



**GOBIERNO DE
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"SPECIFIC TECHNICAL AND PRACTICAL TOOLS TO ASSIST LAW ENFORCEMENT AGENCIES IN
PROMOTING AND PROTECTING HUMAN RIGHTS IN THE CONTEXT OF PEACEFUL PROTESTS".

**RELASPECIAL TOR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION
THEMATIC REPORT TO THE 55TH SESSION OF THE HUMAN RIGHTS COUNCIL**

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Introduction

Attention is given to the request for information made by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, on "Specific technical and practical tools to assist law enforcement agencies in promoting and protecting human rights in the context of peaceful protests" in order to support the thematic report to be submitted to the Human Rights Council at its 55th session.

Existing national legal framework and guidelines related to the promotion and protection of human rights by law enforcement during peaceful protests:

Article 9 of the Political Constitution of the United Mexican States establishes:

"The right to associate or assemble peacefully for any lawful purpose may not be abridged; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed meeting has the right to deliberate.

An assembly or meeting whose purpose is to make a petition or protest against some act to an authority shall not be considered illegal, and may not be dissolved, if no insults are uttered against the authority, nor violence or threats are used to intimidate it or force it to resolve in the desired direction..."

Articles 27 and 28 of the National Law on the Use of Force state:

"For no reason may weapons be used against those participating in peaceful demonstrations or public meetings with a lawful purpose. In such cases, police action shall ensure the protection of the demonstrators and the rights of third parties, as well as guaranteeing public peace and order. The intervention of the public security forces shall be made by persons with specific experience and training for such situations and under protocols of action issued by the Council of the National Public Security System..."

When demonstrations or public meetings become violent, the police shall act in accordance with the different levels of force established in this Law."

In addition, the National Protocol on the Use of Force provides for the following specific objectives:

- Applying techniques aimed at controlling or encapsulating people participating in demonstrations, social protests or public meetings;
- Police actions in demonstrations or public meetings;
- Under no circumstances may weapons be used against those participating in peaceful demonstrations or public meetings with a lawful purpose;
- In these cases, police action must ensure the protection of demonstrators and the rights of third parties, as well as guarantee peace and public order;
- The intervention of the public security forces must be carried out by persons with specific experience and training for such situations and under action protocols issued by the National Public Security System Council; and
- When demonstrations or public gatherings turn violent, the police shall act according to the different levels of force established in the National Law on the Use of Force.

In this regard, members of the National Guard (GN) act in accordance with the provisions of the General Law of the National Public Security System, the Law and Regulations of the National Guard on the Use of Force, the National Law on the Registration of Detentions, the General Law to Prevent, Investigate and Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Protocol for the Use of Force by Members of the Federal Protection Service, the National Code of Criminal Procedures, the Code of Conduct for Law Enforcement Officials and the Basic Principles for the Use of Force by Members of the Federal Protection Service, Protocol for the Use of Force by Members of the Federal Protective Service, National Code of Criminal Procedures, Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Likewise, the NG observes in its actions the American Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Promotion and protection of human rights while facilitating peaceful protests by law enforcement.

In accordance with the provisions of Article 6 of the GN Law, this institution carries out actions for the promotion and protection of human rights in

the context of peaceful protests. Likewise, since its creation, permanent training has been implemented for all its members on human rights and use of force, with the purpose of safeguarding the life, integrity and security, property and rights of the people and the preservation of their liberties.

