by the civil society organizations around the purported internal policy to withdraw measures of protection.

178. The IACHR recalls that the recommendation also requests the adoption of measures to guarantee that family members and their representatives can access the case files and that adequate sanctions be imposed when reprisals are carried out against any of these persons. In this regard, the IACHR invites the State to report on the measures adopted to achieve these two objectives.

Recommendation No. 31 Adopt specific protection measures for justice operators according to their needs and in consultation with them.

179. According to the information reported by the State for the September 2022 Report, it has adopted the General Order that regulates the assignment, use, and withdrawal of security measures for public servants of the federal judiciary, except for the Supreme Court and the Electoral Tribunal. In addition, the Commission learned that in 2021, 237 matters on situation of risk stemming from the judicial function, and 60 electronic requests for measures of security at federal criminal justice centers were submitted for the consideration of the Surveillance Commission (Comisión de Vigilancia) of the Federal Judicial Council. In this regard, the Commission invited the State to implement measures to strengthen the guidelines for anticipating and identifying the particularities and needs of the justice operators. Similarly, the Commission considered it essential to implement prevention policies to prevent situations of risk to judicial officers.²²⁵

Information on compliance

180. In 2023, the State once again informed the Commission of the implementation of the General Order that regulates the assignment, use, and removal of security measures for public servants of the federal judiciary, excluding the Supreme Court and the Electoral Tribunal.²²⁶ In its observations on this report the State reported that talks have been given on self-protection for judges, and they are given the emergency numbers of the Office for Coordination of Security of the Judicial Branch for any eventuality or situation of risk, as well as measures of protection in the form of armed vehicles, bodyguards, and personal protective gear.²²⁷

181. The Federal Institute of Public Defense (IFDP) informed the Commission of the case of Judge Angélica Sánchez, who was publicly accused because of ruling not to further investigate a certain person, which led to an administrative investigation against her, and then her removal. It was reported in that in addition there were two arbitrary detentions and criminal proceedings against her.²²⁸ Stemming from these events, the

²²⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 217 and 214.

²²⁶ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 31](#).

²²⁷ Observations and comments by the State, December 20, 2023, p. 8.

²²⁸ IFDP, Inputs Annual Report IACHR STCT 2023, September 2023.

United Nations Special Rapporteur on the independence of judges and lawyers issued a communication to the State expressing its concern over the events, suggesting this may have been a violation of international rules regarding the independence of judges contained in Article 14 of the International Covenant on Civil and Political Rights and General Comment 32 of the Human Rights Committee.²²⁹

Analysis and level of compliance with the recommendation

182. The Commission values the information reported with respect to the Order for assigning security measures to persons in the judiciary. Nonetheless, the information reported by the IFDP is worrisome. The IACHR finds that challenges persist around the measures of protection for the persons working in prosecutorial jobs to guarantee that they can perform their functions without risks due to doing their jobs. Considering the persistence of allegations on the need for measures of protection for these persons, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

183. To provide guidance for the implementation of this recommendation, the IACHR invites the State to report in detail on the measures regulated by the Order for assigning security measures to public servants of the judicial branch and to adopt actions to ensure its implementation. It is invited to report on these actions as well as the results attained. It will be important to adopt specific actions by which the State identifies the particularities and needs of judicial officers, indicating how they have been consulted and involved in this process.

Recommendation No. 32 Ensure the implementation of the General Law of Victims and the functioning the Executive Commission of Attention to Victims at the federal and state level. In consultation with civil society organizations and with victims, analyze and address concretely the barriers that impede its effective implementation, and eliminate them.

184. In Chapter V of the 2022 Annual Report, the IACHR learned of the State's omissions in material attention to victims due to the lack of public resources and institutional coordination, although it recognized the existence of the institutional structure dedicated to this purpose. Accordingly, the Commission suggested that the State adopt additional measures aimed at ensuring the effective implementation of the General Law on Victims and at overcoming the obstacles with respect to access to health care and access to integral reparation, among others. To do so, the Commission invited the institutions in charge of implementing the General Law on Victims to coordinate with the victims and to strengthen their internal processes to make it possible to apply the law and make it operative at both federal and state levels, ensuring that all states have a law on victims and a victim's commission up and running. In addition, the IACHR invited the State to provide information on the type and number of services guaranteed for victims.²³⁰

Information on compliance

185. In 2023, the State reported on holding activities in collaboration with the CEAV, addressing issues such as victims' rights, cross-cutting approaches for attending to victims, and mechanisms and procedures for providing attention. It also highlighted coordination with the CEAV in cases that involve victims in federal crimes, through a protocol for victim attention.²³¹

186. The civil society organizations told the Commission of the government's failure to prioritize victim assistance in Mexico, highlighting shortcomings at the CEAV and an insufficient budget compared, for

²²⁹ Special Rapporteur on the independence of judges and lawyers, [Case of Judge Angélica Sánchez Hernández](#), Ref.: AL MEX 4/2023, July 5, 2023.

²³⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 218 and 227.

²³¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 32](#).

example, with the significant increase in the military budget.²³² Despite some increases in the budget to address victims, the organizations said they observe a lack of national coordination with the National System for Victim Attention. They said that even though the federal government had promised to strength victim support, this has not happened in practice. They also said that the situation of victims would continue to be problematic, with bureaucratic obstacles and lack of understanding and access for obtaining reparation and support.²³³

Analysis and level of compliance with the recommendation

187. The Commission welcomes the efforts of the State to provide trainings for assisting victims. Nonetheless, it observes that the State has not reported information on the actions implemented to guarantee, with the participation of civil society and victims, that the barriers that limit the effective application of the General Law on Victims are overcome. The IACHR also finds that the State did not report advances in implementing the Law and the CEAV at the state level. Accordingly, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

188. The Commission invites the State to report on the processes of consulting victims and civil society regarding the barriers in implementing the General Law on Victims so as to adopt the measures necessary to address those issues. In addition, it invites it to point to the gains in implementing the Law and the CEAV in all the states.

Recommendation No. 33 Assume the historic responsibility of accountability for gross human rights violations. Investigate, clarify, and punish the acts committed during the period known as the Dirty War.

189. In Chapter V of the 2022 Annual Report, the IACHR noted the creation of a truth commission (COVEH) agreed upon by the federal government and survivors and family members of disappeared persons and other victims of human rights violations. The Commission values the fact of the Truth Commission beginning its work, and its territorial and participatory deployment for collecting evidence. The Commission also invited the authorities to adopt measures to guarantee transparency and access to information for clarifying human rights violations in the context of the “dirty war.” In addition, the Commission suggested to the State that it provide guarantees of independence and autonomy to the COVEH, endowing it with adequate human, financial, and technological resources. Finally, it reiterated the importance of establishing channels of participation and communication with victims and society in general.²³⁴

Information on compliance

190. In 2023, the State informed the Commission of the actions of the Mechanism for Truth and Historical Clarification, which launched a call to compile testimony and information on the events that occurred from 1965 to 1990. In addition, it indicated that “Dialogues for Truth” were held in different regions to address these issues. In addition, special mention was made of the signing of a cooperation agreement between the Office of the Deputy Minister for Human Rights, Population, and Migration of Mexico and the Human Rights Secretariat of the Ministry of Justice and Human Rights of the Argentine Republic on clarifying and constructing public memory of serious human rights violations in authoritarian regimes in both countries. The agreement established five working points, including creating a technical committee, specific cooperation programs, and capacity-building on judicial processes. Moreover, it reported that in 2023 guidelines were approved related

²³² Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

²³³ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

²³⁴ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 228 and 235.

to the COVEH, the Mechanism for Access to the Truth and Historical Clarification, and the creation of the Center of Memory.²³⁵

191. The civil society organizations referred to the existence of shortcomings for the effective operation of the COVEH. They indicated that despite its creation, the resignations by its personnel had been constant. Moreover, they said that the search and reparation mechanisms continued to be inefficient due to problems of budget and personnel in the institutions in charge of these tasks.²³⁶ On this point, the Centro Prodh indicated that on October 11, 2023, the Mechanism for Truth and Historical Clarification published a report called “Report to Mexican society on the situation of consultation of the archives of the SEDENA, a case of obstructing the truth.” In the document, the Mechanism for Truth and Historical Clarification sets forth, on the one hand, the persistent refusal of the SEDENA to provide information requested related to human rights violations; and on the other hand, it notes various obstacles posed by the Army to the work carried out by the Mechanism during the inspection of files at military facilities.²³⁷

192. Based on the information brought to its attention, the IACHR observes that the personnel of the Mechanism were able to access the military facilities and the stacks where the files are located, yet were only allowed to view the cover page of some files, with which it was possible to draw up a topographic inventory that reveals the existence of documentation of interest for the investigations into serious human rights violations committed from 1965 to 1990. It is worrisome for the IACHR that the Mechanism has reported that in response to the findings, the SEDENA had manipulated documents, removed fragments from the bundles, and altered the original order of the case files to which the Mechanism was previously afforded access.²³⁸

Analysis and level of compliance with the recommendation

193. The Commission values the efforts and will of the State to implement special tools for investigating acts committed during the period known as the “Dirty War.” In this respect, while the content of the recommendation related to the obligation to assume historical responsibility has been fulfilled, the Commission observes that it does not have information concerning the results obtained by the COVEH; moreover, its reports concerning SEDENA obstructing its access to the information on its inquiries are worrisome. Accordingly, the recommendation continues to meet with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

194. To find full compliance with this recommendation the IACHR invites the relevant authorities to help guarantee transparency and access to information to clarify human rights violations in the context of the “dirty war” as well as unrestricted access to the military archives. In addition, the Commission urges the State to offer the necessary guarantees of independence and autonomy to the COVEH for it to carry out its mandate of memory, truth, justice, reparation, and non-repetition; and endowing it with the human, financial, and technological resources required to that end. The Commission reiterates the importance of establishing adequate channels of participation and communication with the victims and with society in general in undertaking this work. Finally, the Commission urges the State to report on the results obtained by the COVEH.

Recommendation No. 34 Strengthen the Mechanism of protection for human rights defenders and journalists, guaranteeing its financial sustainability in the long-term and vesting it with greater administrative autonomy, and urging the states to collaborate with it. In turn, the recommendations for the Mechanism are to evaluate and adopt differentiated protection measures considering gender, indigenous leaders, environmental

²³⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 33](#).

²³⁶ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

²³⁷ Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” October 11, 2023.

²³⁸ Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” October 11, 2023.

defenders; measure the effectiveness of implemented measures; foster the institutional articulation and cooperation with the PGR; and increase the transparency of all actions to increase the trust of the beneficiaries in the mechanism. The foregoing shall be accompanied by a policy of prevention and participation by the population object of the Mechanism.

195. According to the information reported by the State for the 2022 Follow-up Report, the Commission welcomed the increase in resources allocated for the operation of the Mechanism of Protection, which included a space for the dialogue with other actors. The IACHR also recalled that the effective operation of the Mechanism should be guaranteed internally (budget, functional independence, sustainability) and externally (effective provision of the protection service in keeping with the needs of the population for which it is provided). To that end, the Commission invited the State to provide information that evidences that the measures adopted during 2022 constitute a state policy that makes possible the Mechanism's sustainable operation.²³⁹

Information on compliance

196. In 2023, the State reported to the Commission that it has continued the discussion for the design of a new Proposed General Law for the Protection of Human Rights Defenders and Journalists, and highlighted the actions related to the Protection Mechanism for Human Right Defenders and Journalists. The State indicated that during this administration more than \$1.8 billion pesos were earmarked for protection measures, in addition to the \$569 million pesos approved in the budget for 2023, a sum greater than the allocation in the previous administration, which came to only \$780 million pesos. It also reported a 70% increase in the staff of the mechanism, which resulted in the creation of 30 new positions.²⁴⁰

197. The civil society organizations reported information on the creation of a National System for the Protection of Human Rights Defenders and Journalists in Mexico in October 2021, as well as the initiative to develop a General Law on Protection for these persons. Nonetheless, these organizations indicated that the dialogues and consultations undertaken for this law lacked significant participation of state-level authorities and of human rights defenders and journalists themselves, raising concerns about the transparency and representativity of the process. Although they mentioned that progress is being made in the General Law on Protection, the organizations note that detailed information on the process or content has not been provided. The organizations also emphasized the importance of strengthening the Protection Mechanism for Human Rights Defenders and Journalists, training an intersectoral Working Group to implement recommendations, and updating coordination and cooperation agreements in several states.²⁴¹

Analysis and level of compliance with the recommendation

198. The Commission values the information reported in terms of the budget increase for the Mechanism. Nonetheless, it notes that no information was provided related to the measures implemented to give the Mechanism greater autonomy and to foster collaboration among the institutions at the state and federal levels with the Mechanism, or on the structuring of the protection policy reported since 2022. Awaiting information on updated implementation measures, the Commission considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

199. To provide guidance for the implementation of this recommendation, the IACHR considers it essential for the State to provide additional information related to the measures aimed at guaranteeing greater autonomy for the Mechanism and on the measures to strengthen interinstitutional coordination, including its

²³⁹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 236 and 242.

²⁴⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 34](#).

²⁴¹ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

articulation with the FGR, to ensure its adequate operation. In addition, the IACHR invites the State to report on any measures it has adopted to guarantee the participation of the target population in evaluating the effectiveness of the measures implemented that take account of the target population's participation.

Recommendation No. 35 Reform the Code of Military Justice to provide that whenever a member of the armed forces commits acts that may constitute a human rights violation, such acts shall be judged by civil tribunals, independently of whether the victim is a civilian or a member of the armed forces.

200. In Chapter V of the 2022 Annual Report the IACHR expressed its concern over the lack of information from the State related to this recommendation. Accordingly, the Commission invited the State to complete the reform of the Code of Military Justice such that the law 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."²⁴²

Information on compliance

201. In 2023, the State informed the Commission that the Supreme Court has reviewed the constitutionality of several articles related to military and civilian jurisdiction, reinforcing the civilian jurisdiction for cases in which members of the military violate human rights of persons who do not belong to the military sphere. One important example was Unconstitutionality Action 46/2016, where the CNDH challenged articles of the Code of Military Justice (CJM) and the Military Code of Criminal Procedure (CMPP), arguing that they violated the prohibition on extending the military jurisdiction to civilians. The Supreme Court found Article 361 of the CMPP unconstitutional; it had allowed for the use of the Armed Forces or police to force witnesses to go before the military courts, even without exhausting other means of compelling them to appear, considering that it could apply to civilians without an adequate assessment of necessity and proportionality. It also struck down Articles 278 and 282 of the CMPP, which gave the office of the military prosecutor broad powers in searches and arrests on private properties, including those of civilians, without clarifying that these powers were limited to the military sphere, and in respect of matters not under the civilian jurisdiction.²⁴³

202. The civil society organizations highlighted the alleged lack of specific actions to reform the Code of Military Justice.²⁴⁴ Accordingly, they said that the actions reported by the State as progress in this area referred to measures taken by the federal Congress and the Supreme Court as part of their functions, and not as actions promoted to comply with the recommendation. In addition, they noted that in the last eight years, even though there have been three distinct legislatures in Congress, only one initiative was introduced to amend the Code of Military Justice, without any other proposals at this time. For the organizations, this indicates the lack of will and of effective action by the State to give impetus to and adopt the pending reform. In this regard, it was reported that at present members of the military are tried in civilian courts, but remain in military prisons, and it was indicated that they are detained for violations of criminal statutes that do not reflect the gravity of a serious violation of human rights.²⁴⁵

²⁴² IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 247.

²⁴³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 35](#).

²⁴⁴ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²⁴⁵ Comité de Derechos Humanos de Nuevo Laredo, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

Analysis and level of compliance with the recommendation

203. The Commission welcomes the efforts of the judicial branch to analyze the constitutionality of the legal provision under consideration. Nonetheless, the IACHR is unable to identify any information related to actions in the legislative realm to make the relevant amendments in the terms of the recommendation. Therefore, the recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

204. The Commission urges the State to complete the amendment to the Code of Military Justice, as has been indicated by the I/A Court HR, such that default rule of the law 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.”²⁴⁶

Recommendation No. 36 Monitor the entry into force of the new criminal justice system as well as the effectiveness of the trainings regarding it. Include public defenders in the trainings.

Recommendation No. 37 Evaluate the effective implementation of the new criminal justice system, as well as the areas that will require more specific monitoring, with adequate training and all necessary resources. Include permanent training for justice operators and public defenders regarding the conventionality control.

205. Based on the information reported by the State for the 2022 Follow-up Report, the Commission took note of the training programs and activities for strengthening the capacities of judicial officers, and on the publication of monitoring data put out by the various entities of the State on the justice system. Nonetheless, it noted with concern that despite the time during which the new system has been implemented, the index of impunity in the Mexican criminal justice system continues to be very high.²⁴⁷

Information on compliance

206. In 2023, the State reported to the Commission on the implementation of a series of initiatives, including the creation of the Unit for the Consolidation of the New System of Criminal Justice (UCNSJP), the creation of judicial guides for conducting criminal hearings, and Guides for the judicial weighing of expert evidence. In addition, it reported on education and training programs such as the Specialty in Adolescent Justice, the Diplomat program geared to secretaries and clerks of judicial organs with competence in the Adversarial Criminal Justice System (SJA), the Program for continuing education on human rights and criminal procedure, as well as Dialogues on the Criminal Justice System with the United Kingdom. Mention was also made of the implementation of a master’s program in Adversarial Criminal Procedure and continuing education programs on human rights and criminal procedure for persons who are involved in the criminal justice system in one way or another.²⁴⁸

Analysis and level of compliance with the recommendation

207. The IACHR notes that recommendations 36 and 37 are geared to adopting measures that promote training on the startup of the new criminal justice system. In this regard, the IACHR finds that more than seven years after the implementation of this new system, the State has reported multiple trainings of

²⁴⁶ I/A Court HR, Monitoring Compliance with Judgment, Cases of Radilla Pacheco, Fernández Ortega et al., Rosendo Cantú et al. v. Mexico, April 17, 2015, para. 22.

²⁴⁷ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 248 and 254.

²⁴⁸ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 36 and Recommendation 37](#).

public servants and initiatives geared to disseminating, promoting, evaluating, and strengthening the System. In view of the foregoing, the IACHR finds that these recommendations have met with **full compliance**.

F. Impairment of the rights of particular groups

1. LGBT persons

Recommendation No. 38 Adopt necessary measures to investigate, punish and repair acts of violence against LGBT persons, according to international standards regarding due diligence. Investigations of cases of violence against LGBT persons must be free of stereotypical notions of LGBT persons and should include a determination of whether the acts were committed because of the sexual orientation or gender identity of the victims.

208. In Chapter V of the 2022 Annual Report, the IACHR noted that the Liaison Unit of the National Council for the Prevention of Discrimination (CONAPRED) had followed up on a series of legislative initiatives that seek to safeguard LGBTI persons. Based on the information reported by the State in 2022, the Commission took note of the advances in the context of the National Program for Equality and Non-Discrimination 2021-2024, as well as the publication of a National Protocol for Action for Prosecutorial Personnel in cases involving sexual orientation or gender identity. The Commission invited the State to compile specific information on the measures adopted at the federal and state levels to guarantee a life free from violence for LGBTI persons, which, for example, could consist of public policies, measures for institutional strengthening, and the adoption and application of the relevant laws and regulations.²⁴⁹

Information on compliance

209. In 2023, the State reported to the Commission information on the implementation of protocols and courses related to equality and non-discrimination against LGBTI persons. In this regard, it highlighted the National Protocol for Action for Prosecutorial Personnel in cases related to sexual orientation or gender identity, which was approved by Decision CNPJ/XXXVIII/13/2017 of the 38th Plenary Assembly of the CNPJ, in December 2017.²⁵⁰ In its observations on this report the State indicated that said protocol is an affirmative action and establishes the specific lines of action for public servants in the prosecutorial agencies.²⁵¹

Analysis and level of compliance with the recommendation

210. The Commission welcomes the measures reported by the State for the recognition of rights of LGBTI persons in Mexico and notes that these measures make it possible to build a more egalitarian society.²⁵² Even so, the IACHR notes that the information put forward does not describe the specific measures of sanction and investigation undertaken with a differentiated approach based on the target group of the recommendation, thus it considers that the recommendation has met with **partial compliance**.

Measures and information to further compliance with the recommendation

211. To provide guidance for the implementation of this recommendation the IACHR invites the State to adopt a strategy for investigating, punishing, and making reparation for acts of violence against LGBTI persons. Such a strategy should seek the full adoption of the principle of due diligence, as well as ensure that stereotyped notions of LGBT persons are avoided. In addition, the strategy should ensure that investigations investigate whether these acts were committed because of the victims' sexual orientation or gender identity.

²⁴⁹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 243.

²⁵⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 38](#).

²⁵¹ Observations and comments by the State, December 20, 2023, p. 8.

²⁵² IACHR, [Violence against LGBTI persons in the Americas](#), OEA/Ser.L/V/II. Rev.1. Doc. 36 (2015), para. 16.

Moreover, this strategy may be accompanied by institutional strengthening measures that ensure that the investigative and prosecutorial agencies apply the objectives indicated in the recommendation.

Recommendation No. 39 Adopt necessary measures in terms of prevention of violence, including legislative measures and public policies aimed at eradicating social discrimination towards LGBT persons, which causes and reinforces the violence based on prejudice.

