



## **HUMAN RIGHTS AND THE WAR ON DRUGS IN MEXICO**

### **Submission to the Office of the High Commissioner for Human Rights from the Mexican Commission for the Defence and Promotion of Human Rights**

Prohibition policies regarding drugs have failed in their goal of achieving a "drug-free world" and have forced the drug market to remain illegal. This has triggered an illicit market, exclusively controlled by organized crime cartels, who have created links to other criminal markets and use violence as a primary form of regulation.

In December 2006, former President Felipe Calderón Hinojosa (**2006-2012**) launched an open confrontation strategy against organized crime locally known as *guerra contra el narcotráfico* and known internationally as the war on drugs. This policy set de facto military control over the country's public security through the deployment of thousands of troops throughout the national territory and the replacement of multiple civil government leaders of public security institutions at all levels by active and retired military elements.

An example of this is the fact that elements of the military and federal, state and municipal police forces systematically transfer arrested civilians to military or exclusive control facilities, where without any monitoring of civil authorities, detainees suffer humiliation, torture and even enforced disappearance. It has also been documented how in joint operations with civilian authorities, military elements dress in civilian clothing.

The press and mass media have systematically spread the federal government's vision, where people who are killed as a result of the strategy against organized crime are not civilians but "fallen criminals", without any prior investigation and despite the fact that in many cases it was subsequently proven that they did not belong to any group or organized crime and posed no "threat" to society.

Additionally, the violent confrontation of civil public security and armed forces against organized crime groups has increased. The cartels' territorial division was disbanded, the fight for drug distribution routes intensified and large cartels were fragmented into smaller groups that fought for territorial control, diversifying their criminal activity. Likewise, there has been indiscriminate use of lethal force and an unjustifiable extension of State powers, through the adoption of laws and figures, such as *arraigo* (arbitrary detention) and protected witnesses, which operate to the detriment of judicial rights and guarantees.

In 2012 the administration of President Enrique Peña Nieto began. The discourse of war promoted by the Calderon administration was replaced by one of institutional strengthening and building a full rule of law. However, the security strategy has not changed significantly.

As a result of the inertia of these strategies, Mexico has accumulated alarming numbers of dead, missing and displaced persons, and as a result of the widespread violence there has been an increase in corruption and impunity.

## MILITARIZATION OF PUBLIC SECURITY

The increase in gross human rights violations committed by military elements became evident in the context of militarization of public security. The involvement of the military in law enforcement efforts and public security in the strategy to combat organized crime through military patrols and checkpoints on streets and highways of the country has had a serious impact on the enjoyment of human rights.

Federal and military authorities have justified the use of force as necessary to fight organized crime, even when it is lethal and excessive.<sup>1</sup> The use of lethal force has been indiscriminate, and elements of the Armed Forces have deprived of life unarmed people in actions against organized crime.<sup>2</sup> In many cases, military members themselves alter the crime scene in order to present to the people killed as dangerous criminals, who are then accused of being criminals despite there is no previous investigation to prove what was said.<sup>3</sup>

Even local and Federal authorities have come to justify the execution of persons on the grounds of belonging to organized crime. As the coordinator of the office against homicides of the Special Attorney against Organized Crime, dependent of the Office of the General Attorney, Miguel Angel Guerrero Castro, would declare:

"We're not talking about honorable people (that is killed), but one that is dedicated to the sale and consumption of drugs ... With all due respect to the parents of the victims, we are seeing that people are not honorable ...

