

Human Rights Council – Universal Periodic Review 10 February 2009 (morning)

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· The Human Rights Council's Universal Periodic Review Working Group reviewed the fulfillment of human rights obligations by Mexico this morning, during which **56** Council members and observers raised a number of issues pertaining to the human rights situation in the country.

· **Presenting the national report of Mexico** was FERNANDO GÓMEZ-MONT, Minister of the Interior of Mexico, who noted that, over the last decades, Mexico has achieved historical improvements in civil liberties and political representation which have opened the doors to plurality and political alternation at all levels of government. In this process, Mexico faced two main challenges: strengthening the rule of law, where security and justice institutions were fully capable of protecting all citizens exist; and overcoming the inequalities that characterized Mexican society, particularly through poverty reduction and the eradication of extreme poverty. Mexico has brought deep transformations in the political, legal and social institutions. These transformations have allowed a more effective enjoyment of human rights in the country. According to the Constitution, international treaties on human rights were supreme law and were above federal and local laws; therefore they can be invoked before tribunals. In addition, the Congress was considering several bills to fully embody the concept of human rights in the Constitution. While clear improvements have been achieved in issues such as justice for children and adolescents, rights of the child, gender equality and access of women to a life free of violence, additional efforts were required in combating trafficking of persons, torture prevention and prosecution, rights of indigenous peoples, prevention of discrimination and protection of equality, as well as in prevention and punishment of enforced disappearances. Mexico has developed and consolidated a large number of institutions and public policies for the protection of human rights and in 1990 established its National Human Rights Commission in accordance with the Paris Principles. It was also noted that, from 2001 to 2008, Mexico ratified almost all of the international instruments on human rights, as well as their Optional Protocols.

The Minister noted that the Office of the High Commissioner for Human Rights of the United Nations established a local office in Mexico in 2002, in response to an invitation from the Government. On the basis of an agreement on the continuation of its activities, the Office has made relevant contributions, such as the "2003 Diagnosis of the human rights situation in Mexico", that identified most of the challenges of the State. The Office has also performed human rights monitoring activities and has provided advice for the elaboration of the last two National Programs. A crucial challenge for Mexico on human rights was to consolidate an efficient Rule of Law that guaranteed security to Mexicans, the Minister added. Organized crime has killed citizens, journalists, prosecutors, police officers and members of the Armed Forces. Kidnappings, blackmailing and violence were used by criminal groups, as well as corruption against institutions eroding them and violating the rights of Mexicans. Nowadays, the

largest threat against human rights came from organized crime. Because of this, the struggle to ensure law and order in Mexico was essentially a fight to safeguard fundamental liberties and rights of all citizens. In Mexico, both the judiciary and the permanent oversight of the autonomous human rights institutions as well as of the media and the public opinion, played a key role in ensuring that alleged violations of human rights were investigated and prosecuted. The National Program on Human Rights included the commitment of the military forces to promote reforms in the field of prosecution and administration of justice before military tribunals in accordance with Mexico's international obligations. The Ministry of Defence has specialized units to receive and process complaints and recommendations from autonomous human rights bodies through administrative and criminal procedures, including redress procedures. Moreover, the Government of Mexico has launched an in-depth-transformation of the criminal justice system with two main goals: to end impunity and to strengthen the State capacities for crime prosecution, with full respect for human rights. In 2008 the Reform to Public Security and the Criminal Justice System was approved.

For the Mexican State, freedom of expression was an indispensable condition of democracy, the Minister stated. The Federal Executive has just introduced a Bill to Congress to consider attacks against journalists as federal crimes and to make federal authorities responsible for the investigation of these crimes. This Bill was currently being discussed by Congress. Mexico was convinced that defending freedom of expression was safeguarding a cornerstone of the democratic rule of law. The fight against torture was also a priority of the Mexican Government. From a legal point of view, the Constitution of Mexico prohibits torture, and national and federal legislation has been enacted to this effect. It was noted that Mexico had a Federal Law to Prevent and Eliminate Discrimination and a National Council on this issue, which included a conciliatory system to address complaints in order to punish any discriminatory behaviour. As to the killing of women, especially in Ciudad Juarez and Chihuahua, the State institutions were working with civil society in order to fully address these crimes and, above all, to prevent them. Both at the national level and in the case of Ciudad Juarez, important efforts were underway for the enhancing of legislation, institution-strengthening and allocation of a budget. The Federal Government has also undertaken important steps in shifting from welfare to a rights-based approach when addressing needs of vulnerable groups instead of assistance ones. Respect for the rights of indigenous peoples was also a priority. Through the National Commission for the Development of Indigenous Peoples, different programs were implemented in order to overcome this situation. The Government of Mexico was also strongly committed to the fight and eradication of poverty and since 2002 the goal of reducing by half, before 2015, the percentage of people living on one US dollar a day has been achieved.

