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## **MEXICO: OPEN LETTER TO PRESIDENT LÓPEZ OBRADOR 100 DAYS AFTER THE BEGINNING OF HIS GOVERNMENT**

REF.: MONITORING OF ACTIONS DURING THE CAMPAIGN "100 DAYS FOR MEXICO"

Dear Mr. President:

We are writing to you as a follow-up to our "100 Days for Mexico" campaign. During this campaign we have monitored the actions in favor of human rights that your government has taken during the first 100 days of your administration, especially those recommended in our [previous communication](#).

In this context, the organization will publish its observations concerning the degree of compliance in the urgent protection of human rights, including: public security, protection of human rights defenders, guarantee of the rights to truth, justice and reparation in cases of disappearances, human rights of women and girls, and of migrants and refugees. The organization also presents recommendations for the government on the necessary steps to take in order for Mexico to be a country where all people enjoy their human rights fully.

Amnesty International noted some specific advances in human rights during the first 100 days of your administration, such as the installation of a special commission on the Ayotzinapa case, the appointment of the person in charge of the National Search Commission, the announcement of improvements to the gender-based violence alert mechanism, and improvements in the treatment of migrants, refugees and asylum seekers.

However, the organization regrets the lack of progress in other key areas for human rights, including the improvement of police institutions, the immediate attention to violence against human rights defenders, and the acceptance of the competence of the United Nations Committee on Enforced Disappearances to receive and examine individual complaints, among others.

Despite the fact that the Federal Congress and a majority of local congresses approved a constitutional amendment that creates a civilian National Guard, Amnesty International believes that this new institution can only serve as an instrument for guaranteeing human rights, including security, to the extent that your government takes this opportunity to carry out the orderly and definitive withdrawal of the armed forces from all public security tasks.

### **100 Days of Action: For security**

The approval of the National Guard, with the changes made to the initial bill during the legislative process, could be a step toward the demilitarization of the country. However, for this to be the case, it is essential that your government ensures that it is a civilian body and that the involvement of the Armed Forces in public security ceases as soon as possible and not beyond the five years ordered by the constitutional amendment.

#### Follow-up recommendations:

- Ensure that the National Guard is a civilian body under the command of civilian authorities and that all participation of military personnel in public security ceases within a maximum period of five years, while this happens:



- Clearly distinguish and separate the distinct functions of civilian and military personnel in the National Guard, permitting the involvement of military personnel only in exceptional circumstances, evaluated on a case-by-case basis and subject to the restrictions imposed by international law.
- Do not allow military members of the National Guard to participate in the investigation of crimes or to act as an ancillary body to the Attorney General's Office. In particular, it should be ensured that they do not carry out arrests, except in clearly exceptional circumstances and in accordance with human rights law.
- The National Guard Law should establish accountability mechanisms through competent, independent civilian bodies with the necessary technical expertise
- Submit a bill amending article 123(B)(XIII) of the Constitution in order to recognise the labour rights of police officers and improve the working conditions of their profession.
- Open a dialogue with civil society and experts in order to develop a public security model in line with international human rights standards, including a potential law on the use of force.

### **100 Days of Action: For the protection of human rights defenders**

Amnesty International regrets that to date your government has not made a public statement on the importance of the work and protection of human rights defenders in a context where, since the beginning of your administration, more than ten human rights defenders have been killed and others have been attacked, including through illegal deprivation of liberty. Human rights defenders need state recognition and protection now more than ever.

#### Follow-up recommendations:

- Encourage the Mexican State to prioritize prompt, impartial, independent and effective investigations into cases of murders and attacks against human rights defenders, including the investigation of those in command who may be criminally responsible in accordance with international standards, and to bring persons suspected of criminal responsibility before courts, in fair trials.
- Issue a public statement in the mass media acknowledging the legitimate work of human rights defenders, including defenders of rights relating to land, territory and the environment, and the importance of ensuring their adequate protection.
- Incorporate a comprehensive perspective on the protection of human rights defenders in relevant legislation, plans, programmes, and policies, with the objective of guaranteeing effective protection for defenders in the country. These measures must include a gender perspective and a differentiated approach that considers the protection needs of human rights defenders.
- Promptly submit the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement) to the Senate for ratification.