212. In Chapter V of its 2022 Annual Report the IACHR noted and welcomed some gains in recognizing the rights of LGBTI persons in Mexico, including the right to same-sex marriage and to gender identity. Without prejudice to the foregoing, the IACHR noted that the information provided did not describe the specific measures being taken to prevent and eradicate violence against LGBTI persons. Accordingly, the Commission invites the State to compile the specific information on the measures adopted at the federal and state levels to guarantee a life free from violence for LGBTI persons; this may consist, for example, of public policies, institutional strengthening measures, and the adoption and implementation of relevant laws and regulations.²⁵³

Information on compliance

213. In 2023, the State informed the Commission of activities held annually by the Gender Equality Unit to promote information on the human rights of LGBTI persons. The State also reported on the various legislative initiatives presented to guarantee the rights of LGBTI persons and highlighted the implementation of the National Program for Equality and Non-Discrimination (PRONAIND) for the 2021-2024 period.²⁵⁴ In its observations on this report the State added that in order to prevent discriminatory attitudes by public servants, the Gender Equality Unit of the federal Attorney General's Office holds annual activities that promote information on the human rights of LGBT persons. It also reported that the FGR issued an administrative opinion that was the basis for granting leave based on the concept of co-maternity in lesbian households.²⁵⁵

Analysis and level of compliance with the recommendation

214. The Commission welcomes the measures reported by the State to implement measures for preventing violence and the mention of some legislative measures in favor of the rights of LGBTI persons. Nonetheless, the State only referred to the existence of initiatives, without going into depth or indicating what these are, or referring to their contents. In that regard, while the Commission values the actions of the Gender Equality Unit and PRONAIND, more information is needed on how these measures represent public policies for prevention for eradicating social discrimination against LGBTI persons. In view of the foregoing, the recommendation meets with **partial compliance**.

Measures and information to further compliance with the recommendation

215. With the aim of providing guidance for the implementation of both recommendations, the IACHR suggests to the State that it report detailed information on the content of the public policies indicated, as well as on the legal initiatives referred to and their contents, and how they would seek to prevent and, therefore, to eradicate discrimination against LGBTI persons.

2. Women

Recommendation No. 40 Implement and strengthen measures that incorporate a gender perspective to comply with the duty to act with due diligence to prevent, punish and eradicate violence and discrimination against women, including specific efforts to comply with the obligation to prevent, investigate, punish and

²⁵³ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 243.

²⁵⁴ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 38](#).

²⁵⁵ Observations and comments by the State, December 20, 2023, p. 9.

repair human rights violations against women; this includes training and monitoring of the authorities in charge of stages beginning with the investigation, including health services in the context of justice.

216. Based on the information reported by the State for the 2022 Follow-up Report, the Commission took note of the training programs and activities related to a gender perspective and violence against women, as well as the implementation of the Comprehensive Program to Prevent, Address, Punish and Eradicate Violence against Women 2021-2024. Nonetheless, the Commission observed with concern the data on increased violence against women in 2022. For this reason, the IACHR invited the State to adopt the measures necessary, including public policies, institutional strengthening actions, and investigative actions mindful of the principle of due diligence with respect to violence and discrimination against women. It also indicated that these actions should include specific training actions and specific actions to monitor authorities in charge of the investigation, including the issues of health care and justice.²⁵⁶

Information on compliance

217. In 2023, the State informed the Commission of the adoption of various initiatives and programs related to addressing gender violence and promoting gender equality. This included collaborating with groups of women in the states and organizing brigades to provide legal assistance to women deprived of liberty. In addition, it indicated that the FGR carried out the academic activities on violence against women and attention for victims of gender violence in coordination with the Office of the Special Prosecutor for Human Rights and the National Institute of Women. In addition, it noted that a personal growth program was implemented called “Construye” (“Build”), geared to male public servants in the FGR for the purpose of promoting egalitarian relations and preventing mistreatment in the family and in the workplace.

218. Also in 2023, the State said that the FGR undertook investigations with a gender perspective and has a Specialized Unit for Gender Equality. Training was given on the General Law on Women’s Access to a Life Free from Violence, and on related protocols and decisions. It also reported that the Gender Equality Unit worked to implement a gender perspective in investigations in cases involving violence and discrimination against women, and that the Office of the Special Prosecutor for Crimes of Violence against Women and Human Trafficking shared information on training and monitoring of the authorities in charge of the investigations. It also reported on training courses with a gender perspective for federal, state, and municipal authorities along with the review of protocols for their implementation, by the CONAVIM.²⁵⁷

219. In addition, in its observations on this report the State mentioned actions of the Office of the Attorney General of the Republic from October 2022 to November 2023. In this respect, it included the production of 12 expert technical opinions to determine whether the facts in the investigations constituted gender-based violence, discrimination, and/or stereotypes, in addition to giving various courses on the subject, and participating in a pilot project for the prevention of gender violence in the workplace and the family.²⁵⁸

220. The civil society organizations reported that the INEGI produced six statistical series from 2003 to 2021 on violence and discrimination against women through the National Survey on the Dynamic of Relationships in Households (ENDIREH), which was carried out with the aim of obtaining information about violence against women in Mexico. In this regard, the organizations indicated that gaps were reported in the information for analyzing trends in violence and discrimination, for it was not done at regular intervals, even though in December 2015 it was declared to be information of national interest. In addition, the organizations reported that the Centers of Justice for Women (CEJUM) in Mexico lack specific protocols and manuals and that in most cases they use primarily punitive models instead of a comprehensive approach to attention. In addition, special mention was made of the signing of the Pact for Open Justice with a Gender Perspective, in February 2022, with the objective of strengthening justice without gender discrimination, but it was emphasized that its

²⁵⁶ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 260 and 267.

²⁵⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 40](#).

²⁵⁸ Observations and comments by the State, December 20, 2023, p. 9.

success will require the political commitment of the authorities involved. In addition, it was mentioned that women who have suffered sexual violence in Mexico continue to face obstacles when it comes to accessing public health services, despite the existence of laws that recognize their rights.

Analysis and level of compliance with the recommendation

221. The Commission is grateful for the information reported related to the initiatives and public policies implemented for attaining the recommendation, including the measures to train public servants. Nonetheless, the Commission observes with concern the allegations by civil society regarding the use of punitive models for addressing gender violence and the failure of the INEGI to carry out surveys on a regular basis to collect statistical information relevant for analyzing significant social issues in Mexico. Considering the measures reported by the State, yet at the same time the information on challenges reported by civil society that require an adequate response, the IACHR considers that the information provided enables it to conclude that the recommendation meets with **partial compliance**.

Measures and information to further compliance with the recommendation

222. To guide the implementation of this recommendation, the IACHR invites the State, beyond reporting isolated acts of compliance, to put in place and report on a comprehensive strategy for implementation in which there is a clear assessment of the public policies, institutional strengthening actions, or investigative actions needed to ensure due diligence to prevent, punish, and eradicate violence and discrimination against women. In this regard, the IACHR urges that these measures do not replicate a merely punitive view and that they include specific actions to train and monitor the authorities in charge of investigation, justice services, and health care. The IACHR invites the State, in addition, to report on the adoption of this comprehensive strategy for implementing the recommendation.

Recommendation No. 41 Adopt necessary measures 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 who are deprived of life.

223. In Chapter V of its 2022 Annual Report the IACHR noted the presentation of the National Assessment on Sexual Torture committed against Women Deprived of Liberty in Mexico, in which 67 recommendations were made to various federal and state authorities entrusted with attention and protection for women survivors of sexual torture, and truth and justice in their cases. Nonetheless, with the aim of evaluating the other components of the recommendation, the Commission invited the State to submit evidence of the adoption of measures that reinforce mechanisms for preventing, punishing, and eradicating sexual violence and other forms of violence, torture, and other cruel, inhuman, and degrading treatment and punishment against women, especially when they are in the custody of the State.²⁵⁹

Information on compliance

224. In 2023, the State reported to the Commission that the Secretariat for Citizen Security and Protection (SSPC) disseminated material on issues related to acts of sexual torture in all the Federal Centers for Social Readaptation with the objective of promoting, respecting, protecting, and guaranteeing the human rights of persons deprived of liberty, in particular women. In addition, on June 22, 2023, the Commissioner of this Organ of Prevention instructed the prison personnel to carry out their constitutional and statutory obligations, emphasizing the total and categorical prohibition of acts of torture. The State noted that these actions were taken for the purpose of ensuring a dignified stay for persons deprived of liberty in the Federal Centers for Social Readaptation.²⁶⁰

²⁵⁹ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 268 and 273.

²⁶⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 41](#).

Analysis and level of compliance with the recommendation

225. The IACHR observes that the information provided contributes to preventive measures to avoid the torture of women detainees. Nonetheless, the information submitted by the State does not allow one to evaluate the other components of the recommendation related to the punishment and eradication of torture and other cruel, inhuman, and degrading treatment and punishment of women, especially when they are in the custody of the State. In addition, the IACHR recalls that in 2022 the State referred to the National Assessment of Sexual Torture of Women Deprived of Liberty, with 67 recommendations, and notes that for 2023 no information was reported on what actions are being taken to address these recommendations, which could have a major impact on compliance with this recommendation. Based on the measures the State has reported yet understanding that other compliance actions need to be taken, the Commission finds the recommendation now meets with **partial compliance**.

Measures and information to further compliance with the recommendation

226. Progress in complying with this recommendation requires that the State submit evidence of the adoption of articulated measures that bolster the mechanisms to prevent, punish, and eradicate torture and other cruel, inhuman, or degrading treatment or punishment of women, especially when in the custody of the State. The IACHR invites the State to ensure that the measures reported address the components of the recommendation, namely acts of sexual violence and other forms of violence, torture, and cruel, inhuman, or degrading treatment, with special emphasis on women deprived of liberty.

Recommendation No. 42 Implement uniform protocols by the prosecutorial authorities for crimes related to violence against women, as well as a proper supervision of their implementation.

227. In Chapter V of the 2022 Annual Report the Commission observed that no information was received related to the implementation of the existing protocols and supervision mechanisms. Accordingly, the Commission invited the State to adopt measures to ensure the effective implementation of the protocols by the prosecutorial authorities, as well as to compile related information, such as, for example, results indicators.²⁶¹

Information on compliance

228. In 2023, the State forwarded information to the Commission on the development of tools to promote the incorporation of a gender perspective in the judicial function, like the Protocol for judging with a gender perspective, drawn up by the Supreme Court and national in scope. Although the Protocol is not binding, it does contain mandatory criteria and standards that have been applied in specific cases. The State indicated that the Protocol has given rise to important jurisprudential criteria, such as 1a./J. 22/2016 (10^a), a decision that takes up the methodology proposed in that document on determining the elements for judging with a gender perspective.²⁶² In addition, the State indicated that the Supreme Court has established protocols for action and specialized manuals, also national in scope, to promote non-discrimination in areas such as criminal law, family law, administrative law, and labor law. It was also reported that the Federal Judicial Council

²⁶¹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 274 and 276.

²⁶² Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 42](#). In Direct Amparo 32/2022, two women, in their capacity as widows, and their children sued Petróleos Mexicanos, Pemex Petroquímica, and Pemex Transformación Industrial for recognition as beneficiaries of various benefits on the occasion of the death of a single worker, who was their husband, and father, respectively. In this respect, the authority in charge of hearing the labor proceedings brought by each of them determined as legitimate beneficiaries the members of both families and ordered said authority to pay what was demanded. Nonetheless, one of the wives brought an *amparo* proceeding against the other spouse and her children, designated as beneficiaries by the worker, in the terms of clause 132 of the relevant Collective Bargaining Agreement. In this respect, the Supreme Court used the Protocol to judge, with a gender perspective, how part of the arguments that showed the need to analyze the matters in which one notes gender inequality, using that tool of interpretation to keep said inequality from negatively impacting the imparting of justice. On that basis, situations of disadvantage were noted, due to gender considerations, that made it difficult to access the benefits derived from a labor right on occasion of the husband's death. Accordingly, it was determined that independent of the worker having designated only one of the spouses as beneficiary, that cannot be seen as a limitation that rules out such rights for the other spouse.

compiled judgments with a gender perspective and promoted projects for a deeper analysis of these judgments, as part of its efforts to fight discrimination in access to justice.²⁶³

Analysis and level of compliance with the recommendation

229. The IACHR recognizes the efforts made by the State to carry out this recommendation, whose objective is geared to implementing protocols in this area, and their supervision. The Commission had an opportunity learn of the protocols issued by the SCJN and considers that their methodology and contents are in keeping with the relevant inter-American standards. Accordingly, based on the information provided, the Commission considers that this recommendation has met with **full compliance**.

Recommendation No. 43 Adopt public policies aimed at restructuring stereotypes regarding the role of women in society and promote the eradication of socio-cultural patterns of discrimination that impede their access to justice, including training programs and integral policies for the prevention of violence against women.

230. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note of various measures for eradicating sociocultural patterns that promote discrimination against women, which includes actions for coordination among institutions, the ratification of Convention 190 of the International Labor Organization (ILO), and the organization of courses on standards and competences in respect of equality. Nonetheless, the Commission recalled that the adoption of public policies cannot consist of isolated actions, but rather must be incorporated as part of an integral strategy that permeates all persons and addresses 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 world. In addition, the Commission invited the State to consider that the implementation of public policies be accompanied by processes with the participation of civil society, as well as evaluation indicators that make it possible to measure gains in effectiveness.²⁶⁴

Information on compliance

231. In 2023, the State reported that it focused its efforts on preventing and eliminating violence against women and promoting gender equality through various institutions and programs. In this regard, it was reported that the National Commission to Prevent and Eradicate Violence against Women (CONAVIM) provided training and awareness-raising to more than 2,700 persons, both women and men, in 2022 and that the Ministry of Public Education (SEP) carried out many actions for dissemination and awareness-raising on issues related to preventing gender violence and human rights, and disseminated protocols and courses at different levels of education. In addition, it reported on various compliance actions, namely: the CEAV promoted its services and centers for comprehensive attention for victims of crimes and human rights violations, as well as issues related to gender equality; the National Institute of Women (INMUJERES) and the Executive Secretariat of the National Public Security System (SESNSP) collaborated in implementing the Networks of Women Peacebuilders Strategy (Redes MUCPAZ) in numerous municipalities and states with the participation of thousands of women; the FGR, along with its Office of the Special Prosecutor for Crimes of Violence against Women and Human Trafficking, undertook dissemination activities with a gender perspective; the Supreme Court established a precedent providing guidance on gender stereotypes in caregiving responsibilities. Finally, the Institute of Social Security and Services for State Workers (ISSSTE) created a Commission on Equality and Non-Discrimination for the purpose of fighting stereotypes and violence against women.²⁶⁵

²⁶³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 42](#).

²⁶⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 277 and 283.

²⁶⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE.

Analysis and level of compliance with the recommendation

232. The IACHR values the information provided by the State regarding measures of compliance adopted by various agencies, including actions for training, promotion, dissemination, and awareness-raising. According to the available information, the Commission observes that while there are many initiatives relevant to compliance with the recommendation, it is important that these actions are integrated into a structured and coordinated strategy on culturally appropriate policies for restructuring gender stereotypes. In that regard, valuing the efforts implemented, the IACHR finds that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

233. In order to provide guidance for 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 must be incorporated into a comprehensive strategy that permeates all persons and addresses in a differentiated manner the diversity of the public to which they are directed, as well as the multiplicity of problems that women face in different regions of Mexico.²⁶⁶

234. In addition, the IACHR calls on the State to bear in mind, in the strategy, those aspects that have been indicated as an integral part of the cycle of a public policy with a human rights approach, specifically those related to: (i) constructing the agenda and/or defining the situation to be addressed; (ii) the aspects related to its design and/or formulation; (iii) those related to its implementation phase; and (iv) those particular to the monitoring and evaluation phase.²⁶⁷ Similarly, the Commission invites the State to consider that the implementation of public policies can be accompanied by processes with the participation of civil society, as well as evaluation indicators that make it possible to measure the objective advances that reflect the effectiveness of such policies.

Recommendation No. 44 Design and implement culturally adequate policies, with the participation of indigenous women, and apply a comprehensive and holistic focus that has as its objective prevention, investigation, punishment, and reparation of acts of violence and discrimination committed against them.

235. In Chapter V of the 2022 Annual Report the Commission took note of culturally appropriate measures for prevention and attention for indigenous women, including actions such as translators for their attention, more Centers for Women's Development, and training mechanisms. Nonetheless, the Commission observed the lack of a coordinated strategy of culturally appropriate policies; and highlighted the lack of information that would make it possible to evaluate the application of a comprehensive and holistic approach as well as the level of participation of indigenous women in the design and implementation of those policies. Accordingly, the Commission suggested to the State that it identify and present specific information about violence and discrimination against indigenous women, and the specific policies aimed at preventing such violence; it should also indicate how those measures fit into a comprehensive and holistic approach, and whether indigenous women participated in designing them.²⁶⁸

Information on compliance

236. In 2023, the State reported that a Specialized Unit for Attention to Indigenous Matters, under the FGR, held specialized trainings in gender violence aimed at indigenous communities and public servants. It also reported that the National Institute of Women (INMUJERES) maintains a strategy of disseminating and promoting the design and operation of mechanisms for prevention, attention, and punishment of sexual harassment in institutions of higher learning. It also reported that work is under way to establish mechanisms at the Intercultural Universities. Moreover, it was indicated that the Guidelines were drawn up for organizing

²⁶⁶ IACHR, [Standards and recommendations. Violence and discrimination against women and girls](#), paras. 53-55.

²⁶⁷ IACHR, [Public Policy with a Human Rights Approach](#), OEA/Ser.L/V/II. Doc. 191 September 15, 2018, paras. 175 to 178.

²⁶⁸ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 284 and 289.

and operating the Mechanism for Follow-Up of Cases of Sexual Torture Committed against Women. It was reported that two indigenous women deprived of liberty in the state of Chiapas and one in the state of Guerrero were released through this instrument. At this time the Mechanism is aware of 45 cases, 25 of which have been officially included.²⁶⁹

237. In addition, the State reported that the Supreme Court recognized the right of access to justice with an intercultural perspective, and that the “Protocol for Judging with an Intercultural Perspective: Indigenous Persons, Peoples, and Communities” was updated. Finally, it was noted that the Indigenous and Afro-Mexican Women’s Houses are spaces that provide culturally relevant attention, with a gender perspective and a human rights-based approach, preventing violence and upholding sexual and reproductive rights.²⁷⁰

238. The civil society organizations reported that participatory initiatives were carried out in 2022 with the objective of addressing political violence, institutional discrimination, and the barriers to political participation faced by indigenous women.²⁷¹ These included the call by the National Institute of Indigenous Peoples (INPI) and INMUJERES to engage in dialogue about General Recommendation 39 of the CEDAW Committee and the First Parliament of Indigenous Women in the Senate of the Republic of Mexico. Nonetheless, despite these protocolary efforts, the organizations indicated that they did not translate directly into culturally appropriate policies for addressing the intersectional discrimination that indigenous women and girls face due to structural racism. The organizations emphasized that women and girls turn to their own authorities to resolve conflicts, but the State does not recognize the relevance of the indigenous legal systems, instead criminalizing the indigenous authorities, thus perpetuating practices of imparting justice without an intercultural approach. They also indicated that the Integral Model for Punishing Violence against Women promotes “differential and specialized” reparation considering the specific context of the victims, but that its implementation faces challenges incorporating a gender perspective, intercultural approaches, and contextualized psychosocial care for victims.²⁷²

Analysis and level of compliance with the recommendation

239. The Commission welcomes the various initiatives reported for complying with the recommendation, including the trainings and dissemination campaigns, the Supreme Court decision on justice with an intercultural perspective, the Protocol for judging with an intercultural perspective, and the operation of the Indigenous and Afro-Mexican Women’s Houses. Similarly, the Commission places a positive value on the calls to analyze the general recommendation of the CEDAW. Without prejudice to the foregoing, the Commission considers it appropriate for the State to address what civil society has said about the alleged lack of an intercultural approach and the challenges when it comes to incorporating gender and interculturality in the different contexts of Mexico. Based on the information provided by the State, but considering the importance of additional measures of implementation, the IACHR considers that the State has advanced to **partial compliance** with this recommendation.

Measures and information to further compliance with the recommendation

240. To provide guidance for compliance with this recommendation, the Commission urges the State to redouble its efforts to address the challenges that still exist around guaranteeing prevention, investigation, punishment, and reparation in relation to acts of violence and discrimination against indigenous women. In this regard, the Commission invites the State to adopt specialized public policies with evaluation

²⁶⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 44](#).

²⁷⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 44](#).

²⁷¹ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, Centro Prodh, FJEDD, Intersecta and the MNDM, September 2023.

²⁷² Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

indicators that make it possible to monitor their implementation. In assessing these policies, the IACHR urges the State to indicate how it has guaranteed the participation of indigenous women in their design and adoption.

3. Children and adolescents

Recommendation No. 45 Develop operational protocols for the police regarding interventions involving children and adolescents, aimed at ensuring the protection of their rights.

241. According to the information reported by the State for the 2022 Follow-Up Report, the Commission positively valued the programs, protocols, and trainings reported by the State, though it asked for additional information about how those instruments and trainings are geared to the police personnel. In addition, the Commission invited the State to continue implementing protocols developed based on objective and transparent methodologies with evaluation indicators on progress and challenges when it comes to guaranteeing that police actions involving children and adolescents have a human rights-based approach. In addition, to optimize the process of follow-up on this recommendation the Commission invited the State to report the results obtained with the implementation of these protocols.²⁷³

Information on compliance

242. In 2023, the State reported that the National System for Integral Family Development (SNDIF) trained 28,878 public servants (10,536 women, 13,337 men, and 5 persons with no gender identification) on topics related to human trafficking, human rights, protection and restitution of the rights of children and adolescents in human mobility, different forms of violence against women and structural and family violence against children, gender perspective and women's human rights, models of social assistance, General Law on the Rights of Children and Adolescents, and human rights in social assistance. It also highlighted the participation of the Public Security Directorate of Coahuila de Zaragoza, Veracruz (DSP), the GN, the Banking and Industrial Police (PBI), the Office of the Assistant Secretary for Traffic Control of Mexico City (SCT), SEDENA, the Secretariat for Citizen Security of Mexico City (SSCCMX), and the Secretariat for Citizen Security and Protection (SSPC).²⁷⁴

243. In its observations on this report the State added that from January to December 2022 the virtual campus of the National System for Family Development trained 12,622 persons and, from January to November 2023, 37,374 more. In addition, it indicated that a course was implemented on "General Elements for the Immediate Protection of Children and Adolescent Victims of Violence" and implementation of the State Interinstitutional Route for Action in Cases of Violence against Children and Adolescents. In its observations the State also referred to the virtual course for public servants working in security institutions on Application of the National Protocol for Protecting Children and Adolescent Victims of Violence (PNCI), available since April 2023 as a virtual workshop on their application to police who are first responders. In addition, the State indicated that the SNDIF has the Protocol for Comprehensive Attention for Children and Adolescent Victims of Crime and in Vulnerable Conditions, to be applied by the Offices for the Protection of Children and Adolescents for Attention and Restitution of Rights.²⁷⁵

Analysis and level of compliance with the recommendation

244. The Commission welcomes the trainings for public officials with respect to the rights of children and adolescents and on the existence of protocols to protect these persons. Nonetheless, the IACHR continues to identify the need for additional information on the specificity of the protocols to carry out this

²⁷³ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 289 and 293.