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<sup>1</sup> Constantemente el presidente Felipe Calderón justificó el uso de la fuerza letal en los operativos militares. En una ceremonia con elementos militares, el Presidente declaró que: "mi compromiso por la seguridad va a permanecer hasta el último día de mi gobierno y si para cumplir ese compromiso tengo que disponer, como manda la Constitución, de las Fuerzas Armadas, lo seguiré haciendo". Cfr. Ramos, Jorge y Elena Michel. "Ejército en calles, hasta fin de mandato: FCH" en *El Universal* (19.08.2010)

<sup>2</sup>Véase por ejemplo, la Recomendación 36/2010, en la que se da cuenta del asesinato de dos niños en un retén militar (en <http://www.cndh.org.mx/recomen/2010/036.pdf>); la Recomendación 42/2011, en la que se hace constar que dos personas gravemente heridas en un lugar de enfrentamiento entre el Ejército y delincuentes, al tratar de pedir ayuda, fueron ejecutados por elementos del Ejército (en <http://www.cndh.org.mx/recomen/2011/042.pdf>); o la Recomendación 45/2010, en la que se hace constar que dos estudiantes fueron asesinados en un enfrentamiento entre el Ejército y delincuentes, modificándose la escena del crimen para hacerlos pasar por delincuentes armados (en <http://www.cndh.org.mx/recomen/2010/045.pdf>).

<sup>3</sup> Incluso el propio Presidente Calderón, durante un encuentro público con representantes de la sociedad civil afirmó que: "más del 90 por ciento de las muertes son personas vinculadas a uno o a otro grupo criminal en esta disputa. Más o menos un 6 por ciento son autoridades que caen a consecuencia del ataque de los criminales. Y... aproximadamente el 1%, el que más duele a la sociedad, son las víctimas inocentes". Discurso disponible en <http://www.presidencia.gob.mx/2010/08/segunda-intervencion-del-presidente-en-dialogo-por-la-seguridad-con-representantes-de-asociaciones-religiosas/>

If tomorrow we see that the victims are innocent, businessmen, traders and good people for then we would be more concerned”.<sup>4</sup>

Through the experience of working with victims of human rights violations, the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) has documented cases involving civilian casualties, with the proven participation of military elements in serious human rights violations such as torture, extrajudicial executions and enforced disappearances.

According to available information provided by the Mexican Government, **from 2008 to 2014, 1,331 elements of military forces were deployed in order to engage in the war on drugs. In 2014 reported an increase of a total of 3,978 deployed soldiers. However, the United Nation’s Special Rapporteur on Torture reported that up to 50,000 military elements were deployed in 2012 in the context of the war on drugs in Mexico. Additionally, from 2006 to 2012, 51,568 civilian detentions carried out by the military were recorded**<sup>5</sup>.

**The National Human Rights Commission (CNDH) issued 140 recommendations against security forces in the period between 2006 and 2012. In 139 recommendations the Secretary of National Defense was identified as the main responsible authority.**

Furthermore, the budget for security doubled in the context of the war on drugs, reflecting the increasing involvement of the military in security tasks. For 2012, the budget for security reached the highest amount in the history of Mexico, totaling \$130,732 million pesos divided among the four federal security agencies (Military, Navy, Attorney General's Office and Public Security Secretariat).<sup>6</sup> Of these, the military (SEDENA) recorded the largest increase, receiving a total of \$55,610 million in 2012, **an increase of over 250% since 2006.**

The Inter-American System of Human Rights, meaning both the Commission (IACHR) and the Inter-American Court of Human Rights, have observed evidence that military jurisdiction, as is regulated in Mexico, is not compatible with the American Convention on Human Rights.

In June 2014, the Code of Military Justice was reformed to exclude from military jurisdiction cases of civilian victims of human rights violations, thereby restoring the military courts’ practice of declining jurisdiction according to criteria established by the Supreme Court of Justice. However, this amendment continues to assign to military jurisdiction cases of human rights violations in which both the perpetrator and the victim are military personnel. This does not comply fully with international standards or with the case law of the Inter-American Court of Human Rights.

