



37th FIDH Congress from 6 to 10 April, 2010 in Yerevan

Draft Resolution on the Human Rights Situation in Mexico

Concerned over the militaristic policies of the State, guided by President Felipe de Jesús Calderón Hinojosa, supreme commander of the Armed Forces, whose war on organized crime is unconstitutional since no institution of the Republic has authorized it, and which has resulted in 20,000 deaths, thousands of detentions, hundreds of people tortured and freedoms curtailed in the name of "democracy", and has also brought forth countless denunciations of the Mexican Army for human rights violations...

Dismayed at the role played by the Armed Forces, the Seguridad Pública, the institutions of the State and legislative measures in evicting the 34,000 employees of the Central Light and Power Company, the dismantling of the Mexican Electricity Workers Union in order to enforce privatization of the electricity sector, along with a media campaign aimed at portraying the workers and their families as criminals and at justifying repression...

Alarmed at the impunity, covered and promoted by public institutions, as evidenced by the case of Arturo Chávez Chávez, Attorney General of the Republic, responsible for failing to investigate the large-scale murder of women when he was Public Prosecutor for the State of Chihuahua, or Admiral Wilfrido Robledo Madrid, former Chief of the State Security Agency of the State of México (ASE) who led the police operations in San Salvador Atenco, State of Mexico, in May 2005, and who will be put in charge of the Federal Ministerial Police, which answers to the Attorney General's Office (Procuraduría General de la República – PGR)...

Dismayed by the impunity regarding the fire at the ABC Child Care Center in Hermosilla, Sonora, in which 49 children died, a catastrophe caused by the policies of privatization or the delegation of child-care responsibilities pursued by the child-care authorities and the Mexican Social Security Institute, and by the influence-peddling, nepotism and negligence of the Federal, State and Municipal authorities.

Concerned over attacks on human rights defenders, persecution of social militants and the criminalization of social protest, as well as the serious crisis in our prison system.

In view of the declaration made last December 10 by the Economic Commission for Latin America and the Caribbean (ECLAC) that "*Mexico is the country hardest hit by the crisis. It has always known poverty, but the events of 2009 and President Felipe Calderón's mistaken policies caused even more Mexicans to become poor. And caused those who were already poor to slide into extreme poverty...*" Moreover, while private companies, and especially multinationals continue to make profits, the environment is suffering much more as a result of gigantic investment projects.

We note that public policy toward the indigenous peoples does not recognize them as subjects of law, which makes it impossible to implement "social and developmental programs" with the participation of these peoples, and this serves to further their extinction, loss of identity and absorption as underpaid laborers.

Noting that various forms of violence against women continue at alarming rates, both resulting from and emblematic of widespread discrimination and inequality based on gender, socio-economic status, origin, ethnic group, etc., which goes hand-in-hand with a lack of access to protection from the State, which



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fails to enforce measures needed to protect and promote the rights of women and the elimination of gender violence.

We denounce the fact that, although the Mexican government affirms in speeches and on paper that it has accepted a wide range of measures to enforce universal justice, it continuously introduces "safeguards" and passes "corrective" laws, such as the constitutional reforms of 2008 regarding penal law, giving the Chamber of Senators discretionary powers regarding the jurisdiction of the International Criminal Court (ICC), reservations and safeguards on the Inter-American Convention on the Forced Disappearance of Persons which preclude the possibility of applying the convention to acts committed prior to its signature, and the authorization to try military personnel before military rather than civil courts.

We note that the Inter-American Court of Human Rights (IACHR) has condemned Mexico twice, once for the forced disappearance of Rosendo Radilla Pacheco and once for the femicide of Claudia Ivette González, Laura Berenice Ramos Monárrez and Esmeralda Herrera Monreal, whose bodies were found in Campo Algodonero in Ciudad Juárez.

Finally, we recall that Mexico presented itself at the 4th Session of the Universal Periodic Review (UPR) of the UN Human Rights Council on February 10 2009, which adopted 91 recommendations; the government of Mexico accepted 83, and lodged reservations on 8. The most important recommendations with regard to the defense of human rights are:

1. Enact a definition of organized crime consistent with the United Nations Convention against Transnational Organized Crime; 2. Abolish the practice of "arraigo"; 3. Ensure that the primacy of the civil legal system prevail over the military judicial process across the entire territory; 4. Extend the jurisdiction of civil courts in cases involving violations of human rights by the military; 5. Follow-up on the recommendations of the Committee against Torture and OHCHR to empower civil courts to try offenses against human rights, in particular torture and cruel, inhuman or degrading treatment committed by military personnel, even when it is claimed that they were service-related; 6 Grant jurisdiction to its civil authorities over the human rights violations committed by members of armed forces when performing law enforcement functions; if the military involvement in combating organized crimes is necessary, the expanded role of the military must be counterbalanced by measures to reinforce the protection of human rights; 7. Review the relevant legal provisions to ensure that all offenses committed against human rights by military forces may also be submitted to civil courts. 8. Re-establish the Special Prosecutor's office for past-political and social movements or create a similar office, which would be a strong signal towards combating impunity for victims and their families.

The Congress of the International Federation for Human Rights (FIDH):

Invites the international community to urge the government of Mexico to implement all the UPR recommendations, as well as other UN and OAS recommendations in the field of human rights and the jurisprudence of the Inter-American Court of Human Rights; to reinforce the necessary mechanisms to address serious human rights violations; to promote the harmonization of domestic legislation with international law; and to withdraw all reservations and declarations that serve to limit the protection of human rights.