



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1999/NGO/110
22 March 1999

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Franciscans International, a non-governmental organization in general consultative status; Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, International Federation of Action by Christians for the Abolition of Torture, International Federation of Human Rights Leagues, France-Libertés - Fondation Danielle Mitterrand, Humanitarian Law Project - International Educational Development, Inc., Netherlands Organization for International Development Cooperation, World Organization against Torture, Pax Christi International, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 February 1999]

Human rights situation in Mexico

1. The signatory non-governmental organizations wish to draw the attention of the Commission on Human Rights to the following declaration by 96 Mexican organizations.
2. The human rights situation in Mexico continues to deteriorate. Various United Nations bodies specialized in the protection of human rights,¹ as well as the Inter-American Commission on Human Rights of the Organization of American States,² have confirmed this trend. Mexico occupies a leading place for reports of deaths in detention received by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and ranks third for cases of disappearances submitted to the Working Group on Enforced or Involuntary Disappearances, according to their most recent reports. In addition, the Inter-American Commission on Human Rights (IACHR) stated in its 1998 report that the practice of illegal detention in Mexico constitutes a serious situation of human rights violations due to its systematic character. Furthermore, the Committee against Torture concluded in 1997 that torture is systematically practised in Mexico, especially by the judicial police and, recently, by members of the armed forces on the pretext of combating subversives and drug-trafficking. The Special Rapporteur on the question of torture confirmed that torture is frequent throughout much of the country.³
3. The Sub-Commission on Prevention of Discrimination and Protection of Minorities requested in its resolution 1998/4, adopted at its fiftieth session, that the Government of Mexico should attach the highest priority to combating the impunity of perpetrators of serious human rights violations, especially those committed against members of indigenous communities, and also to promoting the action of human rights defenders and guaranteeing their safety; in addition, it appealed to the signatories to the San Andrés accords to resume the process favouring dialogue.

¹CERD/C/50/Misc.24; CAT/VIII/CRP.1/Add.4; CEDAW/C/MEX/3-4 and Add.1; E/CN.4/1997/60/Add.1; E/CN.4/1998/68/Add.1; E/CN.4/1998/95/Add.1; E/CN.4/1998/38/Add.2; Sub-Commission resolution 1998/4, among others.

²IACHR reports: 43/96; 48/97, 49/97 and report on the general situation of human rights in Mexico, published on 28 September 1998.

³See, for example, the recommendations of the Special Rapporteur on the question of torture, according to which certain legislative reforms are essential to bring domestic law into line with international human rights standards. Despite these recommendations, no bill proposing such reforms has been drafted and torture continues to be commonly practised in Mexico under the protection of legislation such as the Law against Organized Crime (1996) and the Code of Criminal Procedure (which grants excessive powers to agents of the Public Prosecutor's Office), as well as court decisions that take account of confessions even when they have been obtained during prolonged periods of detention.

4. The lack of political will on the part of the Mexican Government to put an end to these grave human rights violations (the right to life, the right to personal liberty and integrity, as well as to legal guarantees and protections), the ineffectiveness and partiality of the institutions responsible for law enforcement and the administration of justice, the increased activity of the armed forces in civilian life; the increasing tendency for police bodies to be directed by military officers and the Army's direct participation in public security matters, anti-narcotics operations and the counter-insurgency fight, as well as the impunity enjoyed by paramilitary groups, affect the entire population, especially the most vulnerable sectors (indigenous people, women and children), throughout the country and particularly, in Guerrero, Chiapas and Oaxaca.

5. The lack of independence of the judiciary worsens the situation of human rights in Mexico. The IACHR pointed out that the very constitutional structure of the courts calls into question the degree of real independence that these bodies have from the Executive, and that the relationship between illegal detention and violations of personal integrity and judicial guarantees is not coincidental, but reflects the dependence that arises in many cases between administrative and judicial authorities. The failures of the judicial system reflect a general undermining of the rule of law. Norms are applied with discretion, to the benefit of certain power groups, and there are grave irregularities in legal procedures.

6. Law-enforcement and judicial institutions are commonly used to resolve political conflicts. This is the case in the operations to dismantle autonomous municipalities in the State of Chiapas, where on the pretext of "re-establishing the rule of law" hundreds of illegal detentions and searches have been carried out. This demonstrates the misuse of power that the Mexican Government has employed, under the pretext of disbanding insurgent groups, to silence and prevent peaceful resistance to State policies.

7. A further concern is the growing militarization occurring in Mexico in recent years, which has brought with it innumerable human rights violations by soldiers who, as stated by the Special Rapporteur on the question of torture, enjoy impunity from civil justice and are, in general, protected by the military justice system. This militarization has particularly affected regions which are predominantly indigenous. In this regard, the IACHR stated that there has been not only a resumption of measures of control by the security forces, but also indiscriminate repression of social organizations and leaders. The High Commissioner for Human Rights has also expressed her concern regarding this situation.