Moreover, military jurisdiction, as currently regulated, does not guarantee the principles for the

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<sup>4</sup> Cervantes, Miguel. “[Piden no alarmarse por homicidios](#)” en *El Norte* (08.04.2013)

<sup>5</sup> SEDENA, Folio 0000700018115

<sup>6</sup> Secretaría de la Defensa Nacional (SEDENA), Secretaría de Marina (SEMAR), Secretaría de Seguridad Pública (SSP) y Procuraduría General de la República (PGR). *Ver* Presupuesto de Egresos de la Federación 2012. Disponible en <http://www.shcp.gob.mx/EGRESOS/PEE/Paginas/PresupuestodeEgresos.aspx>

proper administration of justice in relation to its independence and impartiality. The fact that military courts are composed of magistrates and judges who are military officers appointed by the Secretary of National Defense leads in practice to executive officials performing judicial functions. This is contrary to the principle of separation of powers and the independence inherent to every court of law.

On the other hand, the militarization of public security has been accompanied by a media strategy that has made use of a rhetorical discourse to add followers and silence criticism against it. By using various euphemisms, authorities have sought to reclassify reality to mold it to a policy that has no legal basis, which has resulted in the standardization and justification of death.

Thus, the Federal Government has sought to hide reality by a false use of language. Enforced disappearances have been hidden under the term of "*levantones*" (abductions perpetrated by cartels), illegal searches as "*cateos*" (search warrant) and arbitrary detentions in hotels, private homes and military installations as "*arraigo*" (pre-charge detention). To the extrajudicial killings, authorities have named them as "collateral damage".<sup>7</sup>

Concepts such as "narco-violence" and "narco-executions" are commonly used by media and authorities, adopted as part of the popular understanding of the serious situation of violence in the country. However, none of these terms are part of the regulatory body and not included in any criminal code to allow its punishment.

## EXTRAJUDICIAL EXECUTIONS

According to official figures, the war on drugs broke a tendency of almost 20 years in the national homicide rate, which had consistently declined each year, reaching a record low of 8 homicides per 100,000 inhabitants in 2007. According to available information in **2011 the homicide rate reached 24 per 100,000 inhabitants. Between 2007 and 2011, 95,646 homicides were reported; this means an average of more than 50 people per day.**

In June 2014, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, stated in his final report on his mission to Mexico that **during the administration of Felipe Calderón (2006-2012) 102, 696 intentional homicides were reported, of which 70,000 were related to the drug war.** According to Heyns, due to the lack of clear research it's impossible to be certain of which were caused by organized crime cartels and which by state security elements.

**From 2006 to 2014 the National Human Rights Commission (CNDH) issued 57 recommendations regarding deprivation of the right to life. To date, the CNDH has reported 60 recommendations regarding the deprivation of the right to life of 161 persons.**

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<sup>7</sup> Acosta, Mariclaire. *Op. Cit.* Pp. 90

The use of indiscriminate force by the State to counter drug use and proliferation of illegal markets has been particularly deadly for younger generations. **Currently, one in four deaths in the war on drugs is a young person.** The increase in violence and insecurity in the country has had a particular impact on the young people between 20 and 29 years old. **In recent years, the youth homicide rate has tripled from 7.8 young people killed per every 100,000 in 2007 to 25.5 per 100,000 in 2011.** Thus, **since 2008 the leading cause of death among young people in Mexico is homicide**, even higher than traffic accidents, which had historically been the main cause of death among young people.

Moreover, the geographic concentration of youth homicide reflects the impact the strategy to combat drug cartels through the use of the Armed Forces has had in the Mexican youth. While until 2005 the youth homicide was concentrated mainly in the central states of the country, in 2010 about 52% of these were in just five northern states, all in which militaries have been deployed: Chihuahua, Sinaloa, Baja California, Durango and Tamaulipas. In 1995, these states accounted for only 17.8% nationally.<sup>8</sup>

## **ENFORCED DISAPPEARANCE**

Enforced disappearance has resurfaced in Mexico with shocking force as a result of the war on drugs. Unlike what was experienced in Mexico in the years of the so-called Dirty War, where disappearances were committed for political reasons, today it is not exclusively focused against social leaders, political activists or members of insurgent groups, instead it extends to large sectors of the population.