²⁷⁴ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 45](#).

²⁷⁵ Observations and comments by the State, December 20, 2023, pp. 10 and 11.

recommendation, considering that they should be directed specifically to the police. Awaiting that information, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

245. To provide guidance for compliance with this recommendation the IACHR invites the State to submit information related to implementation of the specialized protocols on the rights of children and adolescents geared to the police to ensure police action with a human rights-based approach, including the gains, challenges, and results obtained.

Recommendation No. 46 Implement and strengthen measures to fulfill the duty to act with due diligence to prevent, punish and eradicate violence against children and adolescents, including concrete efforts to fulfill the obligations to prevent, investigate, punish, and repair human rights violations and consider the corresponding aggravating factors related to the age of the victim.

246. In Chapter V of the 2022 Annual Report, the Commission took note of the work of the Commission to End All Forms of Violence against Children and Adolescents (COMPREVNNA) and of the Office of the Special Prosecutor for Violent Crimes against Women and Human Trafficking (FEVIMTRA) to investigate and prosecute the crimes committed against children and adolescents. Nonetheless, the IACHR highlighted the need for updated information on the progress to date of the 2019-2024 Action Plan, to be able to measure compliance with the recommendation and learn in detail of the actions and instruments geared to protecting children and adolescents from any form of violence. In that regard, the Commission invited the State to adopt measures aimed at systematizing updated information on the data on violence against children and adolescents and the mechanisms of protection implemented, in addition to indicators that make it possible to evaluate those mechanisms.²⁷⁶

Information on compliance

247. In 2023, the State reported that the National System for Integral Family Development (SNDIF), through the Federal Office for the Protection of Children and Adolescents, has developed a Registry of Measures of Protection that is in the final phase of implementation. It was also reported that the FEVIMTRA coordinates with the National Program of AMBER Alert México and participates in various actions focused on protecting and safeguarding the adequate development of children and adolescents in Mexico, such as the National System for Integral Protection of Children and Adolescents (SIPINNA).²⁷⁷ In its observations on this report the State reported that on July 16, 2019, COMPREVNNA approved the 2019-2024 Plan to end violence against children, with 21 lines of action, and whose report on implementation in 2023 will be published in January 2024. It also reported that prevention actions have been implemented such as providing relevant training to public servants.²⁷⁸

Analysis and level of compliance with the recommendation

248. The Commission welcomes the implementation of the Registry of Measures of Protection for Children and Adolescents. It also highlights the report of the State for 2022 where it reported on the new Action Plan of COMPREVNNA in the Global Partnership to End Violence Against Children, which is laying the bases for coordination among the different levels of government for execution and following up on the actions implemented. Accordingly, the recommendation meets with **partial compliance**.

²⁷⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 294 and 298.

²⁷⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 46](#).

²⁷⁸ Observations and comments by the State, December 20, 2023, p. 11.

Measures and information to further compliance with the recommendation

249. To provide guidance for implementing this recommendation, the IACHR invites the State to ensure that measures of compliance are focused on ensuring carrying out the duty of due diligence in preventing, punishing, and eradicating violence against children and adolescents. Specifically, it requests information on the status of the SIPINNA and the measures that it is implementing to attain that objective; on how the Registry of Measures of Protection of the National System for Integral Family Development (SNDIF), reported in 2023, contributes to the objective of the recommendation; and on implementation of the COMPREVNNA Action Plan.

4. Indigenous peoples

Recommendation No. 47 Adopt measures to ensure that a culturally adequate perspective, which considers the collective nature of indigenous peoples and communities, is considered when they or their members are victims of human rights violations.

250. According to the information reported by the State for the 2022 Follow-Up Report, the Commission took note of the multidisciplinary services offered to victims of human rights violations who belong to indigenous communities or peoples such as the General Coordinating Office of the Centers for Comprehensive Attention or the National Institute of Indigenous Peoples (INPI). Nonetheless, it highlighted the need to show indicators that make it possible to measure and evaluate their implementation. In this regard, it asked whether these services have coordinated action, as well as necessary and adequate mechanisms for consultation and participation.²⁷⁹

Information on compliance

251. In 2023, the State reported to the Commission that it had adopted various actions through the INPI aimed at supporting indigenous and Afro-Mexican persons with sufficient resources for them to be released from jail, to support the role of interpreters and translators and of persons who provide expert evidence on indigenous identity and institutions, and for supporting families, especially indigenous and Afro-Mexican women who are forcibly displaced within Mexico or in economic need. Finally, it reported that work has been proceeding on a constitutional amendment on the rights of indigenous and Afro-Mexican peoples that includes the inclusion of indigenous legal systems in coordination with the national legal system.²⁸⁰

252. The civil society organizations reported that according to the Expanded Questionnaire of INEGI's 2020 Population and Housing Census, 23.2 million people over the age of 3 were registered who self-identified as indigenous persons, of whom 7.1 million speak an indigenous language, which makes Mexico the Latin American country with the largest number of indigenous persons.²⁸¹ Nonetheless, it was noted in 2020 that seven of every 10 indigenous persons were living in poverty. In addition, it was reported that the measures adopted by the State to guarantee access to justice for indigenous persons, with a human rights-based and intercultural approach, have been minimal.²⁸²

253. According to data reported by civil society that was presented by the Deconcentrated Administrative Organ for Prevention and Social Readaptation, as of May 2022, 7,782 indigenous persons were deprived of liberty, of whom approximately 38.6% were in pretrial detention, whereas 61.4% had been convicted. In addition, the organizations reported that in November 2022 the Supreme Court published the

²⁷⁹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 289 and 293.

²⁸⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 47](#).

²⁸¹ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²⁸² Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

“Protocol for judging with an intercultural perspective: Indigenous persons, peoples, and communities,” with the objective of improving their access to justice.²⁸³

254. Despite these efforts the organizations indicated that an initiative to amend the Constitution regarding the rights of indigenous peoples has gone nowhere, and the indigenous peoples continue to distrust the regular system of justice, the failure to enforce favorable judgments, and the lack of pluralist justice that recognizes the indigenous systems. As regards compiling data on the collective nature of the indigenous communities and peoples in the context of human rights violations, the organizations also indicated that the State has not compiled quantitative or qualitative information that would make it possible to adequately assess the situation. According to the organizations, this translates into a lack of recognition and protection of individual and collective rights of indigenous persons, peoples, and communities in Mexico, while also criminalizing their work defending their territories, organizational systems, justice systems, and languages. For the organizations, the alleged lack of statistical data also stands in the way of quantifying cases of torture, displacement, disappearance, dispossession, and destruction of indigenous territories.²⁸⁴

255. In its observations on this report the State reported that the National Institute of Indigenous Peoples has drawn up and implemented Justice Plans and Integrated Plans for Regional Development (PIDER: Planes Integrales de Desarrollo Regional), which are participatory planning exercises carried out by one or more indigenous peoples. In addition, it reported that the Legal Advisory Unit (UAJ: Unidad de Asesoría Jurídica) of the IFDP has 10 legal advisers and 11 administrative officers who speak one or another indigenous language. In addition, the State reported that brigades were sent out to detect legal and social issues in Tabasco, Hidalgo, Puebla, Sinaloa, Chiapas, San Luis Potosí, Chihuahua, and Oaxaca. Finally, the State reported that this year audios were produced that are complementary to digital guides on accessible language and a guide for persons who belong to indigenous and Afro-Mexican peoples and communities for them to know their human rights.²⁸⁵

Analysis and level of compliance with the recommendation

256. The IACHR observes that the information provided reported progress in protecting victims of human rights violations who belong to indigenous communities or peoples, and it is awaiting the information related to the constitutional amendment announced by the State to expand protection for these persons, specifically when they are victims of human rights violations. Nonetheless, the IACHR emphasizes the importance of knowing how these measures include mechanisms of consultation and participation to ensure that they answer to the barriers faced and priorities embraced by each people. Accordingly, it is a priority to get additional information on how the actions reported by the State, such as the guides and plans, have taken account of the indigenous communities’ cultural perspectives in their preparation and implementation. In view of the foregoing, the IACHR, while acknowledging important progress, considers that this recommendation continues to meet with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

257. To provide guidance for compliance with this recommendation, the IACHR invites the State to provide information on the measures that refer to the attention provided to indigenous peoples or members who are victims of human rights violations. To optimize follow-up on the recommendation, the Commission invites the State to provide additional information on the actions adopted to ensure that the two components of the recommendation are addressed, i.e. adopting an adequate cultural perspective, and considering the collective nature of the indigenous communities and peoples.

²⁸³ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

²⁸⁴ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

²⁸⁵ Observations and comments by the State, December 20, 2023, pp. 12 and 13.

Recommendation No. 49 Adopt necessary measures to carry out free, prior, and informed consultations on projects that affect their lands.

258. According to the information reported by the State for the 2022 Follow-Up Report, the Commission took note of the framework document prepared by the National Institute of Indigenous Peoples (INPI) on “Right to Free, Prior, and Informed Consultation of Indigenous Peoples. Bases, Principles, and Methodology for its implementation by the Federal Public Administration,” as well as other measures adopted by this agency to promote the exercise of the rights of indigenous peoples. In addition, it took note of the entry into force of the Escazú Agreement, which includes the obligation to guarantee access to environmental information, participation, and environmental justice. Nonetheless, the Commission invited the State to compile and submit information on the prior consultation processes implemented, indicating how they have developed in keeping with the relevant international standards.²⁸⁶

Information on compliance

259. In 2023, the State reported that the right to prior, free, and informed consultation has been in force since September 1991, with the entry into force of Convention 169 of the International Labor Organization (ILO). Nonetheless, it indicated that it only began to be implemented in 2004. In addition, the State reported that from 2004 to 2018, the National Commission for the Development of the Indigenous Peoples participated in 109 consultations. It also noted that from 2019 to date the INPI has participated in 178 prior consultations and reported that 657 assemblies have been held for dialogue and consultation. The State also reiterated that the consultations are carried out by resolution issued by the INPI (260 in four years), without having to await judicial rulings. Finally, it specified that the consultation processes may be categorized in four main groups: (a) strategic development programs and projects, (b) constitutional, statutory, and institutional reforms related to indigenous rights, (c) federal projects, and (d) state-level measures.²⁸⁷

260. The organizations said they had documented numerous cases of human rights violations in indigenous communities related to issues having to do with lands and territories. Despite some government efforts, they indicated that indigenous human rights defenders continue to be criminalized, and indigenous peoples are not recognized as rights-holders, along with the absence of statistics on violations of their human rights.²⁸⁸

Analysis and level of compliance with the recommendation

261. The IACHR observes the mechanisms reported by the State that contribute to ensuring consultations with respect to projects that affect their lands and territories.²⁸⁹ Nonetheless, the IACHR observes the importance of specific information regarding how these consultations are being carried out. Moreover, the Commission observes that two infrastructure megaprojects have been criticized for their negative impact on indigenous territories and the shortcomings in their respective processes of consultation, as reported by the IACHR in reports from previous years.²⁹⁰ Accordingly, the IACHR considers that the progress reported by the State does not reflect how the State is resolving the current conflicts around prior consultation, nor how the right of indigenous peoples has been guaranteed in the context of those conflicts. As a result, the IACHR considers that this recommendation continues to meet with **partial compliance**.

²⁸⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 289 and 293.

²⁸⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 49](#).

²⁸⁸ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

²⁸⁹ IACHR, [Right to Self-Determination of Indigenous and Tribal Peoples](#), OEA/Ser.L/V/II. Doc. 413, December 28, 2021, para. 181.

²⁹⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2021; IACHR, Annual Report, Chapter V, Mexico, 2022.

Measures and information to further compliance with the recommendation

262. To provide guidance for the implementation of this recommendation, the Commission invites the State to compile and submit information with respect to the prior consultation processes that have been implemented. Beyond naming the consultation processes implemented, the IACHR is especially interested in how these processes guarantee that the consultation is prior, free, and informed.

5. Persons deprived of liberty

Recommendation No. 50 Correct the excessive use of pretrial detention, and apply it exceptionally, using other precautionary measures that do not deprive of liberty. In this context, guarantee that detained persons are immediately presented before a judge, so that detention without judicial order may be restricted in cases of alleged flagrante delicto and *quasi flagrante delicto*.

263. In Chapter V of the 2022 Annual Report, the IACHR noted that the Supreme Court has been analyzing compliance with Mexico's treaty obligations of *mandatory pre-trial detention* in the context of Unconstitutionality Action 130/2019 and the matters joined to it, and *Amparo* on Review 355/2021. Moreover, the IACHR reiterated to the State that the application of *mandatory pre-trial detention* by type of offense is a violation of the right to personal liberty in the terms of Article 7(3) of the American Convention. In addition, it reiterated that it turns pretrial detention into an anticipated penalty, which implies improper interference of the legislator in considerations assigned to the judicial authority.²⁹¹

Information on compliance

264. In 2023, the State reported that at present the Supreme Court is in the process of considering the Docket for Receiving judgments of international courts (Expediente de Recepción de sentencias de tribunales internacionales) 3/2023, which will address the effects and scope of the judgment of the Inter-American Court in the case of *Daniel García and one other v. Mexico*,²⁹² on *mandatory pre-trial detention*. In addition, the Supreme Court reaffirmed its constitutional doctrine regarding the invalidity of state laws that seek to regulate *mandatory pre-trial detention*, the requirements for granting non-custodial measures and pre-release benefits in crimes that merit *mandatory pre-trial detention*, as well as its relationship with the principle of social reinsertion.²⁹³

265. According to information reported by the State, the Presidential Order was issued to entrust the Ministry of Interior (SEGOB) and the Secretariat for Citizen Security and Protection (SSPC), through the Deconcentrated Administrative Agency for Prevention and Social Readaptation, with pursuing the pre-release requests of persons convicted, as well as identifying cases both of persons in pretrial detention and of persons who have been torture victims. According to the Operational Rules of the Permanent Committee on Follow-Up for the Pre-release of Persons Convicted or Change of the Precautionary Measures, the Deconcentrated Administrative Agency for Prevention and Social Readaptation is the agency entrusted with providing the SEGOB and the SSPC the information on persons in pretrial detention or who are torture victims.

266. In its observations on this report the State added that there was a 59% increase in applications for hearings on precautionary measure.²⁹⁴ In addition, it indicated that from March 1 to June 11, 2023,

²⁹¹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 317 and 319.

²⁹² I/A Court HR. Case of García Rodríguez and one other v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 25, 2023. Series C No. 482.

²⁹³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 50](#). Unconstitutionality Action 61/2022 challenged the constitutional validity of a part of Article 8 of the Criminal Code for the State of Colima and that provided that the situations in which it is appropriate to impose *mandatory pre-trial detention*, on considering that the state Congress exceeded its authority on [[claiming to legislate on aspects that go purely to criminal procedure. The Supreme Court reiterates the criteria established in similar precedents and considers that the power to regulate matters of criminal procedure lies exclusively with the federal Congress provided for at Article 73, section XXI, subsection (c). Accordingly, it was determined that the part of the law challenged was invalid, and it spelled out the effects of that finding.

²⁹⁴ Observations and comments by the State, December 20, 2023, p. 13.

information was collected that indicates that 31 of 43 judicial councils apply the criteria set forth in the judgment in the *Case of García Rodríguez* and that administrative and judicial measures were implemented to comply with the relevant judgments of the Inter-American Court, as well as trainings on the issue.²⁹⁵ The State also reported that in April 2023, all the state-level offices of the IFDP were ordered to ensure that the criminal defense personnel seek modification of the precautionary measure in each of the cases in which the person is in being held in *mandatory pre-trial detention*, and that, on a priority basis, one request the modification of the measure for indigenous persons, LGBTI+ persons, and older persons. It indicated that from April 25 to July 31, 2023, there were 829 applications for modification of precautionary measures.²⁹⁶

267. The civil society organizations also reported that in July 2023 the Regional Plenary on Criminal Matters of the Center-North Region approved doing away with *mandatory pre-trial detention* in 18 states of Mexico. This measure was based on the judgments of the Inter-American Court of Human Rights that found the Mexican State internationally responsible and declared that this provision is at odds with Mexico's obligations under the American Convention on Human Rights.²⁹⁷ The organizations said that no measures have been taken at the Legislative or Executive branches to do away with *mandatory pre-trial detention* in Mexico. In addition, the list of crimes considered to merit *mandatory pre-trial detention* has been expanded to the point that it includes at least 130 offenses. The organizations said that despite judicial gains that have limited its use, the Federal Executive branch expressed worrisome opinions with baseless criticisms of the Judicial branch.²⁹⁸

Analysis and level of compliance with the recommendation

268. The Commission is grateful for the information provided. Nonetheless, it notes that it does not have the most up-to-date information, which it would need to compare whether the use of pretrial detention has diminished over time, nor about other non-custodial measures being adopted in the context of criminal proceedings. In addition, while the Commission values the decision of the Regional Plenary Court on Criminal Matters of the Center-North Region on doing away with *mandatory pre-trial detention* in 18 states of Mexico, it finds that more information is needed on its scope and effect.

269. The IACHR recalls that the use of pretrial detention should take account of its exceptional nature; should be governed by the principles of legality, necessity, and proportionality; and may only be grounded in the need to reasonably avoid the danger of flight or acts aimed at thwarting the investigations.²⁹⁹ It also reiterates that applying *mandatory pre-trial detention* by type of offense is a violation of the right to personal liberty in the terms of Article 7(3) of the American Convention. It also turns pretrial detention into an anticipated penalty,³⁰⁰ which implies illegitimate interference by the legislator in the powers to weigh the facts and circumstances that vest in the judicial authority.³⁰¹ Accordingly, in the absence of information that would make it possible to conclude that updated compliance measures have been adopted, the IACHR finds that the recommendation is **pending compliance**.

Measures and information to further compliance with the recommendation

270. To guide compliance with the recommendation, the Commission suggests to the State that it strengthen measures to curtail the use of pretrial detention and make use of other non-custodial measures

²⁹⁵ Observations and comments by the State, December 20, 2023, p. 13.

²⁹⁶ Observations and comments by the State, December 20, 2023, p. 14.

²⁹⁷ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²⁹⁸ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

²⁹⁹ 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 Recommendations pertaining to State policy," para. 1.

³⁰⁰ 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, Merits Report No. 86/09, Case 12,553. Merits. Jorge, José and Dante Peirano Basso. Uruguay. August 6, 2009, para. 141.

³⁰¹ 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, Merits Report No. 86/09, Case 12,553. Merits. Jorge, José and Dante Peirano Basso. Uruguay. August 6, 2009, para. 137.

during the trial. For the Commission to be able to assess these measures the State would have to provide data on the use of this type of provision, making it clear whether it has diminished or, to the contrary, has remained constant or increased. In addition, the IACHR reiterates its call to the State to repeal all provisions that allow for *mandatory pre-trial detention* from its legal system.

Recommendation No. 51 Adopt all necessary measures to guarantee a strategy of reincorporation into society. In this sense, guarantee that financial resources are directed at humanizing and implementing measures that allow persons deprived of liberty to be reincorporated into society. Regarding persons with disabilities, identify a strategy for social reincorporation through programs that include community service.

271. In Chapter V of its 2022 Annual Report the IACHR indicated that the State did not provide updated information on this recommendation. The IACHR invited the State to provide information describing actions adopted for social reinsertion that can be evaluated to determine impact once persons incarcerated begin the process of regaining their liberty.³⁰²

Information on compliance

272. In 2023, the State reported that the Inter-Agency Commission for Social Reinsertion and Post-Prison Services was installed in 2019, and that it is made up of various authorities, including the Ministry of Health. In addition, it was reported that actions are being carried out to recruit and hire persons interested in working with the Federal Prison System (SPF). Finally, as regards the number of judicial and disciplinary actions against prison officers and other guard staff, eight complaints have been lodged, and three disclosures to the Internal Control Body. Of these, seven complaints and the three disclosures are being investigated and one of the complaints was resolved through the alternative dispute resolution mechanism for criminal matters.³⁰³

Analysis and level of compliance with the recommendation

273. The Commission observes that the State only referred to the strengthening of an entity for handling social reinsertion processes. Nonetheless, it does not specify how the work of this entity would have the impact of guaranteeing a strategy to this end. In this respect, the IACHR obtained information that indicated that the country's prisons face shortcomings in terms of dignified infrastructure for living and living together, as well as a lack of job training and education, mental health programs, and adequate planning for persons deprived of liberty to be able to have tools that strengthen them know they leave prison. Similarly, it notes the lack of access to a dignified life for persons deprived of liberty.³⁰⁴ The foregoing situation evidences a context in which the minimum conditions for guaranteeing processes of social reinsertion for persons deprived of liberty do not exist. Accordingly, the Commission concludes that the recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

274. To provide guidance for compliance with this recommendation, the IACHR urges the State to provide information that describes the actions adopted in relation to social reinsertion that are evaluable and that make it possible to note their impact when incarcerated persons initiate the process of regaining their liberty. The Commission also invites the State to go forward with the implementation of a general strategy that guarantees processes of social reinsertion for persons deprived of liberty. In addition, the IACHR invites the

³⁰² IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 321 and 324.