· During the three-hour interactive discussion delegations noted a number of **positive achievements** of the State under review. These included the abolition of the death penalty; accession to the core human rights instruments; extending a standing invitation to the United Nations Special Procedures; measures to combat poverty; progress achieved in the areas of health and education; the

establishment of the National Human Rights Commission and other national institutions aimed at upholding human rights; the promotion of the rights of migrants; efforts to combat corruption and crime; the enactment of the National Agreement on Security, Justice and Legality; Mexico's cooperation with the international community on human rights matters; measures taken to combat drug trafficking; the efforts to address cases of forced disappearances; and progress made in achieving the Millennium Development Goals. A number of delegations also thanked Ambassador Luis Alfonso de Alba of Mexico for the key role he played during the institution-building phase of the Human Rights Council in his capacity as the first President of the Council.

· **Issues and questions raised** by the Working Group, comprised of the 47 members of the Council, and Observers participating in the interactive discussion related to the existing legal provisions on respecting the freedom of religion; measures undertaken to strengthen the freedom of expression and of the press; the existence of a human rights code of conduct for law enforcement and security personnel; efforts to reverse the trend of threats against journalists and whether the new Bill addressed such acts; when the Mexican army will completely withdraw from public security tasks; plans to investigate acts of torture and violence committed by security forces; the State's policy to address cases of domestic violence and violence against women; efforts to improve the implementation of the law on the protection of women from violence; specific measures taken to combat impunity for acts of violence, particularly acts committed against women; the application of the General Law on Women's Access to a Life Free of Violence; the results of investigations into the killings of women in Ciudad Juarez; efforts to combat child labour; and the status of implementation of legislation to combat child prostitution and sexual exploitation.

Other issues and questions pertained to the efforts exerted to uphold the rights of migrant workers and people with disabilities; challenges faced in ratifying the Convention of the Rights of Migrant Workers and All Members of Their Families; measures envisaged to ensure that all children were afforded education; details of the local repatriation arrangements for migrants from neighbouring countries; measures in place to eliminate restrictions on trade union rights; the effects of the "Living Better Strategy"; the Alliance for Quality Education Programme; steps being taken to address the problem of unemployment triggered by the recent economic and financial crisis; plans to involve civil society in the follow-up to the UPR; and how the Millennium Development Goals had been integrated into national strategies.

· A number of delegations also posed specific **recommendations**. These included: To ensure the full realization of the rights of migrants; to continue to promote the Convention of the Rights of Migrant Workers and All Members of Their Families; to put more efforts to address high mortality and malnutrition rates among indigenous populations; to harmonize national and local legislation to strengthen measures to combat discrimination against women and indigenous peoples; to ensure effective access to education for all children, particularly migrant and indigenous children; to continue efforts to ensure the rights of all vulnerable populations, especially the right to food; to strengthen

efforts to raise awareness of indigenous rights, languages and customs by providing guidance and training to military and local levels; to improve access to justice for indigenous peoples; to increase school enrolment rates of indigenous children; to continue efforts to combat poverty; to attach particular attention to indigenous population in its efforts to combat poverty; to continue to strengthen programmes aimed at creating growth and employment and combating poverty; and to eliminate employment wage gaps.

Other recommendations included: To take effective measures to combat violence and discrimination against women, including cases of murder and disappearances; to strengthen measures to protect and provide assistance to victims of sexual exploitation and trafficking, with special emphasis on children victims; to address the problems of street children by providing them with State protection and vocational training; to take measures to ensure that children were protected from corporal punishment and other forms of violence or exploitation; to provide adequate funding for investigations and victim support programmes for women victims of violence and special training for the police to sensitize them to the problem of violence against women; to conduct a time-bound review of legislation at State level which discriminated against women; to encourage State authorities to implement the Law on Women's Access to a Life Free of Violence; and to redouble efforts to reduce the number of maternal deaths, especially among indigenous women.