In addition to the initial training learning units on human rights, the GN is certified in the ECO 510 Standard of Competence "Implementation of police techniques in the restoration of public order" and in the same way with the personnel of the Battalion of the Containment Forces who have a workshop on "Procedures for the restoration of public order" that contributes to the development of procedures, strategies and planned operational actions for the reestablishment of public order through the administration of the gradual and proportional use of force, with specialized personnel to carry out the following functions:

- To carry out preventive and tacit actions aimed at maintaining order, the rule of law and public peace;
- Safeguard the integrity of people and their property through actions aimed at maintaining and restoring order and social peace in accordance with Article 9 of the National Guard Law;
- Provide assistance to the population in case of risk situations, caused by disturbances or other circumstances that threaten the safety and health of people, or any other type of risk;
- Prevent, minimize and confront events that violate or put at risk the security and physical integrity of people in compliance with the human rights recognized by the Political Constitution and the provisions of the National Law on the Use of Force;
- To safeguard public property, facilities or assets of the Federal Government, in case there is a threat of attack by demonstrators who violate the law and the rule of law.
- Participate in joint operations, as well as in crowd control and containment actions with other state or municipal security institutions aimed at reestablishing public order;
- Apply specific actions, techniques, tactics and strategies of action and objectives in crowd control in the stages of the process of reestablishing public order; and
- Apply preparatory actions underlying the service in a matter of equipment, command function with respect to the state of force and logistics in the handling of self-propelled units.

Regarding the challenges of the NG to facilitate and monitor proposals is mainly to consolidate the Containment Forces Battalion, as a specialized unit for the development of procedures, strategies and planned

operational actions, in matters of public maintenance, through the administration of the gradual and proportional use of force, as well as the training and certification of personnel for the fulfillment of the missions entrusted, in strict adherence to the human rights recognized in the Political Constitution of the United Mexican States, international treaties, as well as in the applicable legislation on the same matter.

On the other hand, in accordance with the provisions of Article 3 of the regulations of the Federal Protection Service, this decentralized administrative body of the Federal Government attached to the Secretariat of Security and Citizen Protection, is responsible for the provision of protection, custody, surveillance and security services for persons, property and facilities to the agencies and entities of the Federal Public Administration, as well as to the bodies of the Legislative and Judicial Powers, which are constitutionally autonomous from the Federation and other public institutions that so request, with the exception of facilities considered strategic by the Political Constitution of the United Mexican States and laws issued by the Congress of the Union.

Likewise, this Federal Protection Service (SPF) may provide services to individuals or legal entities when required to preserve the security of national assets, activities under concession or concession or others that due to their condition, relevance or importance of their activities, contribute to national development, as well as to the representations of foreign governments in national territory, in accordance with the provisions established for such purpose by the Secretariat of Security and Citizen Protection.

In addition to being inherently responsible for the activities of safeguarding the integrity and rights of persons, preventing the commission of crimes, preserving freedoms, public order and peace, as well as social coexistence within the scope of its competence, in accordance with the terms and conditions provided for the provision of services and the aforementioned Regulations, in written observance of human rights.

In order to comply with the above, the SPF implemented since 2016 its protocol on the Use of Force, which served as a basis for the National Protocol to be issued in 2021. The SPF Protocol was reformed in order to be aligned with the National Protocol, so that to date there is the "Protocol for the Use of Force by members of the Federal Protection Service" which contemplates the principles of legality, rationality, absolute necessity, proportionality, consistency, timeliness and accountability and on February 15, 2022 the "Manual on Human Rights and Use of Force for members of the SPF" was published.

In the same vein, the Commissioner of the Federal Protection Service instructed the General Directorate of Professionalization to develop the course "Right to Personal Security, Integrity and Freedom from Torture and/or cruel treatment of persons in the context of migration" in order to reinforce in the members the importance of eliminating acts of torture and cruelty, The corresponding agenda was included in the Annual Training Program 2023 of the SPF, as well as the agenda of the courses that comprise it, so that the members of this decentralized administrative body are duly trained and have the necessary knowledge on human rights.

In accordance with Article 17 of the Protocol for the Use of Force by members of the SPF, courses are given to officers on the following topics:

- Human rights;
- Use of force;
- Human development;
- Crisis management;
- Teamwork;
- Culture of legality;
- National model of police and civic justice;
- Criminal Justice System;
- First Responder and Homologated Police Report;
- Availability;
- The current police situation in the area of gender perspective, human rights and attention to gender violence, and
- Right to personal safety, integrity and freedom from torture and/or cruel treatment of persons in the context of migration.

