



House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing

on

Human Rights Challenges in Mexico

June 23, 2022 – 3:00 p.m.

Virtual via Zoom

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Daniella Burgi-Palomino

Co-director

Latin America Working Group (LAWG)

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We commend the Tom Lantos Human Rights Human Rights Commission for holding this important hearing on human rights challenges in Mexico. Mexico faces a situation of grave human rights violations, violence, and impunity that has not abated. While there has been some limited progress in addressing human rights issues under President Andrés Manuel López Obrador (AMLO), there are still many challenges. Human rights must become a more central part of the U.S.-Mexico bilateral relationship. The following is a summary of the situation in Mexico as it relates to human rights defenders and journalists, enforced disappearances, and migrants and refugees.

**Enforced disappearances**

As of May 16, 2022, there are [over 100,000](#) officially registered cases of disappearances in Mexico, though civil society organizations and family collectives of the disappeared believe the actual number to be much higher. According to [government statistics](#), the states with the highest number of disappearances through June 2022 included Tamaulipas, Jalisco, the State of Mexico, Veracruz, and Nuevo León. Additional states have seen a rapid increase in disappearances in the

last two years. In the state of Guanajuato for example, territorial disputes between organized criminal cartels have led to a serious uptick in violence and deterioration of public safety and with it, increased disappearances. Municipalities in the state of Guanajuato registered in the top [five](#) highest in the country for persons found in clandestine graves in 2021. The increase in disappearances and violence has fueled organizing among family collectives seeking justice—there are now at least [14 family collectives in Guanajuato](#) whereas before 2019 there were none.

More than four years after the passage of the General Law on Enforced Disappearances and Disappearances Committed by Non-State Actors, progress has been limited in the search, forensic identification, and investigation in cases of disappearances. The law created mechanisms at the state and federal levels to improve and streamline search, identification, and investigation processes for disappearances and to improve civil society consultation via a ‘Citizens’ Council. However, the local search commissions and specialized prosecutors’ offices that have been created remain weak and underfunded. Family collectives still face enormous risks in their search for the disappeared. Frequently they search with simple equipment and are forced to go to remote and dangerous terrain to excavate graves on their own. Throughout this process, they receive threats, are criminalized, face harassment on social media, and are even killed. Many families of the disappeared who report these threats and harassment receive no responses or few protective measures from local governmental authorities.

Serious challenges remain in identifying and processing remains of the disappeared across Mexico. The Mexican government established an Extraordinary Mechanism for Forensic Identification (the MEIF) with international support and experts to strengthen the government’s work to improve identification processes. It has just been staffed and issued its [work plan](#) for this year, but a National Forensic Data Bank, which the law mandated, has not yet been set up. As of the end of 2021, there were at least [52,000 unidentified deceased people](#) in the country, the vast majority in mass graves or cemeteries. The State Prosecutor’s Offices often lack the capacity to provide regular reports on forensic identification processes to families, and delays are common. Databases containing information about disappearances and forensic information remain fragmented among different local agencies, making the matching of genetic information very difficult. Investigations and prosecutions are still lagging—the UN Committee on Enforced Disappearances in its recent [report](#) stated that only between two and six percent of all disappearance cases in Mexico resulted in prosecutions, emphasizing the widespread [impunity](#) that still exists in addressing disappearances.

### ***Ayotzinapa case***

Advancing the investigation in the case of the disappearance of the 43 students from the Ayotzinapa rural teachers’ college in the town of Iguala, Guerrero has been a priority since the start of the AMLO Administration. The Presidential Commission for Truth and Access to Justice on Ayotzinapa and the Office of the Special Prosecutor within the Attorney General’s office

have been advancing in the search and investigation of the case. Remains found on the Cocula trash site are continuously being reviewed and are sent to be studied by forensic experts at the University of Innsbruck, Austria.

Tomás Zerón, the former head of the Mexican Criminal Intelligence Agency (AIC by its Spanish acronym), who first led the investigations into the Ayotzinapa case in 2014 and who has subsequently been charged with the planting and mishandling of evidence in the case, is living in Israel, though Mexican authorities have [called](#) for his extradition to Mexico.