There is a lack of precision and consistency in the numbers of missing persons in the country. The National Register of Disappeared Persons (RNPED) registers a **total of 25,821 persons disappeared.** Nonetheless, it has not been clarified if this figure corresponds to persons enforcibly disappeared persons by agents of the state, or by the criminal agents. On the other hand, **from 2006 to 2012, the CNDH has registered 301 complaints of enforced disappearance.**

**Mexican Government has informed that only 6 sentences, related to enforced disappearances committed before the war on drugs was declared, have been issued for this crime.** This figure does not correspond to the dimension of the problem in the country.

In the cases of enforced disappearance of persons that the CMDPDH has documented, federal, state and local authorities, have shown unwillingness to carry out adequate and effective investigations to determine those responsible and the whereabouts of the victims. There is not an appropriate regulatory framework in place to bring to justice those responsible, and there are no effective collaborative mechanisms for tracing missing persons. In addition, victims are

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<sup>8</sup> Banco Mundial. *Op. cit* Pp. 14-16

sometimes criminalized and accused of belonging to organized crime or other groups considered enemies of the State.

## **TORTURE**

In spite of the fact that Mexico has ratified most of the international treaties on Human Rights, torture (including sexual violence), is still being implemented around the country and used as a tool to investigate crimes in order to obtain confessions and incriminating information.

In the context of the war on drugs, **the Ombudsman recorded an increase in complaints of torture and ill-treatment since 2007 and reported a maximum of 2,020 complaints in 2011 and 2,113 in 2012, compared with an average of 320 complaints in the six years previous to 2007. Between December 2012 and July 2014, the National Human Rights Commission received 1,148 complaints alleging violations and torture attributable only to the armed forces.**

On the other hand, according to available information, **the Attorney General's Office received 4,055 complaints of torture in the period of 2006 – 2014.** 1,884 cases are in investigation.

The United Nation's Special Rapporteur on Torture stated that torture is a widespread and systematic practice in Mexico. He noted that the high number of complaints of torture that have been received are not reflected in an equal number of investigations and convictions, a worrying sign of impunity. **The Government informed that only two out of five condemnatory sentences from 2005 to 2013 have been definitive.**

One of the factors that contributes to impunity in cases of torture is the absence of imprescriptibility of the practice in legislation and the non-existing incrimination regulations of superiors (military or civil). Measures that transcend the prosecution and sanction of torture in order to incorporate prevention and reparations have not been adopted.

A situation that exacerbates the use of torture is the existence of a constitutional emergency regime to combat organized crime. Such regime is based on legal provisions such as *arraigo* (pre-charge judicial detention), automatic pre-trial detention for certain crimes, witness protection, and the incorporation of military forces on civil tasks without any controlled civil supervision. Victims are frequently accused of drug possession and ties with organized crime, in spite of being found innocent on all charges against them, and are then tortured and forced to sign confessions to incriminate other people.

## ***ARRAIGO* (ARBITRARY DETENTION)**

In 2008, several amendments were made to the Constitution by Presidential decree to reform the criminal justice system and improve public safety. While there were meritorious improvements, such as the transition to an adversarial system of criminal justice that included the presumption of innocence, the reform also introduced abusive and undemocratic practices such as arbitrary and automatic detention in the form of *arraigo*.

The figure of *arraigo* is a federal precautionary measure to deprive of liberty those persons suspected to be part of organized crime. *Arraigo* is supposed to be used as a means of investigating criminal suspects, but in practice, it is being used as a type of public surveillance that allows more time for authorities to establish if the detained is guilty or innocent. According to the constitutional reform, *arraigo* is fundamental for “the success of the investigation, the protection of persons or legal rights, or when a founded risk exists in which the guilty person may flee from justice”. *Arraigo* is currently used for a time up to 40 days, but can be extended to 80 days under a new court order.

This measure is a form of arbitrary detention clearly contrary to Mexican human rights’ obligations and violates, among others, the rights of personal freedom, legality, presumption of innocence, due process and judicial review. Moreover, the *arraigo* expands the possibilities of a person of being subject to torture or other inhuman or degrading treatment.

