

Summary of Amnesty International's concerns on Mexico

In March 2001 the former Secretary General of Amnesty International, Pierre Sané, met with President Fox in Mexico City. During the meeting he raised a number of the organization's concerns regarding the protection and promotion of human rights in Mexico and highlighted a number of the challenges and opportunities facing the Mexican Government, particularly in the light of the commitments made by the administration to end human rights violations in Mexico. A memorandum encapsulating these issues was handed to President Fox by the former Secretary General (AMR 41/015/2001).

Amnesty International has welcomed the stated commitment of the Mexican Government to protect and promote human rights at home and abroad and we consider positive a number of the steps the administration has taken to begin the process of building a lasting culture of respect for human rights in Mexico. Amnesty International has researched and campaigned on human rights abuses in Mexico over the last 35 years, documenting the widespread and frequent violations in fundamental human rights. The impunity that traditionally surrounds almost all forms of human rights violations remains deeply ingrained and will require the implementation of a concerted, coordinated and truly effective human rights policy at all levels of the state if lasting substantive advances are to be achieved. The range of initiatives undertaken by the Mexican Government in this regard, enumerated in the report issued in August, "*Avances y Retos del Gobierno Federal en Materia de Derechos Humanos*" show the openness and engagement of the administration with these issues. However, Amnesty International research, including visits to a number of states in July, along with that of many national human non governmental human rights organizations, indicates that many of the patterns of human rights violations continue.

The Technical Assistance program with the United Nations High Commissioner for Human Rights provides an excellent opportunity for identifying and agreeing the means for tackling underlying factors that give rise to continuing human rights violations. It is essential the government continue to extend the role of civil society, and particularly national non-governmental human rights organizations, in the process of determining the fundamental mechanisms for making the proposed human rights program effective. The Technical Assistance program provides an opportunity to move swiftly forward with the long-delayed implementation of numerous and well publicised recommendations to strengthen human rights protection on a range of issues made by the Inter-American Commission on Human Rights (IACHR) and the various mechanisms of the United Nations Human Rights Commission which have reported on Mexico in the last decade.

Amnesty International remains concerned about a range of human rights violations that are common in Mexico and the failure of the authorities to provide effective remedy to the victims. Below are listed a number of these concerns which are detailed in other recent AI reports:

- the use of arbitrary detention, ill-treatment and torture by different police forces and agents of the public ministry;
- the continuing failure of the public ministry or judiciary to act in accordance with international standards on receipt of allegations of coerced confessions, by failing to shift the balance of proof in favour of the victim in order that the prosecution demonstrate the confession was provided voluntarily;

- “disappearances” and extra-judicial killings have reduced in recent years, but a number of cases have taken place indicating the involvement or complicity of state agents;

- the use of politically motivated criminal charges at state level, continues to lead to unwarranted detention or excessive sentencing in order to deter or restrict social protest. The abuse of the judicial system remains commonplace and the system of *amparo* does not presently provide effective judicial remedy for victims;

- there are continuing reports of human rights violations, such as killings, threats and intimidation by armed groups acting with the apparent protection or acquiescence of local authorities in states such as Chiapas, Oaxaca and Guerrero. The failure of the authorities to effectively dismantle these groups and hold all those responsible to account continues to engender a climate of violence and impunity in many rural communities;

- the failure to establish an independent and impartial mechanism for conducting criminal investigations into alleged violations of human rights by public officials – the present structure of the public ministry undermines the credibility of such investigations from the outset and raises grave concern about the capacity of the authorities, state and federal, to effectively investigate such violations as arbitrary detention, torture, disappearance and extra-judicial killings. The *Comisión Nacional de Derechos Humanos* (CNDH) or local *Comisiones Estatales*, do not enjoy sufficient authority or determination to presently provide an effective means of safeguarding fundamental human rights and hold the authorities to account. The overhaul of the administration of justice to incorporate international human rights standards into working practices is of vital urgency. The internal procedures so far proposed, while an advance, are not adequate;

- the role of the armed forces in policing operations should be clarified and all human rights violations allegedly committed by the armed forces should be investigated and tried in the civilian courts – the reservation and interpretation placed on the American Convention on Forced Disappearance should be immediately withdrawn;

- smear campaigns, harassment and attempts to undermine the efforts of human rights defenders working to expose human rights violations and to hold the authorities to account continue in many states. The federal and state authorities must ensure the protection of defenders and ensure independent and effective investigation of all cases of harassment or threats against defenders;

- marginalization and poverty affect many sections of society in Mexico, but none more so than indigenous communities. Discrimination against indigenous peoples continues. Recent legislation on indigenous rights has not met the expectations of indigenous communities and has been widely criticised for failing to provide adequate guarantees to safeguard their rights. The authorities have taken the important step of ratifying international instruments outlawing discrimination in all forms, now this must be matched with effective measures to end discrimination on such grounds as race, gender or sexual orientation.

We hope that the range of concerns outlined above will be considered in the diagnostic to take place with the UN Technical Assistance Program and that measures to tackle them will be implemented as part of the Human Rights Program.