A [report](#) from March 2022 from the Interdisciplinary Group of Experts (GIEI) still accompanying the case found evidence that the Mexican navy manipulated evidence at the waste dump where the students' bodies were said to have been incinerated and that the Mexican military and navy may have hidden crucial information in the investigation. Recently, President López Obrador [announced](#) that the files related to the military's role in the disappearance of the students would be made public, including those related to the specific battalion that was present on the night of the disappearance of the students, following up on a demand made by the families of the students and the information the GIEI had found. AMLO has promised that the case will be "resolved" before his term is over. The forthcoming eight-year anniversary of the case in September 2022 offers an opportunity for the institutions involved in the investigation of the case to provide some updates to the families of the students, as well as to the broader Mexican society.

## **Human rights defenders and journalists**

The situation for journalists and human rights defenders, including indigenous and environmental leaders defending their lands, remains dire in Mexico. According to Mexican government [statistics](#), since the start of the AMLO Administration through February 2022, there have been at least 55 killings of journalists and 98 killings of human rights defenders. In just 2021, according to Frontline Defenders, 42 human rights defenders were murdered in Mexico, making it [the second most dangerous country in the world](#) for human rights defenders out of 35 countries surveyed by the organization—land defenders, environmental defenders, and indigenous persons were disproportionately represented. That same year, seven journalists were murdered, and Mexico was named the [world's most dangerous country for the media](#) for the third year in a row.

Some human rights defenders and journalists continue to receive protections under the [Federal Mechanism for the Protection of Human Rights Defenders and Journalists](#), in existence since 2012, though overall it has serious limitations in its capacity to provide protections. As of April 2022, [1,045 human rights defenders and 521 journalists](#) have been enrolled, yet [over seven](#) who had received protection measures since 2012 have been killed. While the Mechanism provides

protective measures, such as panic buttons, bodyguards, and access to safe houses, numerous reports from [international](#) and [civil society](#) organizations have clearly demonstrated the weaknesses with these measures, including their inability to be tailored to gender, geographic locations, and the unique situations of each threatened individual. Human rights defenders have reported that panic buttons frequently do not work. Moreover, the Federal Protection Mechanism continues to be underfunded and understaffed, limiting its capacity to function efficiently. Impunity remains as high as 99 percent in investigating and prosecuting attacks and assassinations of human rights defenders with only [two sentences](#) emitted as of early 2022. According to the [Inter-American Commission of Human Rights \(IACHR\)](#), so far in 2022 there have been at least three human rights defenders killed, all indigenous and environmental defenders and others criminalized.

Through June 2022, [12 journalists](#) have already been killed in Mexico. The Federal Special Prosecutor for Crimes Against Freedom of Expression (FEADLE), created in 2010, continues to lag in overall convictions for crimes committed against journalists. Of the 105 investigations into the killings of journalists conducted since the creation of FEADLE, only [six led to homicide convictions](#). Throughout his term, President López Obrador has attacked various journalists during his morning press conferences, particularly those criticizing his policies. Such attacks and disparaging remarks from the President are dangerous in a context of such high levels of violence against journalists and because they create an environment in which it is acceptable to criticize journalists for their work, closing the space for transparency and open dialogue about Mexican government policies. To respond to the increasing violence towards journalists, the President has recently announced a [new initiative](#) to provide journalists with access to a kind of social security program though it remains to be seen how this program will aid in addressing, preventing and resolving violence and attacks against journalists.

## **Migrants and Refugees**

Mexico remains a country of transit, origin, and destination for migrants and refugees. While AMLO began his term promising more welcoming and rights-based policies towards migrants and refugees, the Mexican government's response to migration has increasingly prioritized enforcement over humanitarian and protection-based responses.

