



**Amnesty International briefing to German Presidency:
human rights concerns in Mexico.**

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Ahead of the EU-Mexico Joint Council on 19 April, Amnesty International is presenting this briefing to highlight human rights concerns regarding Mexico. Amnesty International urges EU representatives to raise these concerns in their discussions relating to Mexico.

The Mexican government, under the administration of former president Fox, played an important role in promoting human rights standards on the international stage, including assuming the presidency of the new UN Human Rights Council. Despite this, the commitment to tackle longstanding and widespread human rights violations within Mexico only achieved very limited success leaving patterns of human rights violations and impunity largely untackled.

In December 2006 President Felipe Calderón took office and a new government was inaugurated along with the newly elected federal Congress. The new administration, which has almost exclusively focused on issues such as public security and economic management, has yet to make specific and concrete commitments to fulfil its obligations to protect and ensure human rights.

In meetings with Mexican government officials, Amnesty International has been informed that the new government will continue many of the human rights policies of the former administration. However, the new government has so far failed to define this policy or establish implementation mechanisms. In particular, the National Human Rights Programme drawn up by the previous government appears to have been set aside without any clear replacement and the inter-institutional Governmental Policy Commission on Human Rights (*Comision de politica gubernamental en material de derechos*), the key governmental mechanism for driving forward human rights protection, has not convened and its future is unclear.

Amnesty International acknowledges that any new government requires a period of time to establish its authority and define its political agenda. Nevertheless, the steps so far taken by the new administration do not indicate a clear commitment to place the improved protection of human rights at the heart of its policy agenda. Amnesty International is also concerned that the apparent deprioritisation of human rights, and the failure to clearly combat high profile violations, may send a negative message to some state and municipal governments in the federation that have been reluctant to ensure the rule of law and full respect for human rights. This briefing identifies a number of key areas where federal government, as well as state governments, the legislature and the judiciary, should take action.

Reform of the judicial system

Mexico's Constitution and jurisprudence fail to ensure the effective application of international human rights standards assumed by the Mexican government in international treaties. As a result, legal protection available to the population is significantly weakened and municipal, state and federal institutions are not in practice forced to abide by these standards.

The public security and criminal justice system, particularly in many of Mexico's 31 states, continues to allow widespread human rights violations for which impunity is virtually ensured. The new government has made various proposals to strengthen public security measures and the legal framework of the criminal justice system. However, these so far do not address many of the core structural problems that deny effective protection of rights to victims and criminal suspects and give rise to abuses at state and federal level. The proposals presented so far by the government appear to risk reinforcing practices of reduced judicial guarantees for specific criminal offences and strengthened police powers without commensurate improvements in accountability mechanisms. In February 2006 Amnesty International published a report identifying many of the flaws in the criminal justice system and made recommendations to the government to ensure the criminal justice system operates within a framework of international human rights standards. The government welcomed the report but has so far failed to provide a detailed response to the recommendations.

Amnesty International urges the authorities to ensure full constitutional recognition of the obligations to respect, protect, promote and guarantee human rights in line with the provisions of international treaties; and to implement reforms to the system of criminal justice and public security in order to guarantee international human rights standards.

Human rights violations and impunity in the policing of public order disturbances

Oaxaca

Amnesty International recognises that the state and federal authorities are responsible for maintaining public safety during social protests. However, the organisation has documented the widespread use of excessive force, arbitrary detentions, torture, fabrication of criminal charges and unfair judicial proceedings as well as more than 20 unlawful killings in the state of Oaxaca. Some of these abuses have been carried out by unidentified armed men, believed to be police or local ruling party sympathisers, acting in coordination with the authorities in a paramilitary-like manner with the apparent intention of spreading fear amongst supporters of the local protest movement. Despite commitments by the federal government to prevent impunity and ensure federal forces do not commit human rights violations, Amnesty International has received convincing reports implicating federal preventive police in arbitrary detentions, ill-treatment and fabrication of evidence. Amnesty International is not aware of any of those responsible being held to account and federal authorities have so far dismissed such allegations without conducting substantive investigations.