Prevention and minimization of the use of force, reduction of tension and violence in the context of protests.

In this regard, law enforcement agencies act on the basis of Article 27 of the National Law on the Use of Force, which states:

"Under no circumstances may weapons be used against those participating in peaceful demonstrations or public meetings with a lawful purpose.

In such cases, police action must ensure the protection of demonstrators and the rights of third parties, as well as guarantee public peace and order.

The intervention of the public security forces shall be carried out by persons with specific experience and training for such

situations and under action protocols issued by the Council of the National Public Security System...".

Likewise, continuing with the use of equipment that may be used during the proposals and the different situations to do so, Article 28 of the National Law on the Use of Force states the following:

"Article 28. When demonstrations or public meetings become violent, the police shall act in accordance with the different levels of force established in this Law."

In turn, Article 11 of the same law states that:

The levels of the use of force, according to the order in which they must be exhausted, are:

I. Presence of authority: it is the first form of contact that the agents have with the general public. It is manifested through:

a) The proper use of the uniform;

b) The proper use of equipment, according to the circumstances; and

c) A diligent attitude.

II. Persuasion or verbal dissuasion: through the use of words or gestures that are classified as orders and that allow the person to facilitate the agents to comply with their functions;

III. Physical reduction of movements: by means of body-to-body actions in order to control the person who has resisted and hindered the agents from carrying out their duties;

IV. Use of less lethal incapacitating weapons: in order to subdue the active resistance of a person, and V. Use of firearms or lethal force: to repel highly dangerous resistance.

Finally, Article 31 of the National Law on the Use of Force states the following:

"In the case of plans, strategies and programs to act against assemblies, demonstrations or meetings that turn violent or threaten public order, the presence of agents trained to carry out negotiations and procedures of dissuasion and persuasion for the demonstrators to abandon aggressive behavior must be considered, and leaders must be sought to establish dialogue between them and the authorities.

The agent acting as negotiator shall remain in direct communication and coordination with the operational command, who in turn shall have direct contact with the higher command."

Protection of specific groups or other relevant actors in the context of protests

The Secretary of Security and Citizen Protection subjects its academic programs to the current legal system applicable to the matter, guiding the protection and safeguarding of people, without undermining any right and without making any type of distinction or discrimination whatsoever.

Accountability and operational review

Based on articles 32, 33, 34 and 35 of the National Law on the Use of Force, which state that:

"Whenever members of the security institutions use force in the performance of their duties, they shall make a detailed report to their immediate superior, a copy of which shall be included in the file of the agent in command of the operation and, where appropriate, of each of the participants.

The hierarchical superiors shall be responsible when they should have or have knowledge that the agents under their command have unlawfully used force, instruments or firearms in their charge and do not prevent it or do not report it to the corresponding authorities.

Article 33. The detailed report shall contain:

I. Name, assignment and identification data of the agent;

II. Level of force used;

III. Circumstances of manner, time, place of the facts and reasons that motivated the decision to use such level of force, and

IV. In case of having used lethal weapons:

a) Detail the reasons for the use of the firearm or explosive;

b) Identify the number of shots or the amount of explosive detonation;

c) Specify the type of injuries, the number and identity of the injured persons and the material damage caused, and

d) If applicable, specify the number and identity of the persons who lost their lives.

Article 34. Security institutions shall establish a program of periodic evaluations in accordance with efficiency standards on the use of force.

Article 35. The security institutions shall submit annual public reports that allow knowing the development of the activities that involve the use of force.

These reports should contain:

I. Data related to arrests;

II. The results of the bodily evaluation performed on the detained persons;

III. The number of persons killed by the use of force, disaggregated by sex, and

IV. If applicable, recommendations issued by public human rights bodies in connection with these events, and the attention given to them."