In the last year, Mexico has received a record number of asylum seekers. In 2021, Mexico received [130,256 asylum applications](#), close to double the number received in 2019. Through May 2022, Mexico has received 48,981 asylum applications, on par to match or exceed last year's numbers. The nationalities of migrants seeking asylum have also changed drastically. Whereas previously migrants seeking protection in Mexico were mainly from the northern countries of Central America, in 2021 the [top five](#) nationalities of asylum seekers in Mexico were Haiti, Honduras, Cuba, Chile and Venezuela. Mexico's asylum agency (COMAR by its

Spanish acronym) has remained weak and underfunded throughout the AMLO Administration, lacking the capacity to process the high volume of applications. Only [29 percent](#) of the total asylum applications received in 2021 have been resolved to date. In cities receiving most of these applications, such as the southernmost city of Tapachula, organizations have documented extensive delays, a lack of clear information on processing, and no alternative migration pathways beyond asylum, causing migrants to linger in untenable situations. While the UN Agency for Refugees (UNHCR) has some programs to integrate refugees into communities in Mexico, including providing them with support for employment opportunities, these programs remain small and limited to certain areas of Mexico.

At the same time, the Mexican government has increased its detention and deportation of migrants. President López Obrador further militarized migration enforcement by deploying the newly established security force, the National Guard, to conduct migration enforcement alongside Mexico's National Migration Institute (INM by its Spanish acronym) at Mexico's northern and southern borders. In 2021, Mexico reached record levels of detention of migrants. Violence against migrants remains high. In the last two years, organizations have documented concerning incidents of members of the National Guard and the INM beating Black migrants, separating families, and utilizing excessive use of force towards migrants along Mexico's southern border. In other restrictive measures, Mexico has also imposed new visa requirements for Venezuelans, Brazilians, and Ecuadorians. On a positive note, the Mexican Supreme Court recently issued a landmark ruling stating that INM migration checkpoints along points of transit within Mexico territory are unconstitutional.

Mexico's northern border still presents a very difficult humanitarian situation, mainly due to anti-asylum policies implemented under the Trump Administration that remain in place. From December 2021 through June 2022, [over 7,000](#) migrants have been forced to wait in cities along Mexico's northern border under the "Remain in Mexico" policy. A recent Supreme Court decision [ruled](#) that the Biden Administration was right to end the policy, though exact next steps on the termination of the policy have yet to be publicized. To date, [over 2 million](#) migrants have been expelled over the U.S. border to Mexico or to other countries, including Haiti, under the Title 42 policy that remains in place due to a court decision following the Biden Administration's announcement to lift the policy. The Title 42 policy fuels multiple crossings by migrants and has led to cases of migrant deaths in the crossings, such as a recent [tragedy](#) of over 50 migrants that were found dead in a truck in Texas after crossing. Approximately two dozen of them were Mexican.

## **Recommendations for U.S. policy**

- **Support funding to strengthen Mexico's capacity and practices to search for and identify disappeared persons and to investigate these and other serious human rights violations**, including support for the new Extraordinary Forensic Identification Mechanism (MEIF) to increase the government's capacity to identify tens of thousands of human remains with international and civil society support, and support for the state-level search commissions and specialized prosecutors' offices.
- **Express concern about the record level of officially registered cases of disappearances, the reprisals against family collectives**, and the urgent need to implement protection, search, and justice actions with family collectives.
- **Encourage the Mexican government to advance the search for the remains of the disappeared students** from the Ayotzinapa rural teachers' college and the **investigation into the role of the military and navy** in the disappearance of the 43 students.
- **Increase support for human rights programming in Mexico including for protection for journalists and human rights defenders, including indigenous and environmental defenders**, and urge the Mexican government to advance public policies that protect human rights defenders and journalists and prevent attacks against them, and investigate, and prosecute cases of threats, attacks, and assassinations against human rights defenders and journalists. Offer public support via statements and conduct visits to human rights defenders and journalists, including family members of the disappeared, and call for protection measures and swift investigations into threats and attacks against them.
- **Ensure support for strengthening Mexico's asylum agency and encourage the Mexican government to expand initiatives to integrate refugees and provide alternatives to asylum for migrants seeking labor or other opportunities in Mexico**, working closely with international and civil society organizations to do so.
- **Ensure coordination between U.S. authorities and Mexican government and consular authorities and communication with the families of the disappeared or deceased migrants** on the treatment and repatriation of remains taking into consideration the wishes and traditions of the family in their language. With the participation of family members, civil society organizations, and independent experts, ensure the inclusion of unidentified remains in forensic data banks on deceased migrants.