³⁰³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 51](#).

³⁰⁴ Senate of the Republic, General Office for Legislative Analysis of the Instituto Belisario Domínguez, [Overpopulation and shortcomings in prisons make social reinsertion difficult](#), notes a report of the IBD, February 26, 2023.

State to detail the actions carried out by the Inter-Agency Commission for Social Reinsertion and Post-Prison Services that were referred to this year.³⁰⁵

Recommendation No. 52 Make publicly available the information regarding the standards of the American Correctional Association (“ACA”) to certify prisons and penitentiaries.

275. In Chapter V of its 2022 Annual Report the IACHR observed that the State did not provide information, thus the Commission invited it to adopt measures of any kind (including training campaigns or strategies) aimed at publicizing the criteria for ACA certification.³⁰⁶

Information on compliance

276. In 2023, the State indicated that at present it has 12 federal institutions certified by the ACA,³⁰⁷ some of which have been inspected and have been recommended by the auditors of the Association for reaccreditation. In addition, accreditation is being sought for five additional prisons³⁰⁸ this year.³⁰⁹

Analysis and level of compliance with the recommendation

277. The Commission welcomes the gains reported by the State and looks forward to receiving information about progress in the accreditation of the remaining prisons. Based on the progress reported, the recommendation now meets with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

278. To comply with the recommendation the State must submit information on progress in the certification of prisons.

Recommendation No. 53 Implement normative and other measures to guarantee detention conditions that are adequate for the needs of groups in particularly vulnerable situations. In relation to women deprived of liberty, the State should guarantee that the adoption of corresponding measures considers a gender focus. Regarding persons with disability who are deprived of liberty, the Mexican State should guarantee the elimination of barriers in the surroundings that complicate the exercise of their rights, through reasonable accommodations.

279. According to Chapter V of the 2022 Annual Report, the State reported that as of August 2022, the Mexican prison system housed 12,903 women (5.62% of the prison population). The IACHR invited the State to adopt specific measures, for example public policies, institutional strengthening actions, and endowment of resources, among others, aimed at ensuring adequate conditions of detention, as well as the specific measures with respect to women deprived of liberty and persons with disabilities.³¹⁰

³⁰⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 51](#).

³⁰⁶ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 325 and 327.

³⁰⁷ These include: (1) CEFERESO No. 5 Oriente, (2) CEFERESO No. 7 Nor-Noroeste, (3) CEFERESO No. 8 Nor-Poniente, (4) CEFERESO No. 11 CPS Sonora, (5) CEFERESO No. 12 CPS Guanajuato, (6) CEFERESO No. 13 CPS Oaxaca, (7) CEFERESO No. 14 CPS Durango, (8) CEFERESO No. 15 CPS Chiapas, (9) CEFERESO No. 16 CPS Femenil Morelos, (10) CEFERESO No. 17 CPS Michoacán, (11) CEPEFE No. 18 Coahuila, (12) National Academy of Prison Administration.

³⁰⁸ These include: (1) CEFERESO No. 1 Altiplano, (2) Federal Center for Psychosocial Rehabilitation (CEFEREPSI), (3) CEFERESO No. 14 CPS Durango, (4) CEFERESO No. 15 CPS Chiapas, (5) Central Offices of the Deconcentrated Administrative Organ.

³⁰⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 52](#).

³¹⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 329 and 333.

Information on compliance

280. In 2023, the State reported that in addition to the permanent services provided to all persons deprived of liberty, medical care is provided that addresses women's specific needs. It also reported that the prisons have spaces that have been adapted so as to avoid physical barriers for persons with disabilities (ramps and handrails, among others).³¹¹

281. The civil society organizations reported the following data to the Commission on conditions in Mexico's prisons for different population groups:

- Almost half of the prison population share a cell with more than five persons and spend an average of 14.5 hours a day in that space.
- 40% of the prisoners do not receive medicines or the basics for general hygiene, clothing, or footwear, which is worse in the case of women, considering that 73.9% do not have access to such articles, including sanitary napkins.
- 22% of the women with children in prison report having to pay for goods and services, with 71.3% earmarked for medicines.
- There is a greater perception of insecurity among trans persons. Of these persons, 60% report criminal situations, whereas LGBTI persons reported 52.2%, and cisgender/heterosexual persons 43.8%.
- Specifically, 17% of trans women reported being beaten, more than double the general average and as regards sexual harassment, heterosexual men have an incidence of 1.3%, whereas gay men report 11.4%.
- As for sexual assaults, the LGBTI population is most affected, with an incidence of 2.1%, and women face 5% more victimization in prison than men (43.7% as compared to 48.9%).
- 25.9% of the women report having been discriminated against in prison, the most common reasons being the type of crime and economic situation.
- Discrimination based on sexual identity is notable, at 3.4% for women compared to 0.4% for men.³¹²

Analysis and level of compliance with the recommendation

282. The Commission observes with concern the data provided by civil society, which describe the impairment of the rights of persons deprived of liberty, in particular of women and LGBTI persons, population groups whose minimal rights are not guaranteed, such as access to health care, personal hygiene products, and guarantees of humane treatment, among others. The Commission notes that to properly guarantee dignified conditions of detention one must ensure that persons deprived of liberty have access to basic services and minimum needs, and that these needs be identified based on a differentiated approach. Nonetheless, the IACHR does not note progress in complying with the recommendation, thus the recommendation is found to be **pending compliance**.

283. The IACHR reiterates that in Advisory Opinion OC-29/22 of the I/A Court HR on differentiated approaches for certain groups of persons deprived of liberty, a series of measures are set out for women deprived of liberty who are pregnant; and some measures that may be considered reasonable adjustments for persons with disabilities.

³¹¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 53](#).

³¹² Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

Measures and information to further compliance with the recommendation

284. Compliance with this recommendation requires that the State provide situational information as a baseline for the IACHR when it weighs the measures adopted by Mexico to ensure adequate conditions of detention, with special emphasis on specific measures for women deprived of liberty and persons with disabilities. Such measures may consist of public policies, actions for institutional strengthening, and endowment of resources, among others.

Recommendation No. 54 Adopt measures to address pretrial detention and the high levels of overcrowding. The measures may include, among others, an increase in the number of criminal judges, and the establishment of periodic review of case files to be able to identify cases with excessive pretrial detention.

285. In Chapter V of the 2022 Annual Report, the IACHR noted that the State implemented a series of actions for strengthening the adversarial system of criminal justice (SJPA), including the assignment of new judges for criminal enforcement in several states, an exchange of experiences to tackle challenges in enforcing sanctions, and measures for reviewing case files and guaranteeing prison visits for detained persons. Although the IACHR valued the measures reported by the State, it also expressed its concern over the fact that, according to the Deconcentrated Administrative Organ for Prevention and Social Readaptation of the Ministry of Interior (SEGOB), from 2020 to 2022 the number of persons in prison without a conviction increased. In this context, it invited the State to design measures and strategies geared to addressing the indiscriminate use of pretrial detention.³¹³

Information on compliance

286. In 2023, the State reported gains by the Supreme Court in relation to *mandatory pre-trial detention*. It also reported that the federal government proposed to the government of the state of Mexico that it transfer persons deprived of liberty in its prisons who require special surveillance measures. It was reported that the state authorities have cooperated with the federal judicial authorities to provide reports on the legal status of persons deprived of liberty.³¹⁴

287. The civil society organizations, for their part, reported to the Commission that pretrial detention threatens judicial independence. They also reported that despite some gains in the judicial sphere, there is a significant increase of persons in pretrial detention, of almost 25% since the 2019 constitutional amendment, affecting approximately 40% of the crimes attributed to persons in pretrial detention in 2020.³¹⁵

Analysis and level of compliance with the recommendation

288. The Commission observes progress in the analysis by the Supreme Court of the constitutionality of pretrial detention in Mexico and its compatibility with Mexico's treaty obligations. Nonetheless, in the legislative sphere this measure not only continues in force, but one observes that in 2019 the list of crimes that merit pretrial detention was expanded.³¹⁶ Moreover, according to information from Mexico City, pretrial detention increased from 43.4% to 56.9% from January to July 2023.³¹⁷ In light of the foregoing, and considering that the IACHR has not received additional information reporting whether the use of these precautionary measures in the criminal justice system has diminished, or on the levels of overcrowding in the prisons. The IACHR concludes that the recommendation continues to meet with **partial compliance**.

³¹³ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 334-339.

³¹⁴ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 54](#).

³¹⁵ Intersecta, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³¹⁶ Constitution of Mexico, Article 19.

³¹⁷ Attorney General's Office, [Mejora percepción ciudadana sobre la FGICDMX y la PDI: Ernestina Godoy](#), September 12, 2023.

Measures and information to further compliance with the recommendation

289. To provide guidance for compliance with this recommendation the IACHR reiterates the importance of the State adopting measures of compliance that address the indiscriminate use of pretrial detention as well as overcrowding. Evaluating the gains in compliance with the recommendation requires, therefore, having official information that shows the measures adopted to address these issues, including the results obtained.

6. Migrants and forced internal displacement

Recommendation No. 56 Comply with the series of recommendations formulated in the Report Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico.

290. The IACHR is grateful for the information provided by the State and the organizations. Even so, the IACHR notes that this recommendation presupposes following up on the recommendations made in the context of a specific thematic report, which has its own follow-up mechanisms. Accordingly, the Commission will continue monitoring compliance with this recommendation in the context of the report Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico, and not in this Follow-Up Report on recommendations made by the IACHR in the report on the Human Rights Situation in Mexico.

Recommendation No. 57 Create a national survey to “characterize” internal forced displacement in Mexico and, consequently, adopt a national policy and measures to provide a response to this problem in accordance with international standards on the subject, particularly the UN Guiding Principles on Internal Displacement.

291. In Chapter V of the 2022 Annual Report the IACHR indicated that the State has taken actions to generate information to allow for a thorough understanding of forced internal displacement and the specific needs of those experiencing this situation. In this respect, the IACHR invited the State to adopt the appropriate measures for continuing the process of preparing the assessment of forced displacement.³¹⁸

Information on compliance

292. In 2023, the State reported information to the Commission on the preparation of a national assessment about forced internal displacement in Mexico, which analyzed internal migration caused by violence and natural disasters, taking as the basis the data yielded by the 2020 Population and Housing Census. The State also indicated that in 2021, the Survey to Characterize the Population affected by Forced Internal Displacement in the State of Chihuahua (ECADEFI-CHIH) was carried out, in collaboration with the Office of the United Nations High Commissioner for Refugees, the Joint Service for Characterizing Displacement Population, as well as federal and state institutions in Mexico.³¹⁹

293. In its observations on this report, the State added that it included the issue of forced internal displacement in two programmatic instruments at the federal level, the 2020-2024 Sectoral Governance Program and the 2020-2024 National Human Rights Program. It indicated that this inclusion seeks to provide guidelines for the activities of the institutions that are part of the federal public administration.³²⁰ In addition, the State reported that the Unit on Policy for Migration, Registration and Identity of Persons (UPMRIP) of the Office of the Deputy Secretary for Human Rights, Population, and Migration (SDHPM) of the Ministry of Interior gave impetus to publication in the Official Gazette of the Federation of the Order by which it was reformed, adding the provision that creates the Advisory Council on Migration Policy (CCPM) of the Ministry of Interior. According to the State, by this reform the CCPM, a collegial advisory body, expanded its mandate to include the issue of human mobility among its areas of discussion. In this regard, it noted that the 32 states were

³¹⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 358, 362 and 363.

³¹⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 57](#).

³²⁰ Observations and comments by the State, December 20, 2023, p. 14.

approached to raise issues of human mobility with them and to give impetus to the strengthening of their relevant legal frameworks. Moreover, the State reported that four state-level laws have been promulgated on forced internal displacement in Chiapas, Guerrero, Sinaloa, and Zacatecas; and it was indicated that efforts are under way to launch open discussion forums on the issue of human mobility, with reference to activities such as the Open Legislative Forum (Foro de Parlamento Abierto) to deliberate on the LGPARIDFI.³²¹

294. In addition, in its observations on this report the State concluded that all the actions reported above and more, all together, constitute the national public policy for comprehensive attention to forced internal displacement, with progress at both the federal and subnational levels. In this regard, it stated that this public policy has been promoted from the federal executive, in collaboration with the state governments and awaiting adoption of the LGPARIDFI.³²²

295. The civil society organizations reported that two gains stand out at the federal level for generating information on internal displacement in Mexico: the publication of the report on the visit by the United Nations Special Rapporteur on the human rights of internally displaced persons, in July 2023, which provided detailed data on internal displacement in Mexico, and the holding of a workshop on data systems for internally displaced persons, in November 2022.³²³ At the subnational level the organizations indicated that assessments were presented on displacement in specific states. Nonetheless, they stated that despite this progress, the lack of a comprehensive national policy has led to persistent challenges in attention for and protection of internally displaced persons in Mexico, including the lack of coordination and resources, as well as the insufficiency of available mechanisms to support them.³²⁴

Analysis and level of compliance with the recommendation

296. Regarding this recommendation, the Commission welcomes the preparation of the national assessment about forced internal displacement in Mexico, which has data and statistics relevant for addressing internal displacement. The IACHR notes that in addition to the assessment, the recommendation requires the adoption of a national policy in keeping with international standards on internal displacement, which should include all the states of the republic, and which should be implemented in a manner that is harmonized and coordinated with the authorities with responsibility in this area. Considering the information provided by the State and with a view to ensuring that the content and implementation of the public policy referred to is in keeping with all international standards, and awaiting additional information about its implementation, the IACHR considers that this recommendation has advanced to a level of **substantial partial compliance**.

Measures and information to further compliance with the recommendation

297. The Commission invites the State to submit additional updated information about the implementation of the public policy on forced internal displacement and the results obtained under that policy.

Recommendation No. 58 Adopt specific legislation at the federal and state level to address internal displacement, in accordance with the UN Guiding Principles on Internal Displacement.

298. In Chapter V of its 2022 Annual Report, the IACHR noted that the State indicated that as part of the activities of the Working Group on Forced Internal Displacement, within the Advisory Council on Migration Policy, 20 institutions of the federal public administration were convened to the first “Workshop to give impetus to the international recommendations on forced internal displacement at the federal level,”

³²¹ Observations and comments by the State, December 20, 2023, p. 14.

³²² Observations and comments by the State, December 20, 2023, p. 14.

³²³ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

³²⁴ CMDPDH, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

organized by the Unit on Policy for Migration, Registration, and Identity of Persons and UNHCR Mexico. In 2022, the IACHR invited the State to proceed to establish the relevant institutional framework.³²⁵

Information on compliance

299. In 2023, the State reported to the Commission that at present debate and approval is pending in the Senate with respect to the Proposed Decree of the General Law to Prevent, Address, and Make Comprehensive Reparation for Forced Internal Displacement (LGPARDFI). In addition, the State reported that at the subnational level several states have approved specific legal frameworks for the prevention, attention, and comprehensive reparation of forced internal displacement that are now in force.³²⁶ In addition, the State reported holding the "Workshop on the Guiding Principles on Internal Displacement and their influence in Mexico in Commemoration of the 25th Anniversary of their Presentation," the purpose of which was to engage in dialogue and reflect together on the relationship of the Guiding Principles with bringing about a comprehensive response to FID in Mexico. A total of 35 agencies participated, including federal and state institutions and international mechanisms, among them the Special Rapporteur on the human rights of internally displaced persons.³²⁷

300. In its observation on this report the State indicated that from April 2019 to February 2020, the UPMRIP coordinated a working group with various institutions, the legislative branch, state governments, international organizations, academia, and civil society organizations to coordinate and carry out legal analyses of studies and research. It said that these instruments were the basis for drafting the statement of purpose, antecedents, and articles of the proposed law on the topic. The State also reported that the UPMRIP developed ties regarding forcibly displaced persons with the United Nations, to receive technical advisory services and expert comments on the proposed legislation. In addition, the State provided information on the various stages of the proposed LGPARIDFI. In this regard, the SEGOB indicated that it has included the LGPARIDFI as part of its priority agenda ever since 2020.³²⁸

301. In addition, the State reported that since the creation of the Bureau for Evaluation of Policies for the Control of Human Mobility (DEPCMH), from 2019 to 2023 multiple actions have been carried out to design the national public policy on forced internal displacement, such as trainings, workshops, and publication of articles.³²⁹ Finally, the State reported that the Intersectoral Commission for Comprehensive Attention to Migration (CIAIMM) presented the principles of the new comprehensive strategy for migration that structures groups so as to manage irregular migration with a humanitarian approach, creating options for labor mobility and well-being, providing attention to Mexican communities abroad, furthering regional cooperation, and fostering integration, data, statistics, and projections.³³⁰

302. The civil society organizations reported to the Commission that at the federal level still pending is the adoption of legislation on forced internal displacement that establishes the institutional framework, resources, competences, and responsibilities of the authorities. In this vein, they indicated that the approval of initiatives in the Chamber of Deputies such as the General Law to Prevent, Address and Make Comprehensive Reparation for Forced Internal Displacement and the reform of the Criminal Code to define

³²⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 367 and 357.

³²⁶ Such is the case of: 1. Chiapas (February 22, 2012): Law to Prevent and Address Internal Displacement in the State of Chiapas. 2. Guerrero (July 22, 2014): Law 487 to Prevent and Address Internal Displacement in the State of Guerrero. 3. Sinaloa (August 21, 2020): Law to Prevent, Address and Make Full Reparation for Forced Internal Displacement in the State of Sinaloa. 4. Zacatecas (October 1, 2022): Law to Prevent and Address Forced Internal Displacement in the State of Zacatecas.

³²⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 58](#).

³²⁸ Observations and comments by the State, December 20, 2023, pp. 16 and 17.

³²⁹ Observations and comments by the State, December 20, 2023, p. 19.

³³⁰ Observations and comments by the State, December 20, 2023, p. 22.

forced internal displacement as a criminal offense are awaiting action in the Senate, despite prior commitments.³³¹

303. The civil society organizations reiterated the need to create specific instruments to address internal displacement in Mexico, including state and federal legislation. This need was also highlighted among the recommendations of the United Nations Special Rapporteur on the human rights of internally displaced persons. Nonetheless, the organizations emphasized that the absence of these instruments cannot excuse the breach of pre-existing obligations, such as those indicated in Chapters II and IV of the Supreme Court's Manual on Internal Displacement, since many of the needs of internally displaced persons were associated with the rights, services, and mechanisms to which they already had access.³³²

Analysis and level of compliance with the recommendation

304. The Commission values the information reported with respect to the approval of the legal frameworks for the prevention, attention, and reparation of forced internal displacement. It observes that despite the efforts to approve legal initiatives, adoption of the specific legislation on the subject is still pending. In this regard, the Commission has considered that the legal frameworks on internal displacement adopted by the State should identify an institutional focal point for supervising their implementation, assigning clear roles and responsibilities, and facilitating coordination with other governmental and non-governmental actors, including the CNDH and civil society organizations that work to protect the internally displaced population.³³³ In addition, the Commission observes that the General Law has yet to be published and continues to await legislative approval. Accordingly, the Commission concluded that the recommendation meets with **partial compliance**.

Measures and information to further compliance with the recommendation

305. To advance in compliance with the recommendation the Commission invites the State to continue reporting gains in the process of publishing and implementing the General Law on forced displacement, as well as the adoption of specific measures aimed at promulgating and bringing into force a law on forced internal displacement that furthers the establishment of the relevant institutions.

Recommendation No. 59 Ensure, at the federal level, that there is an institution in charge of the protection of persons who are victims of forced displacement.

306. In the context of Chapter V of the 2022 Annual Report, the State indicated multiple legislative initiatives on this topic, though without specific results in that year. The IACHR invited the State to adopt specific measures aimed at promulgating and bringing into force a law on forced internal displacement that furthers the establishment of the relevant institutional framework.³³⁴

Information on compliance

307. In 2023, the State reported to the Commission that at present the Unit on Policy for Migration, Registration and Identity of Persons based on Article 55 of the Internal Regulations of the SEGOB, has the power to pull together the demands and positions of the different branches of the federal government, the state governments, and organized civil society, to design the migration and human mobility policy in terms of the applicable legal provisions. It also indicated that said Unit is the focal point at the federal level on forced internal displacement, as it is responsible for the Technical Secretariat of the Advisory Council on Migration Policy of

³³¹ CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³³² CMDPDH, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³³³ IACHR, Press Release 100/19 - [IACHR and the UN Special Rapporteur on the Human Rights of Internally Displaced Persons Welcome Decision for the protection of internally displaced persons in Mexico](#), Washington, D.C., April 17, 2019.

