

Torture and ill-treatment in Mexico

Overview

In Mexico, Torture continues to be practiced at alarming rates often as a crime investigation “tool” to obtain confessions or incriminating information. The Mexican Army continues to be one of the main perpetrators of torture. From December 2006 to December 2014, the Office of the Attorney General (PGR) received 1,273 complaints in which plaintiffs claim that the torture was committed by the Army. In addition, the specialized unit established by the PGR to investigate torture initiated 1,847 investigations against the Army between October 2015 and July 2017.

IRCT member, Colectivo Contra la Tortura y Impunidad (CCTI) provides health based rehabilitation support to torture victims in various locations in Mexico. Their clients have been exposed to a broad range of different torture methods including beatings with cables or clubs, falanga, forced to standing, suspension, electric shock including to the genitals, asphyxiation and rape. They suffer severe physical and psychological injuries including open wounds, fractures, crush injuries, burns, post-traumatic stress disorder, and depressive and somatic disorders.

Despite clear legal obligations and many promising initiatives, the Mexican Government continues to fail in effectively investigating these crimes and ensuring that victims get rehabilitation. This has a severe negative impact in the lives of victims who have no effective means to prove their torture and therefore see their perpetrators go free while they are often imprisoned on the basis of evidence and confessions produced through torture. Meanwhile, they are left with no support to rebuild their lives from the physical and psychological marks left by the torture.

Investigation and documentation

In 2015, the PGR established a specialized unit to investigate torture and on 26 June 2017, a General Law to Prevent, Investigate and Sanction torture or cruel, inhuman or degrading treatment or punishment was adopted. This brought some important improvements to the legal framework and structure for documenting and investigating torture allegations but so far this has not translated into changes in the quality of torture investigations. Between 2015 and February 2018, the PGR’s specialized unit had opened a total of 8,335 investigations but only presented charges in 17 cases.

Since 2003, the PGR has undertaken a number of projects to implement the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). These were intended to ensure that persons filing complaints of torture have access to a forensic medical evaluation of their allegations. Despite conducting thousands of investigations per year, in 2017, the PGR’s Specialised unit only requested medico-psychological expert evaluations to document possible cases of torture in 17 cases.

Several national and international actors have documented the deficiencies of the PGR’s application of the Istanbul Protocol and identified the quality of the evaluations and the lack independence of the experts conducting them as the key challenges to be addressed.



Reparations and Rehabilitation

In 2013, the Mexican Government has adopted the 2013 General Victims' Law (LGV), which establishes a series of rights, procedures, and services to attend and provide reparations to victims of crime and human rights violations. Subsequently the Executive Commission for Attention of Victims (CEAV) was established and was meant to be followed by implementation at the State level. As of February 2018, five States have fully harmonized their laws with the General Law on Victims and 19 States have created state-level commissions for victims' support with mandates that vary in scope.

These processes of legal harmonization and the creation of State Commissions in most of the cases has been put into practice without a consultation nor the participation of victims and civil society organizations. In the CEAV as well as in the State Commissions, victims face inefficient, complicated, slow, discretionary procedures that revictimize them and that with all its bureaucratic processes hamper not only their recognition as victims but the exercising of their rights. Victims have pointed out the lack of professionalization and sensitiveness of public functionaries in charge of attending them, as well as a differential focus when attending migrants, journalists, human rights defenders, women, the underaged or indigenous communities.

Furthermore, the programmes that are specifically focused on integral reparation for victims lack the necessary multidisciplinary professional expertise to provide adequate rehabilitation support to torture victims and fund to provide support to victims is significantly underspending. At the time of writing, only 184 victims of human rights violations committed by federal authorities had received compensation as part of the comprehensive reparations process (83 men and 101 women).

Proposed questions

What concrete actions is the State planning to implement the existing legislation and ensure an end to the practice of torture?

What actions will the State take to effectively implement the Istanbul Protocol in investigations of allegations of torture or cruel, inhuman or degrading treatment or punishment?

What actions will the State take to end impunity and to sanction the Army for perpetrating torture or cruel, inhuman or degrading treatment or punishment?

What results have been achieved by the Executive Commission and the State Commissions for Attention of Victims regarding immediate help, assistance measures and comprehensive redress for victims of human rights violations?

Proposed Recommendations

1. Within a year, ensure that that all Specialized Units mandated to investigate torture allegations have sufficient human and financial resources to investigate all cases of torture according to the General Law.
 2. Create the National Institute of Forensic Science with services in all states that have the capacity to document torture in accordance with the Istanbul Protocol with full legal, technical, financial and managerial independence from any criminal or judicial investigation agency.
 3. Ensure that all Public Ministries as well as all judicial authorities recognize the validity and evidential value of medico-legal reports documenting torture from non-governmental and independent experts, in accordance with Article 37 of the General Law Against Torture.
 4. Ensure that all torture victims have prompt access to appropriate rehabilitation services without discrimination and develop a national system of indicators to monitor and evaluate the level of implementation on the basis of international standards including Human Rights Council resolution 22/21.
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Colectivo Contra la Tortura y Impunidad (CCTI) is a non-profit, Mexican civil society organization founded on 26 June 2004 to support torture survivors and their families. CCTI provides comprehensive health care for survivors of torture and their relatives; psychosocial care to communities affected by torture and political violence; documentation, reporting and monitoring cases of torture; and medico-psychological experts to verify facts of torture and ill-treatment.

The International Rehabilitation Council for Torture Victims (IRCT) is a health-based association working on rehabilitation of torture victims and the prevention of torture worldwide. Our members comprise more than 160 independent organisations in over 70 countries. Our work is governed by these member organisations. Today, we are the largest membership-based civil society organisation to work in the field of torture rehabilitation and prevention.