### **100 Days of Action: For truth and justice**

The organization welcomes the establishment of a special commission on the Ayotzinapa case and the beginning of its activities. The organization also recognizes the importance of a programme to search for disappeared persons in Mexico, such as the one announced by the Undersecretary of Human Rights.



However, Amnesty International is concerned about the large number of missing persons in the country, which reaches more than 40,000, as announced by the government itself last January, and regrets the slow implementation of concrete measures to resolve this situation. Mexico's recognition of the competence of the UN Committee on Enforced Disappearances to receive and consider reports filed by individuals would contribute to strengthening the efforts made by your government to tackle this problem.

#### Follow-up recommendations:

- Investigate all cases of disappearance and enforced disappearance in the country promptly, thoroughly and impartially and, where appropriate, bring those responsible to justice in trials that meet international fair trial standards.
- Acknowledge and allow the participation of relatives of the disappeared in investigations, providing them with up-to-date and accurate information on progress and ensure that they are able to contribute information, suggest lines of inquiry and ask for evidence.
- Promote the national search system and agree upon the prompt establishment of local search commissions, providing them with sufficient human and material resources to perform their duties.
- Recognise the competence of the UN Committee on Enforced Disappearances to receive and consider reports filed by individuals subject to its jurisdiction who claim to be victims of disappearance, or on their behalf, or by other states parties, by virtue of articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearances.

#### **100 Days of Action: For women**

The federal government recently announced its emerging plan to guarantee the integrity, safety and lives of women and girls in Mexico, which includes improving gender-based violence alert procedures. This measure is important but insufficient in the context of widespread violence faced by women and girls in the country. In 2018 alone, the country's public prosecutor's offices initiated 845 investigations into gender-based killings (femicide), although the actual number of femicides could be even higher.

#### Follow-up recommendations:

- Publicly recognize the serious problem of gender-based violence faced by women and girls in Mexico and prioritize in your government the administrative, legislative and other measures necessary to eradicate this violence.
- Adopt urgent measures to prevent torture, violent deaths, murders, femicide, and forced disappearances of women and girls, among other crimes, and promote that the Mexican State prioritize the prompt, impartial, independent and effective investigation of these crimes and bring those responsible to justice in fair trials.
- Initiate a dialogue with civil society and experts focused on the analysis and implementation of the recommendations made to Mexico by the Committee on the Elimination of Discrimination against Women.
- Carry out promptly the adjustments to the procedure of the gender-based violence alert mechanism to guarantee its effectiveness to address gender-based violence against women and girls.

#### **100 Days of Action: For migrants and refugees**

The Ministry of the Interior took proactive steps to review the conditions of detention of migrants and to initiate a process of consultation with civil society on improvements in the practices of the National



Migration Institute. Although encouraging, these initiatives do not respond to our recommendation to establish sanctions for illegal return practices, which remain a common problem for which no concrete measures have been taken. Nor have there been any significant changes in migrant detention practices or in the detention of children.

Follow-up recommendations:

- Instruct the Ministry of the Interior to review the procedures for the return and deportation of irregular migrants in order to respect the right of all individuals to seek asylum and put an end to the illegal practice of refoulement, ensuring that such a practice is subject to administrative sanctions.
- Stipulate that immigration detention should be a last resort, reasonable and proportionate, and for the shortest time possible, and guarantee that children and adolescents are not detained at any time.

Although the implementation of these recommendations cannot be considered exhaustive to address all the issues related to the serious human rights crisis in the country, Amnesty International believes that their application is an important step towards making substantial progress. Likewise, the organization considers that recognition of the work of Mexican human rights organizations and coordination with them, should be a priority to advance an integral and effective human rights agenda. Mr. President, you have in your hands the opportunity for real change and we hope that these actions will contribute to it.

Yours sincerely,

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