³³⁴ IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 364 and 371.

the SEGOB and for coordinating the Working Group on Forced Internal Displacement. The State reported that as of the date of this report the group has met 12 times.³³⁵

308. In its observations on this report, the State provided additional information on the Migration Policy, Registry, and Identity of Persons Unit (UPMRIP), indicating that it is part of the Office of the Deputy Secretary for Human Rights, Population, and Migration at the Ministry of Interior, part of the federal public administration. In this regard, the State indicated that the UPMRIP is a technical institution, entrusted with proposing migration and human mobility policy at the national level. It indicated that this Unit is not in charge of the other operational activities of the policy cycle, including the implementation and monitoring phases, clarifying that the operational agencies include the National Migration Institute (INM) and the Mexican Commission for Refugee Aid (COMAR). The State indicated that as of 2019, the Bureau for Evaluation of Policies for the Control of Human Mobility (DEPCMH) was established within the UPMRIP; it provides exclusive follow-up to forced displacement at the federal level and has four specialists on the topic. It also indicated that as this Unit is not competent to implement the policy or provide services directly to the citizenry, strong institutional coordination has been sought with agencies, mainly at the subnational level, especially in response to citizen demands. In addition, the State indicated that since it was established the Unit has carried out actions to design the public policy on forced internal displacement, including generating forums for dialogue and instruments such as assessments, studies, and research projects on forced displacement. The State further indicated that this Unit has helped with the promulgation of state-level laws and other institutional strengthening measures.³³⁶

309. In its observations the State not only pointed to the existence of the UPMRIP, but also highlighted the activity of the General Bureau for Public Policy on Human Rights of the Ministry of Interior, entrusted with implementing the National Human Rights Program 2020-2024, including those aspects related to forced internal displacement. The State indicated that the Executive Commission for Attention to Victims also has authority as regards the protection of persons who have been forcibly displaced. It also referred to the activity of the Ministry of Foreign Relations, which coordinates the Inter-Ministerial Commission for Comprehensive Attention to Migration (CIAIMM).³³⁷

Analysis and level of compliance with the recommendation

310. The Commission takes note of the efforts reported by the SEGOB for migration policy issues. It is also grateful for the information provided on the operation and scope of the UPMRIP with respect to forced internal displacement. Considering the relevance of the implementation of this recommendation, the Commission considers it necessary to get additional information about the sufficiency of the UPMRIP, and on the operational agencies mentioned, when it comes to addressing all the needs for protection of persons who have been forcibly displaced. In addition, considering that this recommendation is geared to strengthening the protection of persons through a specialized federal institution, the IACHR considers it needs additional information to be able to understand whether the efforts to coordinate around the design and implementation of the policy are sufficient for addressing the challenges that persist in relation to forced internal displacement. Considering the foregoing, and recognizing the efforts of the SEGOB, the Commission concludes that the recommendation has advanced to **partial compliance**.

Measures and information to further compliance with the recommendation

311. With the objective of seeing further progress in compliance with this recommendation, the Commission invites the State to report additional information on the operation of the UPMRIP and the other entities in charge of designing or implementing the relevant policies. In this regard, the Commission notes that this recommendation is geared to the structuring of a federal entity to coordinate protection for the persons

³³⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 59](#).

³³⁶ Observations and comments by the State, December 20, 2023, pp. 19-22.

³³⁷ Observations and comments by the State, December 20, 2023, pp. 19-22.

impacted. In this regard, it requires additional information on the sufficiency, actions, and articulation of the existing entities to verify whether they constitute the institution requested in this recommendation.

7. Human rights defenders

Recommendation No. 60 Strengthen the instances in charge of protection of human rights defenders and journalists, so that their life and integrity can properly be guaranteed. At the same time, incorporate gender and multicultural perspectives in the design and adoption of protection measures for defenders and journalists.

312. In Chapter V of the 2022 Annual Report the IACHR noted that a process had begun to restructure the Mechanism for Protection of Human Rights Defenders and Journalists. Nonetheless, on observing with concern that in that year acts of violence against human rights defenders continued, the IACHR invited the State to adopt measures to ensure that the Mechanism has the material and human resources it needs to perform its functions.³³⁸

Information on compliance

313. In 2023, the State told the Commission that work was under way to establish a National System of Prevention and Protection for human rights defenders and journalists, grounded in the General Law on Prevention and Protection in the face of Attacks on Human Rights Defenders and Journalists. It will include the design of a National Model of Prevention, the creation of a National Registry of Attacks, and a National Protocol for Protection. It also reported that as of January 2023, 27 states had at least one specialized law or regulation for the protection of human rights defenders or journalists.³³⁹

314. The State also reported that at present 2,059 persons are included in the Mechanism, 581 of whom are journalists (153 women and 428 men), 1,099 are human rights defenders (609 women and 490 men), and 379 persons are protected as indirect victims (214 women and 165 men). In addition, it indicated that 72 case files were registered, corresponding to 263 defenders of the environment, 199 of whom are direct beneficiaries (65 women and 134 men), and 64 are protected as indirect victims (37 women and 27 men).³⁴⁰ Along the same lines, the Commission observes that according to public information, women and family members of disappeared persons are victims of constant attacks and intimidation.³⁴¹ In this respect, the Commission recognizes the importance of the work performed by women and families who search, and accordingly it calls on the State to guarantee their protection and integrity with a reinforced standard, in keeping with the risk inherent in carrying out actions to search for disappeared persons.

315. At the same time, the civil society organizations reported to the IACHR that the SEGOB is part of a working group that includes the United Nations OHCHR and civil society organizations and is dedicated to following up on the recommendations issued in an assessment of the operation of the Protection Mechanism for Human Rights Defenders and Journalists. In this context, it has been proposed that a subgroup be established to address the recommendations related to gender. The first meeting of this subgroup took place

³³⁸ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 380 and 381.

³³⁹ These are in areas of governability (Secretariats of Interior) (Gobierno o de Gobernación) or around criminal justice (Attorneys General's Offices): Baja California, Campeche, Chiapas, Chihuahua, Mexico City, Coahuila, Colima, Durango, state of México, Guanajuato, Guerrero, Hidalgo, Jalisco, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, and Tlaxcala.

³⁴⁰ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 60](#).

³⁴¹ Aranza Ramos, member of the collective Madres Buscadoras Sonora, was assassinated on July 15, 2021; Yesenia Durazo Cota was disappeared for four days, Leticia Álvarez disappeared and was found with signs of violence on October 31, 2021; Rosario Lilián Rodríguez, a mother who engaged in searches, was assassinated in August 2022; Teresa Magueyal, a mother who engaged in searches, was assassinated in May 2, 2023; María Carmela Vázquez, a mother who engaged in searches, was assassinated on November 8, 2022.

on July 10, 2023, in the offices of the UN OHCHR, with the objective of validating the working group and advancing in mainstreaming a gender perspective.³⁴²

Analysis and level of compliance with the recommendation

316. The Commission observes that defending human rights continues to be a high-risk activity in Mexico. From January to August 2023, the IACHR learned of the assassinations of at least seven human rights defenders. In addition, it learned of the disappearances of at least three human rights defenders, and the disappearance and subsequent finding of two others.³⁴³ The ineffectiveness of the measures of protection granted by the mechanism is evidenced by disappearances of the very beneficiaries of the Mechanism.³⁴⁴

317. On the operations and strengthening anticipated to guarantee the protection of human rights defenders in the performance of their functions, the IACHR highlights what was indicated by UN OHCHR to the effect that “the existence of shortcomings in their operations, which has meant that beneficiaries have suffered attacks or even lost their lives.” In addition, in 2021 the UN OHCHR said that “the Mechanism will not be sufficient so long as impunity continues in most of the cases in which public servants are responsible for attacks or when violence becomes normalized.”³⁴⁵ Along the same lines, the Commission observes the lack of specific methodologies and protocols for the attention provided by the Mechanism to guarantee a differentiated approach. In addition, there is no information on the adoption of prevention policies as a public policy. Based on the foregoing analysis, the Commission concludes that this recommendation meets with **partial compliance**.

Measures and information to further compliance with the recommendation

318. Compliance with this recommendation requires intersectional and multicultural measures with a differentiated approach for protecting human rights defenders. Similarly, the Commission invites the State to report information related to the specific criteria and/or protocols for the institutional strengthening of the State, particularly the mechanisms for the protection of human rights defenders and journalists. In this regard, the IACHR invites the State to report how it ensures that the measures for strengthening that are being adopted, including the National System of Prevention and Protection, and the preparation of all its tools, guarantee a gender perspective and multicultural approaches.

³⁴² The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS Litigio Estratégico y Derechos Humanos (hereinafter IDHEAS), Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (hereinafter “CMDPDH”), Fundación para la Justicia y el Estado Democrático del Derecho (hereinafter “FJEDD”), and Intersecta Organización para la Igualdad (hereinafter “Intersecta”).

³⁴³ IACHR, Press Release No. 138/23, [IACHR: Ongoing Violence Against Human Rights Defenders in the First Four Months of 2023](#), June 27, 2023: In April, land defender Félix Vicente Cruz was assassinated in San Francisco Ixhuatán, Oaxaca, and the environmental defender Eustacio Alcalá Díaz was assassinated in Chinicuila, Michoacán. In March, LGBTI defender Gustavo Robles Taboada was assassinated in Cuautla, Morelos; and in February, environmental defender Alfredo Cisneros Madrigal was assassinated in Los Reyes, Michoacán. In addition, in April it was learned that indigenous defender Alejandro Ortiz Vázquez had disappeared in Metlatónoc, Guerrero. In January, it was learned that defenders Antonio Díaz Valencia and Ricardo Lagunes had disappeared in Colima. The IACHR learned of the disappearance and subsequent finding, alive, of indigenous defender Wixariti Santos de la Cruz Carrillo, in January in Nayarit, and of indigenous defender Daniel Gómez Sántiz, in February in Chiapas. See also: IACHR, Press Release No. 248/23, [IACHR Notes Persistently Alarming Violence Against Rights Defenders Over the Period May-August 2023](#), October 20, 2023. From May to July the following persons were assassinated: LGBTI defender Ulises Nava Juárez, in Aguascalientes, Aguascalientes; environmental defender Álvaro Arvizu, in Tlalmanalco, state of México; and mother searching for the disappeared, Teresa Magueyal, in Celaya, Guanajuato. On May 21, Yenesina Guadalupe Durazo, a member of Madres Buscadoras de Sonora, was disappeared in Mexico City. According to public information, she returned to her home after a search operation carried out by the Office of the Attorney General of the state of Sonora.

³⁴⁴ The Commission profoundly laments the death of Judge Ociel Baena Saucedo, who was covered by the Protection Mechanism. The Commission observes with concern that their death has taken place in a context of threats against them because of their non-binary identity and defense of LGBTI rights.

³⁴⁵ UN OHCHR, [“El Mecanismo de Protección no será suficiente mientras continúe la impunidad en México”](#): ONU-DH, September 30, 2021.

8. Freedom of expression

Recommendation No. 61 Recognize, at the highest levels of the State, the legitimacy, and the value of the journalistic work, and condemn attacks as reprisals for the exercise of the freedom of expression.

319. In Chapter V of the 2022 Annual Report the IACHR indicated that the State took measures to promote and protect the freedom of expression and journalism, including the publication of a Notebook of Case-law on Freedom of Expression and Journalism, that highlights relevant judgments of the Supreme Court on issues related to the freedom of expression. In addition, that year the Commission was informed that the INAI has implemented initiatives such as the National Journalism Competition and the Pilot Program to Support Investigative Journalism to foster participation and collaboration in the work of journalists and transparency of information. Despite the measure, the IACHR and its Office of Special Rapporteur for Freedom of Expression (RELE) observed a worsening of lethal violence against journalists in Mexico, which was evidenced in one of the highest figures for assassinations in recent years. As was reported, these events unfold in a context of stigmatization and constant smear campaigns by public officials and leaders, promoted especially from the Executive branch in the section “Who’s who in the lies of the week.” Accordingly, the IACHR invited the State, considering the increase in assassinations, threats, physical assaults, and attacks on journalists in Mexico, to put out clear messages recognizing the legitimacy and value of the work of journalists as the initial and essential premise of this recommendation.³⁴⁶

Information on compliance

320. In 2023, the State indicated that on May 2, the Government of Mexico, the European Union (EU), and the Office in Mexico of the United Nations High Commissioner for Human Rights (UN OHCHR) launched the campaign “De Frente a la Libertad” (“Ahead with Freedom”) for the purpose of recognizing the work of human rights defenders and journalists. The main objective of the campaign was to give visibility to and raise awareness of the risks that these persons face. In addition, the federal government undertook to contribute with dissemination actions to create an environment both conducive to and safe for activities to defend human rights and exercise the freedom of expression.³⁴⁷

321. Civil society organizations reported that for several months a campaign has been under way for recognizing the work of journalists, from the government, which, however, has been overshadowed by various factors. The organizations note that revelations have come out on a series of espionage cases using the *Pegasus* malware against human rights defenders and journalists. They noted that the *Pegasus Project* investigation (by *Forbidden Stories* and Amnesty International) revealed that 15,000 phone numbers in Mexico were potential targets of the program in the last presidential administration. In addition, they indicated that later, through other investigations, cases of espionage using *Pegasus* were being revealed which, according to them, are related to a secret military intelligence structure, with the knowledge of the Secretariat of Defense, directed against human rights defender Raymundo Ramos because of his investigations into the 2020 extrajudicial executions in Nuevo Laredo, and against the Centro Prodh, among others. In response, the organizations said that the security and integrity of the persons spied on had not been protected; that an independent investigative mechanism needs to be established; and that non-repetition of the illegal espionage had not been guaranteed.

322. In addition, the civil society organizations reported new cases of purported espionage using the *Pegasus* malware. In April 2023 information was made public from the Red en Defensa de los Derechos Digitales, Social TIC, Article 19, and Citizen Lab of the University of Toronto, confirming that two members of the Centro Prodh were targets of digital attacks on their cell phones at least five times in 2022.³⁴⁸ In addition,

³⁴⁶ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 382-384 and 399.

³⁴⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 61](#).

³⁴⁸ Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023.

the organizations reported cases of espionage against Camilo Vicente Ovalle, a member of the Commission for Access to the Truth, Historical Clarification, and Justice in Serious Human Rights Violations Committed from 1965 to 1990; Alejandro Encinas, Assistant Secretary for Human Rights of the SEGOB; and two other government officials.³⁴⁹

323. They also reported that a new section in the morning press conferences of the President of the Republic called “Who’s who in the lies” stigmatizes the press.³⁵⁰ In this respect, civil society organizations in Mexico documented a total of 65 direct attacks on the press in the first half of 2023, 42 of which came from the “Who’s who in the lies” segment in the presidential morning press conferences.³⁵¹ In response, the civil society organizations expressed their concern about the trickle-down effect such statements can have and their potential to be repeated by actors at other levels of the State.³⁵²

Analysis and level of compliance with the recommendation

324. The IACHR welcomes adoption of the campaign “De frente a la Libertad,” which has an impact on compliance with this recommendation. Nonetheless, it also sees that there are a series of allegations by the civil society organizations of acts that are seriously harmful to the exercise of the freedom of expression, including espionage actions, with respect to which it is essential to get an adequate response from the State. In particular, the IACHR and the Office of the Special Rapporteur observe, in general terms, that substantial progress has not been reported in the investigation to identify the persons presumably responsible for the acts of espionage against journalists and human rights defenders.³⁵³ They also take note of the reports that indicate that the State has not guaranteed non-repetition of the illegal espionage through an agenda of legal and institutional reform that impedes, in a verifiable manner, the abuse of the intelligence systems. That contrasts with the increase in reports of persons negatively impacted in 2023, and the uncertainty as to whether the use of *Pegasus* against those who perform work that is crucial in a democracy has or has not ceased.

325. The IACHR also observes the allegations of acts that stigmatize the press through state media outlets. In this regard, as was already mentioned in the 2022 Follow-Up Report, the IACHR and its Office of Special Rapporteur consider that such stigmatizing and smearing declarations and accusations by public officials against the press are far from contributing to recognizing the value and legitimacy of the work of journalists.³⁵⁴ To the contrary, they significantly reduce the impact of the measures adopted by the State. To that extent, the design of a campaign and the promotion and dissemination activities are seriously overshadowed by the forcefulness and reiteration of the stigmatizing statements by spokespersons of the State. In this context, the Office of the Special Rapporteur observes that the “Who’s who in the lies” section implemented by the government since 2021 continues to be used to stigmatize and smear the work of the press. This practice has the potential to increase the risks inherent in journalism, especially in a context of escalation of lethal violence against the press. In effect, as of the writing of this 2023 Report, the Office of the Special Rapporteur had recorded at least seven journalists and media workers assassinated in Mexico for reasons that may be linked to their work, more than in any other country of the region.

326. Considering these allegations, the IACHR calls on the Mexican State to redouble its efforts to promote a favorable environment for the exercise of the right to the freedom of expression and freedom of the press, and to eradicate any type of pronouncement by the public authorities (especially high-level officials) that

³⁴⁹ Centro Prodh, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 20, 2023.

³⁵⁰ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

³⁵¹ Article 19, [Informe primer semestre de 2023: violencia contra prensa: entre ataques, estigmatización y ausencia del Estado](#), September 19, 2023.

³⁵² Article 19, [Informe primer semestre de 2023: violencia contra prensa: entre ataques, estigmatización y ausencia del Estado](#), September 19, 2023; the IACHR received information submitted by ACUDEH, Aluna Acompañamiento Psicosocial, Article 19, PBI, CEPAD, Frayba, CEMDA, CIMAC, Espacio OSC, Fundación para la Justicia y el Estado Democrático de Derecho, Front Line Defenders, OMCT, Plataforma por la Paz y la Justicia en Guanajuato, and Propuesta Cívica, among others.

³⁵³ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, September 2023.

³⁵⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 392.

may legitimate or send a permissive message to those who carry out violent acts directed against the press. Based on the information around the adoption of the campaign “De frente a la Libertad,” and awaiting information on measures to adequately respond to the allegations of civil society, the IACHR considers that this recommendation is still **pending compliance**.

Measures and information to further compliance with the recommendation

327. This recommendation is based on the premise that in a context of rising violence against the press it is important for the entire institutional framework to contribute to an environment favorable to the freedom of expression and public deliberation. The information received to consider whether there have been gains in compliance with the recommendation contrasts with the record of acts of violence against the press and the repeated stigmatizing messages from the official sphere regarding journalism.

Recommendation No. 62 Define a single methodology to generate and publish detailed and disaggregated statistics regarding violence against journalists and investigations of attacks, as well as the protection measures adopted. Define a State authority in charge of capturing information and publishing statistics and inform the various actors regarding the challenges that arise in the application of said methodology.

328. In Chapter V of its 2022 Annual Report the IACHR expressed its concern over the lack of information for analyzing significant progress. Accordingly, the Commission urged the State to continue efforts to systematize and update figures and indicators on violence against journalists, in addition to increasing the work of coordination among the different levels of government.³⁵⁵ In addition, as was reported in the Statistical Report of the Office of the Special Prosecutor for Attention to Crimes against the Freedom of Expression (FEADLE), since September 2022 the Commission and the Office of Special Rapporteur considered that the number of cases it had assumed was low compared to the high figures for the assassination of journalists. The civil society organizations said that only 1.74% of the cases reported by the FEADLE have judgments, which means that 98.26% of the cases remain in impunity.³⁵⁶

Information on compliance

329. In 2023, the State forwarded information to the Commission about the FEADLE, the entity responsible for investigating and prosecuting crimes against freedom of the press and freedom of expression. In this regard, the State indicated that said prosecutorial office has generated indicators related to these crimes that have been made public and has succeeded in consolidating specific data on crimes against freedom of expression with a gender perspective that are published periodically.³⁵⁷

330. The civil society organizations, in turn, reported that there were figures and indicators of violence against the press recorded by federal and state agencies, such as the Protection Mechanism for Human Rights Defenders and Journalists, the FEADLE, and some other state-level agencies such as the State Commission for Attention and Protection for Journalists of Veracruz (CEAPP). Nonetheless, they said that despite those figures, there is no systematization or process for standardizing these reports, resulting in completely different counts, and not allowing for a joint analysis of the situation of violence against the press. They also stated that the actions implemented by the government were isolated, dissociated, and ineffective given the impossibility of having an impact on the state governments.³⁵⁸

³⁵⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 400 and 403.

³⁵⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 407 and 409.

³⁵⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE.

³⁵⁸ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

Analysis and level of compliance with the recommendation

331. The Commission is grateful for the information reported by the State. Nonetheless, it notes that beyond the registry referred to by the Attorney General's Office, the recommendation asks that a single methodology be used for reporting statistics on violence against journalists, including investigations and measures of protection. The IACHR finds that the information provided does not indicate what this methodology consists of, if it is a single methodology, and if the state authority in charge is the Attorney General's Office or whether there are other entities involved. Given the lack of information needed to be able to analyze significant gains, the IACHR considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

332. The IACHR urges the Mexican State to continue efforts to systematize and update figures and indicators on violence against journalists, in addition to increasing the work of coordination among the different levels of government. In this respect, it urges that the measure of compliance focus on generating the unified methodology requested in the recommendation, which includes statistics on violence against journalists, investigations, and measures of protection.

Recommendation No. 63 Remove all obstacles so that, in practice, the Specialized Prosecutor's Office for Attention to Crimes against Freedom of Expression (FEADLE) may absorb investigation of crimes against journalists and against freedom of expression. This way, make more effective the exercise of federal jurisdiction over crimes within its competence and guarantee that the most serious violations of freedom of expression are always investigated by that Office.

333. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission noted that despite the functions granted to the FEADLE, challenges persist related to the power to take over the investigation in cases that involve the possible participation of state or municipal public officials.³⁵⁹ In addition, based on what was reported in the Statistical Report of the FEADLE of September 2022, the Commission and the Special Rapporteurship considered that the number of cases under its competence was low compared to the figures reported around assassinations of journalists.³⁶⁰

Information on compliance

334. In 2023, the State reported to the Commission that, through reforms to the Constitution of Mexico and the Federal Code of Criminal Procedure, the FEADLE acquired the power to take over the prosecution of crimes in the regular courts that were related to crimes against freedom of expression. In this regard, it indicated that the FEADLE has the power to take over the investigations that the state authorities had initiated in cases of possible crimes committed against journalists. In addition, it indicated that from May 2013 to July 2023, the FEADLE exercised this power to take over the investigation in a total of 140 cases that met the criteria established in the Constitution.³⁶¹

335. The civil society organizations reported to the Commission that the last monthly statistical report of the FEADLE recognizes at least 102 records of homicides of journalists, only 36 of which are considered as homicides related to their work as journalists, i.e. 35.30% of the cases. In addition to this, the organizations indicated that according to the FEADLE report, of the 36 records of homicides of journalists related to their activity as such, 12 are being prosecuted; and of the 24 remaining, in two it was decided not to bring a criminal action, one case is under seal, eight were joined to other cases, and in 13 criminal charges were

³⁵⁹ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 405 and 409.

³⁶⁰ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 407 and 409.