Mexico was also encouraged to take all necessary measures to effectively prevent all acts of torture; to investigate alleged cases of torture and other human rights abuses committed by police, military and security personnel; to put an end to the climate of impunity; to create the proper legal framework that gave the Special Prosecutor for Crimes Against Journalists independence to investigate and indict perpetrators; to review legislation governing radio, television and communication and follow up the Supreme Courts order to submit legislative initiative for a new legal framework permitting diversity in the media; to ensure an effective policy to combat organized crime and corruption; to endorse a definition of organized crimes consistent with the Convention against Transnational Organized Crime; to take additional measures to improve the situation in prisons and the training of prison officials; and to put an end to the *Arraigo* system (three-month detention without charges).

Additionally, States recommended that Mexico provide sufficient resources to the criminal justice system and prison system in an effort to reduce the sentencing backlog; take additional measures to improve prison conditions; review the Code of Military Justice with a view to extending the jurisdiction of civil cases involving violations of human rights by the military; bolster the work of the Federal Special Prosecutor so as to better investigate cases; ensure that human rights training was provided for prison, military and security staff; continue enforcing the Bill on enforced and involuntary disappearances; abolish military jurisdiction; adopt necessary measures to harmonize national legislation with international instruments ratified; and withdraw reservations to international human rights instruments to which Mexico was a party.

Other recommendations included: To increase the effectiveness of precautionary measures to protect human rights defenders; to publicly recognize the important role of human rights defenders and NGOs in the protection of human rights in Mexico; to take more effective measures to tackle violence towards journalists; to ensure journalists were able to work freely and in a safe environment; that crimes against human rights defenders and journalists and lawyers were effectively investigated and prosecuted and that those responsible were punished; and to ensure the freedom of demonstrations.

- **Members States taking the floor** during the interactive discussion were Brazil, Egypt, Bahrain, Azerbaijan, Cuba, Ukraine, Indonesia, Pakistan, the Netherlands, the United Kingdom, Canada, Belgium, Germany, Chile, Nigeria, China, Italy, France, the Republic of Korea, India, Argentina, Bangladesh, Switzerland, Jordan, Japan, the Philippines, the Russian Federation, Uruguay, Saudi Arabia and Malaysia.

- **Observer States participating** in the discussion were Algeria, Morocco, Spain, Uzbekistan, Belarus, Portugal, Bolivia, Sweden, Austria, Vietnam, Turkey, New Zealand, Tunisia, Norway, Finland, Ireland, Palestine, the Holy See, Denmark, Honduras, Guatemala, Colombia, Peru, Syria, Panama and Ecuador.

- The 25-person **delegation of Mexico consisted of** representatives of the Ministry of the Interior, the Department of Foreign Relations, the Department of National Defense, the National System for the Integral Development of the Family, the National Institute for Women, the Office of the Attorney General, the Department of Public Security, the National Commission for the Development of Indigenous Peoples and the Permanent Mission of Mexico to International Organizations in Geneva.

- The three Council members serving as rapporteurs – **troika** - for the review of Mexico are South Africa, Pakistan and Nicaragua.

- In accordance with its institution-building package, the three documents on which State reviews should be based are information prepared by the State concerned, which could be presented either orally or in writing; information contained in the reports of treaty bodies and Special Procedures, to be compiled in a report by the Office of the High Commissioner for Human Rights (OHCHR); and information provided by other relevant stakeholders to the UPR including non-governmental organizations, national human rights institutions, human rights defenders, academic institutions and research institutes, regional organizations, as well as civil society representatives, also to be summarized by OHCHR in a separate document. The **reports on Mexico** can be found [here](#).

- **Adoption of report on Saudi Arabia:** The three Council members serving as the troika for the report on Saudi Arabia are Germany, Madagascar and Qatar. Introducing the report FAISAL ABDULLA AL-HENZAB ([Qatar](#)) made some amendments to the draft report, before which he noted that Saudi Arabia was open to suggestions and recommendations posed by States and expressed its views on a number of these recommendations. Representing the State under

review, ZAID AL-HUSSAIN, Vice President of the Human Rights Commission, paid tribute to the UPR process whose results positively reflected on all States. From the national point of view, drafting the report should involve the views of civil society as should the follow-up to the review. The Government attached importance to the recommendations reflected in the report and would report back on them at the 11th session of the Human Rights Council in June.

- The UPR Working Group is scheduled to **adopt the report of Mexico on Friday, 13 February.**

- When the UPR Working Group continues its work this afternoon at 2:30 a.m. it will review the fulfillment of human rights obligations by Mauritius after which it is scheduled to adopt the report of Senegal.

Additional information on the Universal Periodic Review mechanism can be located at the UPR webpage –

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>. To access the webcast for the UPR session please visit

<http://www.un.org/webcast/unhrc/index.asp>.