It must also be highlighted that the objective of *arraigo* is not to determine whether a person is innocent or guilty, but to deprive the person of his or her liberty in order to get information that could be used for the trial. That is to say, an investigation is not carried out to detain a person, but a person is arbitrarily detained for an investigation to be carried out.

Preventive detention in Mexico has therefore become the automatic technique most commonly used in criminal investigations in Mexico. Its regular use has mystified both the criminal justice system and public security where the former is being used as a tool to obtain the latter. A system of applying a punishment before an actual finding of guilt relaxes judicial guarantees and leaves a person in a legal limbo, while being neither charged nor found guilty of a crime. In the majority of cases, a person is detained based on testimony of “anonymous” witnesses, which is often obtained by torture. A person in preventive detention is not connected to any criminal proceeding, but is however detained to being investigated, rather than investigate to form legitimate reasons to detain. This is a subversion and reversal of normal rules of the criminal justice system found in a democracy.

In this precautionary penal system, “criminals” are characterized as enemies of the State and of society, and are therefore not considered nor granted the same rights as citizens, such as in a State of Emergency. The difference is that a State of Emergency is declared in accordance with the Mexican Constitution and in accordance with international law wherein certain civil and political rights are protected. However, the constitutional provision that permits the *arraigo* does

not require even minimal standards or procedural controls normally associated with a democratic state of law, thus resulting in the inconsistent and arbitrary use of preventive detention.

**From 2009 – 2014 a total of 14,523 requests for *arraigo* were issued from the Attorney General’s Office. From the 8,595 persons detained under *arraigo* in the period from 2008 – 2011, only the 3.2 percent of them were sentenced. 7,943 detentions were for drug-related crimes.** The elevated numbers of people detained under *arraigo* at the federal level lead us to conclude that there has been a misuse of the figure.

In some states the use of this measure is particularly worrying. In the state of Baja California people were detained in military facilities and hotels. In Nuevo Leon, the Superior Court of the State reported that 6,609 orders of detention under the figure of *arraigo* were granted between 2011 and 2014.

## **FORCED INTERNAL DISPLACEMENT**

Mexico has suffered from forced internal displacement since 1970; traditionally, the causes have been mainly religious intolerance (between indigenous protestant minorities and catholic majorities), communal conflicts, and disputes over land and natural resources in some states. In the nineties, other causes emerged such as growing insecurity and political conflict, where the Mexican army and local police intervened displacing a large number of people. In 1994, the Zapatista movement in Chiapas caused a wave of displacement of dimensions never before seen in Mexico; until today it is estimated that more than thirty thousand people are still living in a situation of protracted internal displacement as a consequence of the conflict between Zapatistas and the government.

The policy of open confrontation against drug cartels and the use of joint operatives between the army, navy, federal and local police within the framework of the *war on drugs*, together with the emergence of disputes for land distribution routes between the cartels, increased the criminal activity and therefore the levels of insecurity increased as well. Crimes such as extortion, charging illegal protection fees (*cuotas de piso*), disappearances, forced recruitment, kidnappings and murders have triggered the flight of many families.

The presence of the Mexican army in the streets of some of the cities that have been most affected by crime has also been perceived by society as another cause of insecurity. Certain violations to human rights perpetuated by local and federal authorities (such as torture, extrajudicial executions, and forced disappearances) are widespread and systematic, and thousands of civilians have been either killed in crossfire or have been direct victims of the organized crime.



CMDPDH has collected information that indicates that **between 2011 and 2015, 281,418 persons have been internally displaced in various states of the Mexican Republic as a consequence of violence.**

Dispersed internal displacement (drop by drop) is most recurrent but also invisible, and therefore it is usually not registered. It takes place when individual households abandon their place of residence. Nevertheless, about a third of the total number of internally displaced persons corresponds to 141 mass displacements that have been identified in 14 of the 32 states that constitute the Mexican Republic. Mass displacements take place when ten or more families from a community flight simultaneously due to the same event. This phenomenon has taken place mainly in Guerrero, Sinaloa, Michoacán, Oaxaca and Chiapas. However there is a lack of either journalistic or official information available about this phenomenon particularly from certain states with a high violence index, like Tamaulipas, Coahuila or Veracruz.