³⁶¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 63](#).

pressed.³⁶² In addition, the civil society organizations documented cases of reticence on the part of the FEADLE to assuming investigations. In this regard, they note that it is essential that FEADLE incorporate guidelines for taking over investigations in crimes against the freedom of expression; and that it strengthen coordination with state-level prosecutorial offices to implement a strategy that reduces impunity.³⁶³

Analysis and level of compliance with the recommendation

336. The Commission observes from the information reported that challenges persist related to the failure to use the power to take over the investigation in cases that involve the possible participation of state or local public officials. While the power to take over the investigation is provided for in law, according to the information reported by civil society the exercise of this power was not being used to guarantee its purpose. In this respect, the Commission notes that one of the reasons that the FEADLE was given the power to take over investigations was the possible participation of state or local public officials in the attack on a journalist, to reduce the risk of impunity. Nonetheless, considering challenges in the effective application and establishment of objective criteria to make it possible to identify in which cases it is proper to invoke this power, the Commission concludes that the recommendation meets with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

337. To advance in complying with the recommendation, the criteria for the FEADLE to take over investigations must be defined, and they must be objective and transparent to ensure impartial trials. In this regard, the Commission invites the State to report examples of cases in which the power to take over investigations is exercised and applied objectively, ensuring transparent and impartial trials.

Recommendation No. 64 Maintain the FEADLE's character as a specialized prosecutor's office and vest it with sufficient financial and human resources so that it may achieve its objectives.

338. Based on what the State reported for the 2022 Follow-Up Report, the Commission received information on a supposed budget reduction for that year, affecting both the FEADLE and other specialized prosecutorial offices under the FGR.³⁶⁴

Information on compliance

339. In 2023, the State said that the FEADLE was established by Decision A/145/10 in May 2010, which turned it into a specialized mechanism. It also indicated that with the entry into force of the Organic Law of the FGR, on December 14, 2018, the FEADLE became part of the Office of the Special Prosecutor for Human Rights (FEMDH), according to Decision A/013/19 of the FGR of July 15, 2019. In addition, the State indicated that in the context of the National Conference of Governors (CONAGO) in 2017 actions were announced to strengthen the FEADLE, including increasing the number of federal prosecutors as a measure specially noted.³⁶⁵

340. In addition, the civil society organizations told the Commission that according to the reports of FEADLE itself, its budget has been slashed in recent years, falling to less than half of what it had been in

³⁶² The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

³⁶³ The IACHR received information submitted by ACUDDEH, Aluna Acompañamiento Psicosocial, Article 19, PBI, CEPAD, Frayba, CEMDA, CIMAC, Espacio OSC, Fundación para la Justicia y el Estado Democrático de Derecho, Front Line Defenders, OMCT, Plataforma por la Paz y la Justicia en Guanajuato, and Propuesta Cívica, among others.

³⁶⁴ IACHR, [Annual Report, Chapter V, Mexico, 2022](#), paras. 411 and 412.

³⁶⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 64](#).

2014.³⁶⁶ Similarly, the Commission learned of information according to which the budget for the FEADLE is one of the lowest of all the special prosecutorial offices of the FGR.³⁶⁷

Analysis and level of compliance with the recommendation

341. The IACHR observes with concern the allegations it heard on the drastic reduction in the operating budget of the FEADLE. Accordingly, based on the lack of information on measures to bolster this prosecutorial office with economic and human resources, the IACHR considers that this recommendation is **pending compliance**.

Measures and information to further compliance with the recommendation

342. To make progress in complying with the recommendation it is necessary to guarantee the FEADLE a sufficient budget, and strengthen its human resources, so that it can guarantee the effective performance of its functions.

Recommendation No. 65 Adopt special protocols for the investigation of murders pursuant to which the hypothesis of a relation to the journalistic profession is exhausted completely.

343. In Chapter V of its 2022 Annual Report the IACHR recognized the efforts of the FEADLE to give procedural impetus to investigate and punish crimes committed against persons engaged in journalism. It also observed that the FEADLE has made major gains reflected in convictions and detentions of persons considered responsible for crimes against journalists. Nonetheless, the Commission showed its concern over the increased violence against persons engaged in journalism in Mexico. Accordingly, it invited the State to strengthen the actions aimed at the full adoption of the existing protocols in the investigations. The Commission also urged the State to provide information comparing the reports received by journalists in contexts of risk due to their work with the relevant judgments handed down by the competent judicial authority.³⁶⁸

Information on compliance

344. In 2023, the State did not provide information related to compliance with this recommendation. Even so, the Commission takes note of FEADLE's 2023 Statistical Report, which refers to the creation, in 2017, of a multidisciplinary group of analysts with the aim of strengthening the investigative capabilities of the Attorney General's Office. According to this report, the group produces a context analysis that includes elements such as the understanding of the facts, the work of journalism, the actors involved, identifying concurrent events, among other aspects, in keeping with the "Guidelines for preparing the Context Analysis in investigating Crimes committed against the Freedom of Expression from the Standardized Protocol for investigating crimes against the Freedom of Expression."³⁶⁹

345. The civil society organizations reported that despite the existence of the Standardized Protocol for Crimes against the Freedom of Expression since 2018, it does not appear that it has been effectively applied by the prosecutorial offices. In this respect, the organizations indicated that through a request for information to the state-level prosecutorial offices they asked in how many cases the protocol was applied, to which at least seven of those offices stated that such information was not being generated, did not exist, or that

³⁶⁶ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

³⁶⁷ 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](#); 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](#).

³⁶⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 413 and 416.

³⁶⁹ 2023 Statistical Report, Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), submitted by the Mexican State for the 2023 Annual Report of the RELE. Archive of the Office of the Special Rapporteur for Freedom of Expression, August 31, 2023.

the prosecutor's office did not have the authority. In addition, at least nine other state-level attorney generals' offices reported numbers that showed a discrepancy between the number of cases of crimes committed against journalists and the number of cases in which the protocol was used. For the organizations, this shows that contrary to what is indicated in the protocol, it is not used in all cases.³⁷⁰

346. In addition, civil society organizations stated that even if the FEADLE does decide to take a case, this does not imply access to justice, since, according to its own statistics, it has received 1,433 complaints from 2010 (the year it was established) up to August 2021, with 25 judgments in all. In that regard, the organizations indicated that only 1.74% of the cases of which the FEADLE has taken cognizance have resulted in a judgment. Considering these data, the organizations indicated that the impunity in the cases that the FEADLE has taken on is 98.26%, considered a historic figure. They concluded that most of the cases of crimes or human rights violations against the press remain in impunity.³⁷¹

347. Regarding the foregoing, in its observations on this report the State emphasized that not all the complaints submitted have sufficient elements to prosecute and obtain a judgment. It reported that as of November 2023, there were 808 investigations in the Office of the Special Prosecutor for Crimes against Freedom of Expression, of which 205 have been prosecuted; 37 have reached an agreement on reparation of the harm with the prosecutor's office; in 175 the prosecutor's office has no authority; in 223 no criminal action has been brought; 104 have been archived temporarily; 53 have been joined; in 10 the Office refrained from investigating; and one was classified as "other decisions."³⁷² The State indicated that the figures need to count alternative resolutions, such as agreements on reparation and conditional suspensions of the proceedings.³⁷³

348. In addition, the Commission learned of the FEADLE's Statistical Report updated to June 2023. It shows that from 2010 to 2023 the FEADLE had brought criminal actions against 255 public servants, including two governors and nine mayors.³⁷⁴ In 2023, criminal actions were brought against 11 public servants for the crimes of abuse of authority (10) and threats (1).³⁷⁵ In addition, of the 255 cases against public servants, 201 had gone to trial, and 54 are awaiting the initial hearing.³⁷⁶ Moreover, 76.1% of the public servants subject to proceedings are tied to public security tasks.³⁷⁷ Finally, based on the Statistical Report for 2023, the Commission and its Office of Special Rapporteur observe that in the first half of the year criminal actions were brought in 19 cases, and that the FEADLE was competent to hear 447 of a total of 820 investigations.³⁷⁸

Analysis and level of compliance with the recommendation

349. In its previous reports following up on recommendations, the IACHR and the Office of the Special Rapporteur for Freedom of Expression have recognized the efforts of the FEADLE to give procedural impetus to investigate and punish crimes against persons engaged in journalism.³⁷⁹ In addition, they have

³⁷⁰ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³⁷¹ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³⁷² Observations and comments by the State, December 20, 2023, p. 22.

³⁷³ Observations and comments by the State, December 20, 2023, p. 22.

³⁷⁴ 2023 Statistical Report Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), submitted by the Mexican State for the 2023 Annual Report of the RELE. Archive of the Office of the Special Rapporteur for Freedom of Expression, August 31, 2023.

³⁷⁵ 2023 Statistical Report Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), submitted by the Mexican State for the 2023 Annual Report of the RELE. Archive of the Office of the Special Rapporteur for Freedom of Expression, August 31, 2023.

³⁷⁶ 2023 Statistical Report Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), submitted by the Mexican State for the 2023 Annual Report of the RELE. Archive of the Office of the Special Rapporteur for Freedom of Expression, August 31, 2023.

³⁷⁷ 2023 Statistical Report Office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE), submitted by the Mexican State for the 2023 Annual Report of the RELE. Archive of the Office of the Special Rapporteur for Freedom of Expression, August 31, 2023.

³⁷⁸ Permanent Mission of Mexico to the OAS. Information provided by the State for the 2023 annual Report of the RELE. Archive of the Special Rapporteur for Freedom of Expression. August 31, 2023.

³⁷⁹ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 403 and 404.

observed that the FEADLE has made major strides in arrests and convictions of persons allegedly responsible for crimes against journalists.

350. Nonetheless, the IACHR observes that in 2023 the State did not provide additional information on compliance with this recommendation. The Commission also observes that there is an obstacle to the investigations advancing due to structural problems in the administration of justice. Specifically in the case of journalists, one observes that most are studied as rare or isolated incidents, without implementing a line of investigation that takes account of the particularity of the work of journalists. Based on the foregoing analysis, the Commission concludes that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

351. To provide guidance for compliance with this recommendation the IACHR invites the State to continue adopting measures to strengthen the existing protocols in the processes of investigation and apply them effectively, and to report on these actions.

Recommendation No. 66 Improve the existing relation between the federal and state jurisdictions with the objective of avoiding competence conflicts that impede or delay investigations.

352. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission learned about cooperation between the federal and state jurisdictions, under the legal framework in place. It considered that the number of cases taken on by the FEADLE would continue to be low compared to the high figures reported on assassinations of journalists. Accordingly, the Commission indicated that it would be necessary to establish objective criteria to make it possible to determine when to exercise the power to take over the investigation of a case at the federal level, curbing discretion. In addition, given the increased violence against journalists in Mexico, the State noted that it was necessary to strengthen investigations and avoid delays in investigations.³⁸⁰

Information on compliance

353. In 2023, the State reported to the Commission that the relationship between the federal and state authorities is marked by cooperation, sharing of information, and constant support, so as to obtain positive results in the investigations. It thus indicated that the Supreme Court, in the Application to Exercise the Power to Take Over an Investigation (Solicitud de Ejercicio de Atracción) 294/2023, determined requirements to determine whether it is to exercise the power as a means to review the constitutionality of a given measure. First, it noted that it should be exercised *sua sponte*, or upon the well-founded application of a party with standing (the Supreme Court, the Collegial Circuit Court, the Attorney General of the Republic, or the Federal Executive); and second, it indicated that one of the scenarios established in the federal Constitution must be present. According to the Constitution, this mechanism may go forward in the context of direct *amparo* proceedings and motions for review in indirect *amparo* proceedings, so long as they meet the characteristics of importance (in relation to the analysis of the persons involved and the repercussions it may have for the country) and transcendence (the possibility of a novel holding that may impact future cases).³⁸¹

354. The civil society organizations indicated that the State has yet to design a comprehensive public policy that recognizes the interrelationship and interdependence of the State's obligations in this area. Moreover, they pointed to the need for the states and different levels of government to coordinate among themselves to put in place measures of protection. In addition, the civil society organizations reported that the Standardized Protocol for investigating crimes against freedom of expression and the Federal Code of Criminal Procedure establish normative criteria for taking over an investigation. Yet even so they stated that it continues to be entirely at the discretion of the FEADLE to determine whether it is before a case in which it is statutorily

³⁸⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 417 and 422.

³⁸¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 66](#).

authorized to take over an investigation. To do so, according to the legal framework, they indicated that one must apply a contextual analysis. Nonetheless, they stated that from the information they have been able to pull together the prosecutorial authorities do not have the structural capacity to create special units to cover this aspect.³⁸²

Analysis and level of compliance with the recommendation

355. Based on the information learned in following up on this recommendation, the IACHR notes that there is a legal framework, as well as a recent decision by the Supreme Court, that establish criteria aimed at avoiding jurisdictional clashes. Considering the content of this recommendation, the IACHR identifies the need for additional information that indicates the updated figures on jurisdictional clashes in relation to these investigations, the effectiveness of the exercise of the power to take over investigations, and progress in the investigations. Nonetheless, acknowledging the information provided by the State, the Commission considers that the recommendation now meets with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

356. To provide guidance for further implementation of this recommendation, the IACHR invites the State to provide information on how the establishment and use of objective criteria on the exercise of the power to take over investigations have been strengthened to guarantee speedy investigations and justice, as well as fewer jurisdictional conflicts.

Recommendation No. 67 Allow victims, their families and, when applicable, assisting third parties to participate in the criminal processes with full guarantees, both for the search of the truth and for clarifying the facts, as well as at the time of demanding reparations.

357. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission learned that the participation of family members in the investigation is guaranteed through the CEAV. Nonetheless, the IACHR learned that the request that can be made through that institution, through its lawyers, did not guarantee that the prosecutorial authority would allow the participation and access of the families to the investigations. Accordingly, the IACHR recommended that the institutions in charge of representing the victims, at the federal and state levels, as well as the victims, must be guaranteed the right to participate in the investigations conducted by the prosecutors. Similarly, the Commission indicated that the State must send information on how the prosecutorial authorities guarantee compliance with the recommendation.³⁸³

Information on compliance

358. In 2023, the State submitted information to the Commission on the drafting of the Standardized Protocol for Investigating Crimes against Freedom of Expression by the CNPJ; it establishes the right of the victims and their families to participate in criminal proceedings with full guarantees. In addition, the State indicated that federal prosecutors were certified in Standard of Competence EC1103 on the adequate composition of the investigative files to adequately implement the Standardized Protocol for Investigating Crimes against Freedom of Expression. In addition, it was reported that FGR personnel have strengthened their knowledge of victims' rights through a course offered in June and July 2023.³⁸⁴ Finally, it was reiterated that there are Executive Commissions for Attention to Victims, which had legal advisers who represent victims.³⁸⁵

³⁸² Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³⁸³ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 423 and 427.

³⁸⁴ Persons trained: 54 federal prosecutors, 17 federal prosecutorial police agents, 8 experts, 45 facilitators, 1 analyst, and 29 administrative personnel. Total: 65 men and 89 women.

³⁸⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 67](#).

359. The civil society organizations reported that victims' participation in investigations continues to be limited, even with the representation of the commissions for attention to victims, and despite the provisions in the General Law on Victims, as well as in the state laws that provide for attention to victims and victims' rights. In addition, the organizations indicated that they had knowledge of revictimization by the commissions and noted that the determinations of reparation for harm did not reflect true satisfaction for the victims. In addition, the organizations reported cases of abandonment in the representation before prosecutorial authorities at the state and federal levels.³⁸⁶

Analysis and level of compliance with the recommendation

360. The IACHR values the information submitted by the State related to the drafting of the Standardized Protocol for Investigating Crimes against Freedom of Expression considering that it establishes the right of victims and their families to participation, as well training actions. Nonetheless, the IACHR observes that the organizations continue to report a limited ability of victims to participate in criminal proceedings and actions for reparation. These allegations suggest the State needs to provide an adequate response that guarantees this participation. In view of the foregoing, the Commission considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

361. To guide the implementation of this recommendation the IACHR invites the State to guarantee, in practice, the participation of victims and their families in criminal proceedings as well as in the process of seeking reparations. Accordingly, the Commission invites the State to identify the cause of the allegations made by civil society and propose measures that provide an adequate response. In addition to the information on measures to guarantee participation before investigative bodies, information is requested on the participation of victims by prosecutorial authority and reparation mechanisms. In addition, in the face of the allegation that the victims' commissions do not guarantee victims' participation, the IACHR invites the State to adopt measures so that such representation before this entity not impede guaranteed access of the victims to the investigation.

G. Access to information

Recommendation No. 68 Regarding the legal attributions that the Law of Access to Information assigns to the Presidency's Legal Advisor's Office, such attribution should be regulated according to international principles regarding access to public information and national security.

362. In Chapter V of its 2022 Annual Report the IACHR took note of the legal framework reported by the State and the ability to bring motions for review (*recursos de revisión*) against resolutions of the INAI on grounds of national security. In that regard, the IACHR learned that Article 5 of the General Law on Transparency and Access to Public Information (LGTAIP) indicates that one may not classify as confidential (*reservada*) information related to serious human rights violations or crimes against humanity. The Commission also observed the information submitted on the two 2022 rulings of the Supreme Court on motions for review brought by the Office of Legal Counsel of the Presidency against decisions of the INAI. In those rulings the Supreme Court indicated that "the motion for view on matters of national security is an extraordinary or exceptional means of legal defense."³⁸⁷ In this context, the IACHR invited the State to provide additional information about these decisions and to report whether there is another domestic statute or regulation that confirms the exceptional nature of the power of the Office of Legal Counsel of the Presidency.³⁸⁸

³⁸⁶ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

³⁸⁷ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 429.

³⁸⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 428 and 436.

Information on compliance

363. In 2023, the State informed the IACHR of the Supreme Court decision in Constitutional Dispute (Controversia Constitucional) 217/2021, in which the INAI was the moving party. By this decision the “Executive order by which the instrumentalities and entities of the Federal Public Administration are instructed to carry out the actions indicated, as regards the projects and works of the Government of Mexico considered to be of public interest and for national security, as well as priority and strategic for national development,” was found unconstitutional. The Supreme Court considered that the drafting of some of its articles impaired access to information and the consequent obligation of transparency.³⁸⁹

364. Several civil society organizations submitted information to the Commission regarding Constitutional Dispute 217/2021, relating to the Tren Maya and the Trans-isthmian Corridor, mentioned by the State. The organizations added that the same day that the Court’s ruling was made public, the Federal Executive published another decree in the same terms as the November 2021 decree and that in this context the INAI filed a complaint appeal (*recurso de queja*) before the Supreme Court since the constitutional dispute was still pending resolution. The organizations noted that nonetheless, on July 5, 2023, on ruling on the motion, the First Chamber of the Supreme Court found that the new declaration did not violate the suspension of the 2021 decision, on concluding that it does not order any authority to keep the information confidential, but rather to respond to any application as a matter of obligation. In addition, the Plenary of the Supreme Court considered that the precautionary measure granted was aimed at preventing the information from being improperly classified as confidential and not at prohibiting the authorities from defining some project as being for national security. Nonetheless, the civil society organizations consider that the decision of the Supreme Court does not help change the practice of denying access to adequate information. Accordingly, the opacity on the part of the mandated agencies with respect to these projects will continue due to the resistance to guarantee access to information.³⁹⁰

Analysis and level of compliance with the recommendation

365. The IACHR reiterates what it said in 2022 to the effect that on several occasions it has noted that the power set out in Article 157 de la LGTAIP (i.e., the law that allows the Office of Legal Counsel of the Presidency to request review of an INAI decision to declassify information, arguing national security grounds) poses risks for access to information of great public interest. In addition, the IACHR has observed the information submitted by the State in 2022 on the two Supreme Court rulings of that same year on motions for review brought by the Office of Legal Counsel of the Presidency against decisions of the INAI. In this respect, the IACHR underscores that these decisions reiterate the exceptional nature of this provision of Article 157 of the LGTAIP, without it being possible to use it as an appeal and considering that the remedy should be limited to countering decisions to release information that may endanger national security, which was definitively resolved by the Supreme Court.

366. Based on the foregoing, the IACHR observes that the power established by Article 157 of the LGTAIP is exceptional and limited, in addition to being limited by Article 5 of the same statute, in that it cannot be used to classify information related to serious human rights violations confidential. In addition, the IACHR observes that the exercise of this power should be resolved exclusively by the Supreme Court.

367. Furthermore, the IACHR values the information submitted in 2023 regarding Constitutional Dispute 217/2021. In this regard, it notes that the Supreme Court had found the “Executive order by which the instrumentalities and entities of the Federal Public Administration are instructed to carry out the actions

³⁸⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 68](#).

³⁹⁰ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

indicated, as regards the projects and works of the Government of Mexico considered to be of public interest and for national security, as well as priority and strategic for national development” to be unconstitutional.³⁹¹

368. Despite the foregoing, the IACHR also observes that in 2022 it had already asked the State for information on the two Supreme Court decisions to which it referred in 2022, and to report whether there is another law that confirms the exceptional nature of the power set out in Article 157 of the LGTAIP, as well as data that show that in practice this power is not used to limit access to information that should be accessible to the public. Considering that the State has yet to provide this information, the IACHR considers that this recommendation meets with **substantial partial compliance**.

Measures and information to further compliance with the recommendation

369. With a view to providing guidance for the implementation of this recommendation, the Commission reiterates its invitation to the State to provide additional information on the decisions that the Supreme Court adopted in 2022 on the exceptional nature of this motion for review, with a view to verifying whether it has determined other limits on the power of the Office of Legal Counsel of the Presidency, considering access to information of interest to the public. In addition, the Commission invites the State to report whether there is another statute or regulation that confirms the exceptional nature of the power of the Office of Legal Counsel of the Presidency established in Article 157 of the LGTAIP, beyond the case-law of the Supreme Court, as well as data that show that in practice this power is not used to limit access to information of public interest.