San Salvador Atenco

The serious human rights violations which took place in San Salvador Atenco on 3 and 4 May 2006, including excessive force, arbitrary detentions, ill-treatment, torture, sexual assault, fabrication of evidence and unfair trials have gone unpunished. The federal and state authorities have failed to effectively apply the recommendation issued by the National Human Rights Commission.

Amnesty International urges the Mexican government to ensure effective and impartial investigations into all human rights violations committed in Oaxaca and San Salvador Atenco, whether committed by or with the acquiescence of federal, state, municipal authorities; and for all those responsible to be held to account and for the victims to receive reparations. The organisation also urges that the cases of all those facing arrest warrants or charges should be reviewed with regard to international fair trial standards and the right to be tried before an impartial court.

Violence against women

Violence against women in the home and the community remains one of the most serious human rights violations in many parts of Mexico. In recent years the cases of Ciudad Juárez and Chihuahua, where more than 400 women have been murdered, received widespread attention which in turn has led to some improvements in the attention to cases by state authorities. However, murders and impunity for past cases continue and no officials responsible for negligent investigations have ever been held to account. There are worrying signs that the new federal government does not intend to reinforce efforts to combat violence against women in the state of Chihuahua, nor has it committed itself to ensure the effective application of important new federal legislation recently passed by Congress establishing the responsibility of federal, state and municipal authorities to prevent and punish violence against women (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*)

Amnesty International urges the government:

- *to guarantee effective mechanisms to prevent and combat violence against women of all ages and social origins, and ensure their right to live free from violence or discrimination; and*
- *to ensure access to justice and integral reparation for the women of Ciudad Juárez and Chihuahua.*

Economic, social and cultural rights

Access to economic, social and cultural rights is routinely denied to some of Mexico's most marginalised communities, particularly indigenous people. Despite advances in anti-discrimination legislation in recent years, municipal, state and federal authorities often fail to meet the needs of these vulnerable communities in the field of poverty eradication, education, healthcare, adequate housing and clean water.

Amnesty International urges the authorities to take immediate and progressive measures to respect, protect and fully ensure economic, social and cultural rights, without discrimination, prioritising the needs of the most vulnerable, such as indigenous peoples.

Journalists and human rights defenders

Journalists and human rights defenders are extremely vulnerable when working at local level exposing corruption, organized crime or working with communities to protect their rights. In 2006 ten journalists were reportedly murdered often in the context of investigating links to organized crime. None of these cases have been resolved despite the establishment of a special federal prosecutor to investigate such cases. Human rights defenders in Oaxaca and Atenco have been threatened and prosecuted on spurious criminal charges in reprisal for their human rights work.

Amnesty International urges the Mexican government to guarantee that journalists, human rights defenders and activists in marginalised communities throughout the country are able to carry out their legitimate and necessary work without fear of attack, intimidation or judicial persecution on the basis of fabricated charges.

Impunity for past human rights violations

During President Fox's administration, a Special Federal Prosecutor's Office was established to prosecute human rights violations committed during Mexico's "dirty war" during the 60s, 70s and 80s. However, this initiative failed to produce significant progress in dismantling the legal and practical mechanisms ensuring impunity for the perpetrators: virtually all the limited prosecutions collapsed denying victims truth or redress.

A report compiled by researchers on behalf of the Special Prosecutor's Office set out the scale of the human rights violations committed implicating the state officials and the military establishment. Violations included more than 100 extrajudicial killings, 700 forced disappearances and 2000 cases of torture. However, the report was never officially adopted by the Fox administration, which closed the Special Prosecutor's Office in the last days of the president's mandate. According to reports, more than 600 open cases have been returned to the Federal Public Prosecutor's Office (*Procuraduría General de la República, PGR*) under the new administration with only a handful of staff to work on them. The new government has failed to acknowledge its responsibility to hold those responsible for these human rights violations to account and ensure truth and reparations for the victims.

Amnesty International urges Mexico's executive, legislative and judicial authorities to end impunity for past human rights violations by dismantling the legal and practical obstructions to prosecute those implicated in serious and widespread human rights violations. The rights of victims and their families to truth and reparation must be fulfilled.