People forced to displace internally do not have access to institutions or mechanisms for their assistance or protection. CMDPDH, through the victim representation work carried out in various states of Mexico, has been able to assert that local governments do not have the capacity or the will to guarantee and protect the rights of this sector of the population. For instance, they do not investigate effectively the crimes committed against the people forced into displacement.

## **THE VULNERABLE SITUATION OF HUMAN RIGHTS DEFENDERS**

Human Rights Defenders (HRD) have also suffered the consequences of the public security strategy and militarization. During the last six years an escalation in the number of attacks, threats and attacks against them has been registered, raising the risk of its work. According to the Inter-American Commission on Human Rights, **between 2006 and 2011, at least 61 human rights defenders were killed and 4 more remain disappeared.**<sup>9</sup>

The number of threats and aggressions against HRD is even higher. The increase on attacks against them has been sustained over the years; according to a recent report by the National Commission for Human Rights (CNDH), **from January 2005 to May 2011, a total of 523 files regarding attacks against HRD were opened; between 2005 and 2009, an average of 21 cases were reported, while on 2010 they reported 48 cases and 59 in 2011, showing an annual increase of over 100%.<sup>10</sup> From 2011 to 2013, the Mexican Human Rights Network has registered 104 cases of aggressions against human rights defenders and organizations, with a total of 409 aggressions and 27 murders, being Oaxaca and Guerrero the states with the highest number of cases. According to the Office in Mexico of the United Nations High**

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<sup>9</sup> CIDH. "Segundo Informe sobre la situación de las defensoras y los defensores de derechos humanos en las Américas". Comisión Interamericana de Derechos Humanos. Washington, 2011. Pp. 13

<sup>10</sup> Comisión Nacional de los Derechos Humanos. *El Derecho a Defender: Informe especial sobre la situación de las y los defensores de derechos humanos en México*. CNDH, México. Pp. 24-25

**Commissioner for Human Rights (UNHCHR), more than 98% of these cases remain unpunished.<sup>11</sup>**

In particular, the IACHR noted, defenders of environmental rights, indigenous leaders and defenders of women's rights have been particular targets of attacks against their life.<sup>12</sup> It is worth mentioning that many of the attacks against HRD have taken place in those states where Armed Forces have been deployed as part of the strategy to fight against organized crime.<sup>13</sup>

Furthermore, the use of the justice system to incriminate HRD as a means to hinder and obstruct their work has also been documented. Frequently, local and federal authorities have arbitrarily detained HRD arguing risks to national security and public safety, which in many times are directly connected to pacific protests.<sup>14</sup> In these cases, authorities commonly used false accusations of dispossession, property damage, sabotage and attacks on roads to incriminate HRD. Robbery, kidnapping or even murder, were also used as false accusations.<sup>15</sup> In the majority of these cases, those falsely incriminated were soon released for lack of evidence or by paying bails. It is a matter of great concern that authorities attempt to obstruct HRDs' work by simulating a crime and making up a judicial process. Ironically, criminal proceedings against HRD were carried out faster than when threats or aggressions against them were denounced where law enforcement was slow and inefficient.

During these years, there has also been a constant criminalization of the work of Human Rights Defenders by the authorities of the highest levels of government, accusing them of obstructing the work of the State to fight against organized crime or even be at their service. During 2011, various military commanders issued statements against Human Rights Defenders. Even the Minister of the Navy stated:

“There are criminal groups trying to smear the reputation of State institutions by using citizens' groups who, through deceitful tactics, try to make these institutions victims of the criminals' perverse game, since by using the banner of human rights, they seek to damage the image of our institutions, with the evil purpose of obstructing the government's anti-crime actions so as to have the field open to their wickedness.”