Recommendation No. 69 Strengthen laws, policies, and practices to ensure that judicial authorities have complete access to relevant information when they investigate and hear cases on human rights violations attributed to the security forces.

370. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note of its commitment to pursue the adoption, in a collaborative effort of the three levels of government of the statutes and regulations necessary to guarantee judicial authorities access to information in respect of crimes committed against human rights. Accordingly, the Commission invited the State to adopt the appropriate measures to guarantee that the judicial authorities have access to the information indicated in the recommendation, in the context of investigations.³⁹²

Information on compliance

371. In 2023, the State informed the Commission that on January 27, 2017, the decree was published by which the Federal Law on Transparency and Access to Public Government Information was repealed and the Federal Law on Transparency and Access to Public Information was enacted. In this regard, it noted that since it was adopted this law has undergone a series of reforms in favor of strengthening the right of access to information. It also indicated that the decree was published repealing the Organic Law of the FGR, in which it highlights an article on transparency and access to information.³⁹³

Analysis and level of compliance with the recommendation

372. The IACHR considers that the information provided by the State is insufficient for the purpose of complying with the recommendation. As indicated in the latest annual reports, the Commission understands that the context of serious human rights violations faces major challenges and requires institutional efforts to strengthen obligations of transparency and access to information, especially in the context of investigations

³⁹¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 68](#).

³⁹² IACHR, Annual Report, Chapter V, Mexico, 2022, paras. 437 and 440.

³⁹³ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 69](#).

and judicial proceedings. As it is an obligation compliance with which calls for progressive action, the IACHR considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

373. To guide the implementation of this recommendation, the Commission reiterates the importance of the State adopting appropriate measures to ensure that the judicial authorities have access to information in the context of the investigations, including inter-institutional cooperation agreements or any other measure that serves this purpose.

Recommendation No. 70 Adopt pertinent measures so that security agencies compile, systematize and publish periodically information regarding injuries to life and personal integrity as a consequence of the fight against organized crime. The information regarding such injuries should describe the place where they occurred, the date, information regarding the unit of the security force that was present when they occurred, information regarding its mandate and control. In addition, it should describe what were the causes of the injury and the inability to prevent them.

374. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission highlighted the lack of information on significant gains in relation to this recommendation. Accordingly, it invited the State to adopt measures to systematize the data on negative impacts stemming from the fight against organized crime, so that the information is transparent, up-to-date, clear, concise, and articulated. In addition, the Commission invited the State to ensure that the record disaggregate data on ethnic-racial origin, age, sex, sexual orientation, and gender identity and/or expression of the persons indicated in the recommendation and, finally, that the record can be used for reparation actions.³⁹⁴

Information on compliance

375. In 2023, the State reported to the Commission the creation of the National Information Center, in coordination with the states, which has the function of periodically publishing information on crime including, among other data, impairments of the rights to life or integrity. The State indicated that this new methodology was designed in coordination with various lead and specialized technical areas, civil society, and academia.³⁹⁵

Analysis and level of compliance with the recommendation

376. The Commission reiterates that in democratic societies it is essential that the state authorities be governed by the principle of maximum dissemination, such that all the information in the possession of the State is presumed public and accessible, subject to a limited regime of exceptions. In this context, the concept of national security should be interpreted under the parameters of the “just demands of the common good in a democracy society.”³⁹⁶ In addition, the Commission and the Office of the Special Rapporteur for Freedom of Expression recall that the right of access to information imposes on the State the obligation to produce and provide the maximum amount of information that is complete, comprehensible, accessible, and up-to-date. Moreover, they note that the disaggregation of the data by ethnic-racial origin, age, sex, sexual orientation and/or gender expression is essential for the State to be able, in addition, to carry out its duty to provide these sectors special and priority attention.³⁹⁷

³⁹⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 441 and 446.

³⁹⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 70](#).

³⁹⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Derecho a la información y seguridad nacional](#). OEA/Ser.L/V/II CIDH/RELE/INF.24/20. July 2020. Para. 76.

³⁹⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, [The Inter-American Legal Framework regarding the Right to Access to Information](#). OEA Ser.L/ V/ II CIDH/RELE/INF. 1/09. December 30, 2009.

377. The IACHR values the information provided by the State on the creation of the National Information Center. Nonetheless, the information provided does not indicate the role of the security agencies in the functions to be performed by this center. Considering the importance of the State indicating precisely how the security agencies compile, systematize, and publish the data requested in the recommendation, the IACHR considers that it continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

378. With a view to providing guidance for the implementation of this recommendation, the IACHR would like to invite the State to adopt measures for the security agencies to perform the compilation, systematization, and publication of data on the negative impacts stemming from the fight against organized crime and to provide information on these measures. The Commission also suggests that the State ensure that this process of systematization be transparent, up-to-date, clear, concise, and articulated, and that it explains how these characteristics have been guaranteed. Moreover, the Commission recalls the importance of registries disaggregating data by ethnic-racial origin, age, sex, sexual orientation, and gender identity and/or expression of the persons indicated in the recommendation, and, finally, that the registry be used for reparation actions.

H. Mechanism of Protection for Human Rights Defenders and Journalists

Recommendation No. 71 Require competent authorities to consider international parameters regarding protection, especially the considerations outlined 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 IACHR’s Special Rapporteurship for Freedom of Expression.”

379. In Chapter V of its 2022 Annual Report the IACHR took note of the presentation of the assessment of the functioning of the Mechanism of Protection by the UN OHCHR. Accordingly, the IACHR invited the State to include in the follow-up information about how specifically the standards have been adopted that are spelled out 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 IACHR’s Special Rapporteur for Freedom of expression.³⁹⁸

Information on compliance

380. In 2023, the State informed the Commission that UN OHCHR presented an assessment on the performance of the Protection Mechanism; it contains 104 recommendations. In addition, it noted that at present a working group has been set up for their implementation. It was also reported that a promotion campaign has begun highlighting the importance of human rights defenders and journalists.³⁹⁹

381. The civil society organizations reported that the State is facing significant non-compliance in relation to the standards set out in the “Second Report on the Situation of Human Rights Defenders in the Americas.”⁴⁰⁰ These include the lack of an overarching policy of protection for human rights defenders and journalists, despite the trainings of public officials; the continued stigmatization of the press by the authorities, which is said to have increased compared to prior years; and the lack of progress resolving cases of violence against the press, which contrasts with the swift progress in cases of judicial harassment against journalists, which, in the organizations’ view, suggests arbitrary and illegal use of Mexican law.⁴⁰¹

³⁹⁸ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 447 and 449.

³⁹⁹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 71](#).

⁴⁰⁰ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

⁴⁰¹ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

Analysis and level of compliance with the recommendation

382. The IACHR is grateful for the information provided on the assessment presented by UN OHCHR and on the formation of the working group for implementing the recommendations put forward in this tool. In this regard, the IACHR once again welcomes the participation of other international human rights bodies to shore up compliance with the State's human rights obligations. Awaiting information on the adoption of measures by this working group, the Commission considers that the recommendation continues to be met with **partial compliance**.

Measures and information to further compliance with the recommendation

383. With the aim of providing guidance for compliance with this recommendation, the IACHR invites the State to ensure that the information provided for follow-up describes how specifically the standards have been adopted that are set forth in the "Second Report on the Situation of Human Rights Defenders in the Americas" and in the "Report on Violence against Journalists" of the Office of the Special Rapporteur for Freedom of Expression." In this regard, it emphasizes that it will be useful for the measures adopted by the Group of Experts to indicate how they further implement the recommendations made by the IACHR in both reports.

Recommendation No. 72 Provide all political support necessary for the adequate operation of the protection mechanism, which should include all the necessary financial resources so that it may develop its competencies efficiently in relation to protection, and so that it may be sustainable over time.

384. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission welcomed the fact that actions were promoted, from the Ministry of Interior, aimed at strengthening the Protection Mechanism, based on ongoing training, the allocation of public resources, the entering into agreements with states, and the formation of working groups to address the issues faced by the Protection Mechanism. In addition, the IACHR invited the State to adopt specific measures to guarantee the financial sustainability as well as the sustainability of the functions of the Mechanism.⁴⁰²

Information on compliance

385. In 2023 the State reiterated the information provided in context of recommendation 34 of this report.⁴⁰³

386. In this respect, the civil society organizations reported that since its creation in 2012, the Mechanism of Protection for Human Rights Defenders and Journalists in Mexico has depended on the Fund for the Protection of Human Rights Defenders and Journalists, financed through Trust 10232 (Fideicomiso 10232). Nonetheless, in November 2020 the extinction of this trust was announced, despite prior requests by the CNDH to avoid a situation of lack of protection for the beneficiaries. According to the organizations, this extinction of the trust increased the vulnerability and the danger for the 1,736 persons included under the Mechanism, since the resources and logistics for guaranteeing measures of protection were under the responsibility of the SEGOB, which, they say, weakened accountability and transparency. The organizations also indicated that although the budget allocated to the Mechanism increased in recent years, this situation poses concerns as to the continuity and effectiveness of the measures of protection for human rights defenders and journalists in Mexico.⁴⁰⁴ In this regard, the organizations said that the budget executed had increased from 415.6 million pesos in 2021 to 388 million in 2022, and approximately 586 million in 2023. Nonetheless, they note that this

⁴⁰² IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 450 and 452.

⁴⁰³ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 72](#).

⁴⁰⁴ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

is still insufficient, especially considering the number of beneficiaries, which also increased under the current administration.⁴⁰⁵

Analysis and level of compliance with the recommendation

387. In this respect, the IACHR welcomes the measures to guarantee a sufficient budget for the Mechanism. The Commission recognizes the work of evaluation implemented by the State. Nonetheless, as indicated in preceding paragraphs, it has also learned of the challenges the Mechanism has faced implementing the measures of protection. Accordingly, it invites the State to continue the actions aimed at strengthening the Mechanism, considering that it needs to be consolidated in the face of the persistent violence faced by human rights defenders and journalists in Mexico. For that reason, the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

388. With the aim of providing guidance for follow-up on this recommendation, the IACHR invites the State to adopt specific measures that guarantee the financial sustainability and the sustainability of the functions of the Mechanism. It also suggests that the State undertake an assessment to identify whether the resources allocated, which have increased, are sufficient for the performance of the Mechanism's functions; such an assessment would have to include the participation of the beneficiaries of the measures adopted by the Mechanism.

Recommendation No. 73 Adopt all necessary measures to assign and train all necessary personnel for its adequate operation.

389. In Chapter V of the 2022 Annual Report the IACHR took note of the trainings for the personnel of the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism). Nonetheless, the IACHR invited the State to adopt the measures necessary for all the personnel required for the adequate operation of the Mechanism to receive training. In addition, it invited the State to ensure the trainings were properly evaluated to ensure their usefulness, and to report on their permanence, duration, and principal results.⁴⁰⁶

Information on compliance

390. In 2023 the State submitted information about the implementation of a training program for the 70 persons who work with the Mechanism. It noted that this Program had a duration of 180 hours in which the subject matter addressed included human rights, gender perspective, legal argument, victim assistance, and risk analysis, among others.⁴⁰⁷

391. In its observations on this report the State added that trainings have been given to 1,896 public servants in 22 states to make known the scope and work of the Mechanism of Protection for Human Rights Defenders and Journalists. It added that an additional 1.75 billion additional pesos were spent for the Mechanism in 2023, far greater than the budget for 2022.⁴⁰⁸

392. The civil society organizations reported that a 2019 assessment by the UN OHCHR revealed that the personnel had not received adequate training; in some cases the training did not take account of the

⁴⁰⁵ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Thematic report about human rights defenders and journalists (2018-2023).

⁴⁰⁶ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 453 and 456.

⁴⁰⁷ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 73](#).

⁴⁰⁸ Observations and comments by the State, December 20, 2023, p. 22.

functions they performed or was given by persons who were not qualified.⁴⁰⁹ Moreover, they indicated the lack of preparation in human rights and gender perspective of the persons who worked as bodyguards both from private enterprises and members of the police who provide protection. In this regard, it was noted that despite efforts to increase and improve training in recent years, the civil society groups continue to denounce various situations, including the unjustified removal of protective measures, as well as complaints of workplace harassment and sexual violence against women beneficiaries and personnel, with the knowledge and complicity of the principal officers of the Mechanism and of the Human Rights Defense Unit of the SEGOB, which would point to the need for greater attention and improvement in this respect.⁴¹⁰ In addition, civil society organizations indicate that they have experienced patterns of gender or racial discrimination by Mechanism staff against indigenous human rights defenders, calling into question defenders' perceptions of their own security situation, and they allege harassment by Mechanism staff.⁴¹¹

Analysis and level of compliance with the recommendation

393. The Commission takes note of the efforts of the State and values the fact that a 180-hour program has been implemented for all the persons who work in the Mechanism of Protection. The IACHR considers it important that these trainings be carried out regularly and sustainably over time, and that they be mandatory. The IACHR also takes note of the allegations of civil society to the effect that some officials still need training in human rights and gender perspective. In view of the training program reported for the entire institution, the IACHR considers that this recommendation has advanced to **substantial partial compliance**.

Measures and information to further compliance with the recommendation

394. With the aim of providing guidance for the implementation of this recommendation, the IACHR invites the State to continue adopting training measures and to report whether these programs are regulated to be carried out permanently and on a mandatory basis for all the personnel needed for the adequate operation of the Mechanism. With a view to declaring full compliance with the recommendation, the IACHR invites the State to report whether the trainings are properly evaluated.

Recommendation No. 74 Guarantee that risk assessments and the implementation of prevention and protection measures are done adequately and addressing the urgency of the situation. Therefore, assign protection and review schemes regarding the adequacy of the risk evaluation processes, guarantee an adequate participation, communication and consensus-building with the persons protected by the mechanism, as well as the beneficiaries of precautionary measures requested by the IACHR.

395. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note of the substantive legislation applicable to the Mechanism. Nonetheless, it observed with concern the allegations received according to which the risk assessments are not up to the relevant international standards.⁴¹²

⁴⁰⁹ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

⁴¹⁰ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023; Proceso, [Abusos y acoso... en el Mecanismo de Protección](#), August 21, 2023.

⁴¹¹ IM Defensoras, [\[Pronouncement\] Demandamos del Estado mexicano un Mecanismo de Protección que garantice nuestro derecho a defender derechos humanos y a informar en libertad, con seguridad y sin discriminación ni violencia](#), September 8, 2023.

⁴¹² IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 457.

Information on compliance

396. In 2023 the State affirmed that the risk assessments are implemented individually or collectively, applying a gender perspective and an intersectional approach. It also reported that the assessment should be approved by the members of the Governing Board.⁴¹³

397. Civil society organizations reported that the Protection Mechanism had faced criticisms related to the evaluation and removal of security measures for beneficiaries in recent years. On this point, they stated that the risk assessments are often performed in inadequate conditions, without considering the context of the beneficiaries, which results in shaky analyses removed from reality. In addition, they indicated that the time used to compile information has been significantly cut, which has a negative impact on the quality of the assessment and that crucial measures were removed, such as shelters, based on the current location of the beneficiaries, exposing the persons to greater risk.⁴¹⁴ Other challenges identified by civil society organizations include the lack of information that would make it possible to analyze the contexts of the risks, the lack of analysis of all the variables of risk and not considering all the security impairments, events, and incidents in the chain of violence that human rights defenders have suffered.⁴¹⁵

Analysis and level of compliance with the recommendation

398. The Commission observes that even when persons are well-received under the measures of the Mechanism, the measures granted and the decisions to remove those measures have posed a problem when it comes to guaranteeing the lives and integrity of human rights defenders and journalists. The Commission observes in this connection that according to information from Reporters without Borders, of the 111 journalists and human rights defenders assassinated in Mexico in the first 1,000 days of the current administration, nine were beneficiaries of protective measures adopted by the State.⁴¹⁶

399. Similarly, the Commission observes that civil society criticisms with respect to the “unwarranted removal of protective measures” by the Mechanism appear to reflect irregularities in its activity. In this regard, the Commission learned of the case of Yanely Fuentes, a victim of forced internal displacement, who in July 2023 was said to have received messages from an employee of the Mechanism’s private security company to inform her that her security measures were being withdrawn, and thus suspending her electricity and water without any communication from the Mechanism.⁴¹⁷ In addition, the Commission learned of an *amparo* proceeding brought against the Mechanism for alleged failure to carry out the measures of protection,⁴¹⁸ as well as the alleged increase in *amparos*, *quejas* (*amparo* complaints), appeals (*recursos*), and complaints (*denuncias*) against the Mechanism, apparently reflecting the number of applications rejected; in 2022 of 291 applications submitted, 152 were reported rejected without the reasons for these decisions being revealed, according the public information from civil society.⁴¹⁹ The Commission observes that civil society has made statements with respect to the alleged irregularities in the timeliness, granting, and removal of the measures and risk assessments, thus the Commission concludes that the recommendation meets with **partial compliance**.

⁴¹³ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 74](#).

⁴¹⁴ Article 19, Follow-up on compliance with recommendations in the report “Human Rights Situation in Mexico,” September 11, 2023.

⁴¹⁵ Espacio OSC, *Personas defensoras de derechos humanos y periodistas en situación de desplazamiento forzado interno en México*, 2023, p. 21.

⁴¹⁶ Reporters without Borders, [Sobre el Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas – México](#), October 24, 2022.

⁴¹⁷ Article 19, [Mecanismo deja en desamparo a periodista desplazada](#), September 4, 2023.

⁴¹⁸ CEDEHM, [Defensores del medio ambiente presentan amparo contra el Mecanismo](#), August 29, 2023.

⁴¹⁹ Cencos, [Sobre el comunicado N.º. 445/2023 de la Secretaría de Gobernación](#), September 5, 2023.

Measures and information to further compliance with the recommendation

400. To provide guidance for compliance with the recommendation, the IACHR invites the State to guarantee the application of risk assessments based on relevant standards. The Commission also urges the State to establish objective criteria that make it possible to determine the conditions in which measures of protection should be granted and withdrawn, and to report on them and their application by the Protection Mechanism.

Recommendation No. 75 Undertake an evaluation and adoption of differentiated protection measures for women, indigenous leaders, and environmental defenders.

401. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note that the measures of protection are determined based on the risk assessment methodology, which includes a specialized differential approach, with a gender and intersectional perspective, to draw up the protection plan, considering the particular needs of the person and his or her context. Despite the information provided by the State, the IACHR invited the State to report information on how the different measures of protection are determined or established for the persons indicated in the recommendation.⁴²⁰

Information on compliance

402. In 2023, the State informed the Commission that the Protection Mechanism, through its Risk Assessment Unit, makes analyses based on a matrix that incorporates specific components on gender perspective, identity as a native or indigenous people, ethnic or social identity, and other conditions of vulnerability such as geographic context, gender role, socioeconomic status, health conditions or diseases, educational level, labor situation, gender orientation and expression, and condition, age, religious belief, disability, and whether the person has suffered any type of discrimination or violence for being a woman, among others. In addition, the State reported that 311 risk assessments had been carried out from January to August 2023.⁴²¹

403. In its observations on this report the State indicated that the Mechanism of Protection for Human Rights Defenders and Journalists shows progress, such as the design and implementation of a new methodology for comprehensive risk assessment with a gender perspective and a differential approach. According to the State, this methodology makes it possible to get a clear idea of the risk faced by human rights defenders and journalists.⁴²²

404. The civil society organizations reported that the Protection Mechanism has faced criticism due to the failure to effectively implement measures of protection and risk assessment. In this regard, they indicated that despite the trainings provided to personnel, the actual practices of receiving cases, following up, and granting measures of protection are insufficient. It was noted in this regard that although a gender analysis is incorporated in the risk assessment processes, this approach is not adequately reflected in the measures of protection, which may lead to them being removed without justification. In addition, the organizations indicated that it has been documented that the measures provided do not always consider the basic needs of the beneficiaries who come from different settings, such as the orientation about their new context. They also indicated that high turnover of personnel has been observed, as well as a lack of knowledge on human rights and gender perspective among the bodyguards, which has a negative impact on the quality of the service.⁴²³ In addition, the lack of an ethnic perspective results in the application of measures that are not appropriate for indigenous persons. Civil society organizations note, for example, that the measure entailing removal of indigenous leaders from their communities as a form of protection results in major ruptures that upset

⁴²⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 457.

⁴²¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 75](#).

⁴²² Observations and comments by the State, December 20, 2023, pp. 22 and 23.

⁴²³ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

community ties, as well as having a negative cultural impact when they are not able to continue their customs and traditions.⁴²⁴

Analysis and level of compliance with the recommendation

405. The Commission is grateful for the information provided. In this regard, it finds that it does not refer to the specific measures adopted by the State to provide differentiated protection to women, indigenous leaders, and defenders of the environment, but is limited to pointing out that these are criteria included in the analytical framework. Considering that it still does not have specific information on the content of the differentiated measures of protection for the persons indicated in the recommendation, the IACHR considers that it continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

406. To provide guidance for compliance with this recommendation, the Commission invites the State to provide information that describes how differentiated measures of protection for the persons indicated in the recommendation are determined or established in practice. Accordingly, the Commission urges the State to submit more information on the methodology implemented for assessing risk, how it developed with a differentiated approach, and how that approach determines the measures of protection that are granted.

Recommendation No. 76 Implement strategies so that the various institutions at the state and federal level work in a coordinated fashion to provide an integral response to all matters related to the protection of human rights defenders and journalists.