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<sup>11</sup> OACNUDH. “Actualización 2010: Informe sobre la Situación de las y los defensores de derechos humanos en México”. Oficina en México de la Alta Comisionada de las Naciones Unidas para los Derechos. México, 2010. Pp. 7

<sup>12</sup> Inter-American Commission on Human Rights. *Second Report on the Situation of Human Rights Defenders in the Americas* IACHR, OAS. Dec, 2011. Par 36

<sup>13</sup> Human Rights Watch. *Neither Rights nor Security: Killings, torture and disappearances in Mexico's “War on Drugs”*. HRW. New York, 2011. Pp 4

<sup>14</sup> Special Rapporteur on the Situation of Human Rights Defenders. *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms*. UNHCR. Geneva, 2011. Pp 29

<sup>15</sup> Oficina en México del Alto Comisionado de Naciones Unidas para los Derechos Humanos. *Defender los Derechos Humanos: entre el compromiso y el riesgo. Informe sobre la situación de las y los defensores de derechos humanos en México*. ONUDH-México. México, 2009. Parr 37

Likewise, families of victims of extrajudicial executions have been threatened and harassed to give up their demands for justice and truth. In many cases, especially the Army, immediately after the execution occurs, looks for the relatives to offer compensation in exchange for their silence, demanding that accepting the money would give up their right to pursue any legal or judicial action. In rejecting the offer of compensation, the relatives are threatened, harassed and persecuted.<sup>16</sup>

Mexico approved the Law on Protection of Human Rights Defenders and Journalists on April 30<sup>th</sup>, 2012. This law establishes the creation of a mechanism that intends to guarantee the safety and integrity of human rights defenders. Unfortunately, it has not been able to achieve its objective due to lack of personnel, insufficient funds, lack of coordination and the indifference of high-ranking politicians. The protection mechanism is not sustainable without investigations and prosecutions that lead to judgments against those who perpetrate aggressions against human rights defenders.

## CONCLUSION

The strategy to fight against organized crime within the frame of the war on drugs undertaken since 2006 has favored a military approach based on the premises of national security over the principles of citizen security,<sup>17</sup> with little guidance on how to combat organized crime and reduce drug trafficking. The use of the Armed Forces to perform public security tasks without a clear strategy imposing limits, deadlines and civilian controls, as a lack of an objective analysis on its effects, has contributed to the increasing spiral of violence that after more than six years seems far to coming to an end. The levels of violence and insecurity are much higher today than have been during previous administrations,<sup>18</sup> and human rights violations continue on the rise.

**The results of the war on drugs, therefore, have left over 70,000 people killed, more than 25,000 people disappeared, over 8,000 people arbitrary detained under *arraigo*, more than 4,000 instances of torture, at least 280,000 internally displaced people and over 60 human rights defenders killed in the country.**

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<sup>16</sup> Human Rights Watch. *Op. Cit.* Pp. 195

<sup>17</sup> La Comisión Interamericana de Derechos Humanos (CIDH) establece en su informe sobre Seguridad Ciudadana y Derechos Humanos que los Estados, en la búsqueda de la consolidación de su democracia, consolidar un enfoque de seguridad ciudadana centrado en la construcción de mayores niveles de ciudadanía democrática, poniendo en el centro de toda política a la persona humana, a diferencia de la seguridad del Estado o de determinado orden político (párr. 21)

<sup>18</sup> Trans-Border Institute, "Drug Violence in Mexico: Data and Analysis Through 2012". University of San Diego, February, 2013. Pp 4

## **RECOMMENDATIONS**

In preparation for the UNGASS on drugs in April 2016, the CMDPDH recommends to the High Commissioner for Human Rights to:

1. Promote an inclusive debate, with participation of special procedures, treaty bodies and civil society, about the human rights implications that the war on drugs has had around the world, and particularly in the Americas.
2. Encourage the international community to promote health, human rights and development based drug policies.
3. Discourage the application of drug policies founded on the use of the criminal justice system and militarized security strategies.
4. Dissuade the “war on drugs” discourse as the language of drug policies.
5. Ensure that the harm reduction approach includes the social and human rights implications of drug policies around the world.