407. In Chapter V of its 2022 Annual Report the IACHR observed that the State reiterated the information previously provided on the Governing Board of the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism). Accordingly, the Commission invited the State to adopt the measures necessary for the strategies implemented for the articulated work to be mandatory and applied to offer a comprehensive response to protect human rights defenders and journalists.⁴²⁵

Information on compliance

408. In 2023, the State once again referred to the establishment of the Governing Board of the Protection Mechanism for Human Rights Defenders and Journalists, which is made up of various institutions and has the function of coordinating actions to ensure that cases receive timely attention. The State also indicated that the Protection Mechanism has organized national inter-institutional meetings that include the participation of the representatives of the General Secretariats for internal affairs (Secretarías Generales de Gobierno), the Secretariats for Public Security, and the Offices of Attorney General of the 32 states. In this regard, the State indicated that two national meetings were held in 2023.⁴²⁶

409. In its observations on this report the State added that institutional coordination has been promoted with the authorities associated with the protection of human rights defenders and journalists by holding three national meetings (December 2022, March, and August 2023). According to the State, this network helps improve coordination between the federal government and the state governments with greater involvement of the states in the measures of protection, thus ensuring co-responsibility with them. In addition, the State indicated that on July 12, 2022, the Cooperation Agreement was signed between the Mexican Social

⁴²⁴ Espacio OSC, *Personas defensoras de derechos humanos y periodistas en situación de desplazamiento forzado interno en México*, 2023, pp. 21-22.

⁴²⁵ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, paras. 461 and 465.

⁴²⁶ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 76](#).

Security Institute and the SEGOB for implementing a program for voluntary incorporation in the social security regime, bringing in, as of August 2023, a total of 925 independent journalists who did not have social security.⁴²⁷

410. The civil society organizations reported that it was proposed that a national network be established of authorities for the protection of journalists in Mexico; two national meetings were held, in April and August 2023. Nonetheless, they indicated that beyond these meetings no other measures had been taken. In addition, they said that they continued documenting cases in which there is no effective coordination between the request for measures of protection by the Mechanism and its implementation. Specifically, as regards the rounds of the police authorities, the beneficiaries report that while they are carried out for a few months after the meetings of the governing board, they are rarely continued for the whole period of accompaniment assigned.⁴²⁸ In addition, according to the civil society organizations the lack of coordination between the mechanism and the municipal authorities continues to be a challenge; the same can be said of the lack of coordination among the internal units of the mechanism.⁴²⁹

Analysis and level of compliance with the recommendation

411. The IACHR notes that in 2023 the State reiterated some of the information provided last year. Although it values the information about the inter-institutional meetings, it still does not have information that indicates how these contribute, in practice, to coordination between federal and state institutions. Awaiting more details on the measures of coordination implemented, the IACHR considers that the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

412. With the objective of providing guidance for the implementation of this recommendation, the IACHR invites the State to ensure that the strategies implemented for the articulated work among institutions at the federal, state, and municipal levels are mandatory. It also invites the State to continue reporting details on how, in practice, this coordination is being implemented to provide a comprehensive response for the protection of human rights defenders and journalists.

Recommendation No. 77 The protection mechanism should implement a communication strategy regarding its competencies, the requirements to enter the program, among other necessary information, with the objective of making human rights defenders and journalists aware about the protection that the mechanism can offer. Similarly, and in accordance with international standards, provide access to necessary information regarding the protection mechanism so that it may provide greater transparency regarding the work it is doing.

413. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note of the dissemination of information on the activities carried out, monthly bulletins and statistical reports from the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism) through its institutional website. The IACHR invited the State to submit specific information on the contents disseminated and about where these are published.⁴³⁰

Information on compliance

414. In 2023, the State reported to the Commission that a strategy has been implemented to disseminate the work of the Protection Mechanism, as well as awareness-raising for public servants on the work of defending human rights and the freedom of expression, including trainings in 19 states. In addition, the State indicated that the Protection Mechanism set up official accounts in social networks such as *Facebook*

⁴²⁷ Observations and comments by the State, December 20, 2023, p. 23.

⁴²⁸ Article 19, Follow-up on compliance with recommendations in the report "Human Rights Situation in Mexico," September 11, 2023.

⁴²⁹ Espacio OSC, *Personas defensoras de derechos humanos y periodistas en situación de desplazamiento forzado interno en México*, 2023, pp. 24-26.

⁴³⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 468.

and *Twitter* with the aim of increasing the dissemination of its activities.⁴³¹ In its observations on this report the State added that on May 2, 2023, in coordination with the European Union and the Office of the United Nations High Commissioner for Human Rights in Mexico, the campaign “De frente a la libertad” was presented. It indicated that this campaign is disseminated through the Mechanism’s social networks and was taken to 22 states.⁴³²

415. The civil society organizations reported that the Protection Mechanism uses the social network *Twitter* to publish information and relevant contents. Nonetheless, they indicated that the use of a single social network account is not equivalent to a communication strategy of the Mechanism, and that the population with access to Internet and *Twitter accounts* is limited.⁴³³

Analysis and level of compliance with the recommendation

416. The IACHR values the additional measures reported by the State around dissemination of the content on social networks. Nonetheless, a coordinated social communication strategy needs to be implemented that makes it possible to attain the objective of the recommendation in terms of making available the information on the areas of responsibility and powers of the Mechanism and getting it into the hands of human rights defenders and journalists. So, while the communication strategies using social networks are relevant, they are insufficient for getting the information to other sectors of the population who do not use social networks. Therefore, the recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

417. To provide guidance for the implementation of this recommendation the IACHR invites the State to submit additional information on the contents disseminated that were reported in 2023 and on where they are published. With respect to the informational material, the Commission suggests that the State go into greater depth with more information on the purpose, the reach of the dissemination strategy reported, as well as the duration and results of that dissemination. This information will make it possible to better assess progress in implementing the recommendation.

Recommendation No. 78 Encourage the mechanism to adopt a process that allows it to issue protection measures directly and of its own initiative (*sua sponte*) in those cases which, because of their gravity and urgency, require them immediately.

418. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note that the Protection Mechanism can respond to cases that are obviously serious and urgent through an extraordinary procedure. Accordingly, the IACHR invited the State to adopt and report on the results of specific measures and guidelines for establishing procedures for responding to serious and urgent cases.⁴³⁴

Information on compliance

419. In 2023, the State submitted information on the Unit for Intake of Cases and Rapid Response, which has the authority to issue and implement, immediately, urgent protection measures as from the time the request comes in, according to the Law for the Protection of Human Rights Defenders and Journalists.⁴³⁵

⁴³¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 77](#).

⁴³² Observations and comments by the State, December 20, 2023, p. 23.

⁴³³ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

⁴³⁴ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 471.

⁴³⁵ Progress report by the Mexican State on compliance with and follow-up to the IACHR’s recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 78](#).

420. The civil society organizations reported that the Mexican State has not presented measures or guidelines for addressing serious and urgent cases, and that there has been a lag in the process of becoming incorporated in the Protection Mechanism. In some of the cases they presented the organizations indicated having recorded a delay of at least three months in incorporating journalists to the Mechanism, which would render it inefficient and hardly effective in situations where members of the press are at risk. The organizations referred to the case of Gustavo Sánchez Cabrera, a journalist assassinated in June 2021 in Oaxaca who had suffered threats and break-ins at his residence. In this regard, the organizations indicated that even though he had identified his assailant and had received measures of protection, including police rounds, these measures were not implemented adequately and his request for reincorporation to the Mechanism faced significant delays in the assessment and application process, aggravating his situation of vulnerability.⁴³⁶

Analysis and level of compliance with the recommendation

421. The Commission observed the content of the Law for the Protection of Human Rights Defenders and Journalists, which at Article 26 provides that in the face of imminent danger an extraordinary procedure will be initiated by which urgent measures of protection can be issued within a period not to exceed three hours. Nonetheless, according to the law this process is triggered by a request and not by a *sua sponte* determination by the Mechanism. Accordingly, it is observed that, based on what is established in the law, at this time this is no procedure for granting measures of protection *sua sponte*, thus the Commission considers that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

422. To provide guidance for compliance with this recommendation, the IACHR invites the State to report whether it has implemented a procedure for the Mechanism to grant measures of protection at its own initiative (*sua sponte*).

Recommendation No. 79 Double efforts to investigate acts that cause the entry and permanence of protected persons into the protection mechanism, with a view towards conducting thorough investigations as prevention policy of the State.

423. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note that the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism) has the power to secure cooperation for implementing and managing measures of prevention, preventive measures, and urgent protective measures to guarantee the life, integrity, liberty, and security of the persons at risk. Accordingly, the Commission invited the State to adopt measures for institutional strengthening to ensure investigations into the situations that lead persons to enter the Protection Mechanism, and to report on the results of these measures. The Commission also invited the State to report progress in the investigative processes related to the cases that are in the Protection Mechanism and on the actions adopted to ensure the investigation is impartial, exhaustive, and speedy and that it leads to the adequate prosecution and punishment of the persons responsible.⁴³⁷

Information on compliance

424. In 2023, the State said that while the Protection Mechanism does not have powers to investigate crimes, it gives impetus to the involvement of the state-level attorney general's offices, and it helps strengthen a national network of authorities to better address the issue.⁴³⁸

⁴³⁶ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

⁴³⁷ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 474.

⁴³⁸ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 79](#).

425. The civil society organizations alleged impunity in cases of violence against journalists and emphasized that of the cases handled by the FEADLE, more than 97% have not had any verdict (from 2012 to December 2022). In addition, the organizations indicated that the federal Protection Mechanism had rejected any investigative act, arguing that it is not within its powers to investigate the facts, relegating the investigations to the state-level attorney general's offices and the FGR.⁴³⁹

Analysis and level of compliance with the recommendation

426. The Commission observes a challenge in coordination among authorities at different levels to assist in investigations and trials, which has made it difficult to go forward and develop effective trials that guarantee the right of access to justice. As the Commission observes that there is no information describing progress in coordination among authorities for investigations or prevention strategies, it finds that this recommendation continues to meet with **partial compliance**.

Measures and information to further compliance with the recommendation

427. To provide guidance for the implementation of this recommendation, the Commission invites the State to adopt institutional strengthening measures to ensure the investigation into the events that lead people to enter the Protection Mechanism, and to report on the results of these measures. The Commission also invites the State to report on progress in the investigations related to the cases covered by the Protection Mechanism and to report on the actions adopted to ensure that the investigation is impartial, exhaustive, and expeditious and that it leads to the adequate prosecution and punishment of the persons responsible.

Recommendation No. 80 Encourage the mechanism to adopt tools that allow it to evaluate the effectiveness of the implemented protection measures, as well as increase transparency of all its action to increase the trust of beneficiaries. The foregoing shall be accompanied by a policy of prevention and participation by the population object of the mechanism.

428. Based on the information reported by the State for the 2022 Follow-Up Report, the Commission took note that an evaluation was being designed on the effectiveness of the assistance buttons adopted by the Mechanism of Protection for Human Rights Defenders and Journalists (Protection Mechanism). To that end, it indicated that it would be working on the methodology, work plan, and timetable. In this connection, the IACHR invited the State to adopt measures that make it possible to have evaluation indicators to verify the effectiveness of the measures implemented in their totality, not only the panic buttons. It also suggested that this evaluation take account of the perspective of the users of such measures.⁴⁴⁰

Information on compliance

429. In 2023, the State indicated that the Unit for Prevention, Follow-Up, and Analysis of the Protection Mechanism is performing an evaluation of the measures implemented and is drawing up proposals to modify and improve them, in keeping with Article 23 of the Law for the Protection of Human Rights Defenders and Journalists.⁴⁴¹

430. In this respect, the civil society organizations reported that the Advisory Council of the Mechanism repeatedly pointed out shortcomings in the preparation and presentation of the risk analyses of beneficiaries, since they do not consider the context, the sources of risk, or the updated information. In this respect, civil society organizations compiled numerous reports from beneficiaries expressing their dissatisfaction with the protection plans assigned by the Mechanism. Moreover, the civil society organizations

⁴³⁹ The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

⁴⁴⁰ IACHR, [Annual Report, Chapter V, Mexico](#), 2022, para. 477.

⁴⁴¹ Progress report by the Mexican State on compliance with and follow-up to the IACHR's recommendations. Chapter V, September 2023, through the Inter-American SIMORE, [Recommendation 80](#).

indicated that they had documented an increase in *amparos*, *quejas* (*amparo* complaints), appeals for reconsideration (*recursos de inconformidad*), and complaints (*denuncias*) directed at both the Mechanism and the institutions that constitute it and their personnel. In this regard, the organizations also said that an increase had been observed in the number of requests for coverage that were rejected; in 2022, of 291 applications filed, 152 were rejected, without the reasons or the alternatives they may have been offered being divulged.⁴⁴²

Analysis and level of compliance with the recommendation

431. The Commission observes that the State did not provide detailed information on the outcome of the evaluations done by the Mechanism’s Prevention Unit. By way of contrast, the Commission observes with concern what was reported by civil society regarding the alleged shortcomings in the risk analyses performed by the Mechanism, as well as the complaints within the Mechanism related to its operations and personnel. Accordingly, the IACHR considers that this recommendation continues to be **pending compliance**.

Measures and information to further compliance with the recommendation

432. To guide compliance with this recommendation, the IACHR invites the State to adopt measures that enable it to have evaluation indicators to verify the effectiveness of the measures implemented in their totality. It also suggests that this evaluation takes into consideration the perspective of the users of such measures.

III. SUMMARY TABLE ON LEVEL OF COMPLIANCE WITH RECOMMENDATIONS

433. The following table shows the Mexican State’s level of compliance with each of the recommendations made by the Commission in its 2015 Report on the Situation of Human Rights

Topic of the recommendation	Recommendation number	2022 Level of compliance	2023 Level of compliance
Citizen security	1	Pending	Pending
	2	Pending	Pending
	3	Full	Full
	4	Partial	Partial
	5	Partial	Pending
	6	Partial	Partial
	7	Partial	Partial
	8	Partial	Partial
Disappearances and forced disappearances	9	Substantial partial	Partial
	10	Substantial partial	Substantial partial
	11	Partial	Partial
	12	Substantial partial	Substantial partial
	13	Partial	Partial
Torture	14	Partial	Partial
	15	Full	Full
	16	Partial	Full
	17	Partial	Partial
	18	Pending	Pending
	19	Pending	Partial
	20	Partial	Partial
Extrajudicial executions	21	Pending	Pending
	22	Substantial partial	Substantial partial

⁴⁴² The IACHR received information submitted by the Comité de Derechos Humanos de Nuevo Laredo, Data Cívica, Article 19, IDHEAS, CMDPDH, FJEDD, Intersecta, and the MNDM, September 2023.

	23	Partial	Partial
	24	Pending	Substantial partial
	25	Pending	Partial
	26	Partial	Partial
	27	Substantial partial	Substantial partial
Access to justice	28	Partial	Full
	29	Partial	Partial
	30	Partial	Partial
	31	Partial	Partial
	32	Partial	Partial
	33	Substantial partial	Substantial partial
	34	Partial	Partial
	35	Pending	Pending
	36	Partial	Full
	37	Partial	Full
Persons in particular situation of vulnerability –LGBTI persons	38	Partial	Partial
	39	Partial	Partial
Persons in particular situation of vulnerability – women	40	Pending	Partial
	41	Pending	Partial
	42	Partial	Full
	43	Partial	Partial
	44	Pending	Partial
Persons in particular situation of vulnerability – children and adolescents	45	Partial	Partial
	46	Partial	Partial
Persons in particular situation of vulnerability – indigenous peoples and serious human rights violations	47	Partial	Substantial partial
	48	Full	Full
	49	Partial	Partial
Persons in particular situation of vulnerability – persons deprived of liberty.	50	Pending	Pending
	51	Pending	Pending
	52	Pending	Substantial partial
	53	Pending	Pending
	54	Partial	Partial
	55	Full	Full
Persons in particular situation of vulnerability – migrants	56	Partial	Ended monitoring
	57	Partial	Substantial partial
	58	Pending	Partial
	59	Pending	Partial
Persons in particular situation of vulnerability – human rights defenders	60	Partial	Partial
Freedom of expression	61	Pending	Pending
	62	Partial	Partial
	63	Partial	Substantial partial
	64	Pending	Pending
	65	Partial	Partial
	66	Partial	Substantial partial
	67	Partial	Partial
Access to information	68	Pending	Substantial partial
	69	Partial	Partial
	70	Partial	Partial

Mechanism of Protection for Human Rights Defenders and Journalists	71	Partial	Partial
	72	Partial	Partial
	73	Pending	Substantial partial
	74	Partial	Partial
	75	Partial	Partial
	76	Partial	Partial
	77	Partial	Partial
	78	Partial	Partial
	79	Partial	Partial
	80	Pending	Pending

IV. CONCLUSIONS

434. The Inter-American Commission on Human Rights has carried out an exhaustive and detailed analysis following up on the recommendations made in the 2015 Country Report on Mexico. Based on this analysis, one notes advances and commitments on the part of the Mexican State to comply with its international human rights obligations. Nonetheless, many challenges persist, and many obstacles still need to be overcome to guarantee compliance with the recommendations made in the aforementioned report.

435. In the context of analyzing compliance with the 79 recommendations followed up on in this report,⁴⁴³ 9 recommendations were found to meet with full compliance, 13 substantial partial compliance, 45 partial compliance, and 12 pending compliance. The IACHR recognizes the State's efforts and measures aimed at making progress in the recommendations, and it reiterates to the Mexican State the importance of effectively complying with the recommendations issued in its 2015 Country Report.

436. Taking stock of compliance with the recommendations, in the 2022 Follow-Up Report, of the 80 recommendations, 29% are pending compliance, 60% have met with partial compliance, 7% with substantial partial compliance, and 4% with full compliance. Meanwhile, in 2023, of the 79 recommendations subject to follow-up,⁴⁴⁴ 15% are pending compliance, 57% of the recommendations have met with partial compliance, 17% of the recommendations have met with substantial partial compliance, and 11% full compliance. While there are gains in the levels of compliance, there are also recommendations with respect not only to the measures reported being insufficient, but in some cases representing a setback from the gains previously reported.

437. The Commission reiterates to the Mexican State the recommendations issued in its 2015 Country Report. While there have been significant gains in complying with the recommendations, the IACHR notes that challenges persist in the area of citizen security, with respect to the high number of disappearances, and the persecution of and public accusations against human rights defenders and journalists. In addition, the IACHR identified challenges with strengthening the institutional framework in respect of human rights insofar as it still takes note of measures needed to guarantee the financial and human resources as well as capabilities necessary to adequately address human rights violations.

438. Mindful of the information received, the Commission emphasizes that follow-up on recommendations is governed by the Guidelines for Follow-up of Recommendations.⁴⁴⁵ Accordingly, follow-up on compliance pursues the objective of the IACHR making a specific analysis of compliance with the recommendation, as a result of which, after performing an analysis of the level of compliance, the IACHR suggests a series of measures and/or actions by which the State could fully comply with the recommendations

⁴⁴³ Compliance with recommendation 56 will be assessed in the context of the follow-up to the report Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico.

⁴⁴⁴ Compliance with recommendation 56 will be assessed in the context of the follow-up to the report Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico.

⁴⁴⁵ 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.

made in the Country Report. Accordingly, the Commission emphasizes that follow-up on each recommendation is based on what specifically that recommendation called for. Based on the specific analysis of follow-up on the recommendations from the Country Report, the IACHR highlights the following:

1. The Commission observes with concern the need for measures to comply with the recommendations made regarding the context of militarization. While in earlier years the State reported on a gradual plan for the Armed Forces to withdraw from public security functions, the Commission observes that recent years have seen backsliding from this plan. The Commission notes that the times established for the Armed Forces to withdraw from public security functions have been prolonged and the current administration has persisted in strengthening the Secretariat of National Defense more than the civilian police. In addition, the Commission reiterates that the situation of violence and insecurity in Mexico, brought about by the action of organized crime groups along with a militarized response, results in an increase in serious human rights violations.
2. Accordingly, for 2023 the IACHR notes that the high number of disappearances without a proper investigation continues to be a matter of special concern, as is the security situation of persons and groups who are most exposed due to historic discrimination. The Commission observes with concern the lack of coordination among the authorities involved in the searches and investigations, at both the state and federal levels. In addition, the Commission reiterates the importance of strengthening the registries and the systematizing and processing of information. The Commission also observes that while the State has implemented actions to address the crisis of disappearance, it is necessary to implement public policies for prevention. In addition, for the IACHR there is a challenge related to the lack of access to justice. It is fundamental to reinforce the efforts to break the cycle of impunity so as to achieve effective prevention, investigation, processing, and punishment of the persons responsible for human rights violations, and in this way succeed in having legal progress translate into real changes in the everyday lives of persons. The IACHR emphasizes that the information submitted by the State does not contain information on the prosecutorial agencies or specific measures to eliminate the institution of *arraigo* from the Mexican legal system.
3. Regarding the recommendations on torture and extrajudicial executions, the Commission reiterates its concern over the intervention of the Armed Forces in public security tasks and the implications of such an intervention. In addition, the Commission considers it important for the State to provide information on the records that could provide uniform figures and statistics on serious human rights violations.
4. The Commission also observes with concern the persistence of reports of threats and violence against human rights defenders and journalists. In particular, it finds worrisome the information provided by civil society regarding the public insinuations by State authorities against journalists and human rights defenders. The IACHR notes that while several legal provisions and public policies have been adopted in Mexico aimed at guaranteeing these persons' integrity, the State should reinforce its work to ensure the practical, adequate, and comprehensive implementation of its legal framework so as to protect and guarantee the human rights of the above-mentioned groups. Along the same lines, the Commission has observed that various groups of the population continue to be in a delicate state of vulnerability and that the persistence of violence against LGBTI persons, women, migrants, indigenous peoples, and children and adolescents in Mexico is especially worrisome. The IACHR is also concerned about the situation of persons deprived of liberty as well as the lack of measures to reduce the use of pretrial detention.

439. Finally, the Commission is grateful for the information reported by the State and civil society organizations. The Commission takes note of the efforts reported by the State to effectively comply with the recommendations set forth in the 2015 Country Report and is grateful for the State's willingness to continue

working in coordination with the Commission with a view to guaranteeing human rights in Mexico. In that vein, the Commission reaffirms its commitment to working with the Mexican State in the search for solutions to the problems and challenges identified, as well as to providing support for the State to comply with its international human rights obligations.