8. Paramilitary activity in Chiapas is extremely serious and since 1995 has caused a large number of deaths. During 1998, despite alleged investigations to disarm the paramilitary groups, they continued to operate with impunity. This lack of justice is repeated in other states such as Guerrero, Oaxaca and Veracruz, where armed civilian groups are known to exist. In 1997, the Committee on the Elimination of Racial Discrimination highlighted the fact that acts of violence or intimidation perpetrated by paramilitary groups, the forces of law and order or landowners have frequently gone unpunished. This situation has given rise to the forced displacement of entire indigenous communities. According to unofficial figures, there are more than 16,000

internally displaced persons in Chiapas who live in inhumane conditions and whose personal security is vulnerable to aggressions, such as those massacred at Acteal, in the municipality of Chenalhó, Chiapas, on 22 December 1997.

9. Human rights defenders and journalists have suffered increasing levels of harassment, violence, threats and intimidation, which led both the IACHR and the Special Rapporteur on extrajudicial, summary or arbitrary executions to express their concern. Furthermore, the Mexican Government is increasingly resisting international human rights observations. Since November 1997, it has forced over 100 international observers to leave the country. Furthermore, a policy of accreditation and admission for international observer missions has been implemented which depends on the discretion of immigration officials to grant permission to enter the country for purposes of human rights monitoring and humanitarian aid distribution.

10. While the establishment of the official human rights protection system is positive, ⁴ the system has been ineffective in curbing human rights abuses as it does not enjoy true independence from the Executive. Its investigation methods do not adhere to the standards imposed by international systems, compliance with its recommendations is left to the discretion of the authorities and, as pointed out by the Special Rapporteur on the question of torture, it demonstrates an inexplicable disposition to consider such recommendations as complied with, when in practice they have only been partially implemented.

11. In 1993, the Committee on Economic, Social and Cultural Rights expressed its concern regarding the high number of persons living in extreme poverty and the growing disparity of wages for Mexican workers. According to official figures, since this date the number of people living in extreme poverty has increased from 17 million to 26 million; meanwhile, the real minimum wage has declined to the level it held in 1940. This situation is particularly grave for indigenous peoples, as compared to the rest of the population, since in many areas they live in deplorable conditions of poverty and lack access to social services and health care. Equally, as the IACHR has stated, although indigenous municipalities account for one third of all municipalities in the country, they represent 48 per cent of areas with "high poverty" and 82 per cent of those with "very high poverty".

12. In view of the above, we request the Commission on Human Rights to:

(a) Urge the Government of Mexico to adopt measures against the great number of human rights violations and against those who commit them. Reform of the system of law enforcement and administration of justice is essential to ensure all individuals full access thereto;

(b) Call on the Government to strengthen the public human rights protections system, guaranteeing full autonomy for the National Human Rights Commission and the state human rights commissions to ensure the thorough,

⁴This system is comprised of the National Human Rights Commission (CNDH) and 323 state commissions.

impartial and effective investigation of all complaints and reports of violations by a body that is independent from those believed to be responsible and has the authority and resources necessary to complete such an investigation;

(c) Call on the Government to arrange for a visit by the High Commissioner for Human Rights as soon as possible to analyse the situation on the basis of on-site monitoring, in coordination with the public commissions and civil organizations concerned with human rights;

(d) Examine the situation of human rights in Mexico, taking into account information from the various bodies of the United Nations and the Organization of American States, and especially Sub-Commission resolution 1998/4, which states that should the Commission decide not to do so, the Sub-Commission will continued the consideration of these developments at its fifty-first session;

(e) Urge the Government to extend invitations to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, as well as to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, and appoint a Special Rapporteur for Mexico to monitor the general situation of human rights in the country.

The networks:

1. Convergencia de Organismos Civiles por la Democracia
2. Foro de Organismos Civiles de Oaxaca (FOCO)
3. Movimiento Ciudadano por la Democracia (MCD)
4. Red Nacional de Organismos Civiles de Derechos Humanos "Todos los derechos para todos"
5. Red Mexicana de Acción Frente el Libre Comercio (RMALC)

The 91 Mexican organizations:

1. Academia Jalisciense de Derechos Humanos, A.C. (AJDH) Jalisco
2. Acción de los Cristianos para la Abolición de la Tortura (ACAT), D.F.
3. Alianza Cívica
4. Asamblea Nacional Indígena Plural por la Autonomía (ANIPA)
5. Asociación Civil para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo", A.C. Hidalgo
6. Asociación de Familiares de Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México AFADEM (FEDEFAM-México)
7. Asociación Jalisciense de Apoyo a los Grupos Indígenas (AJAGI) Jalisco
8. Brigadas Pro Derechos Humanos-Observadores por la Paz
9. Casa y Ciudad, A.C.
10. Casa del Pueblo, Tlalpán, D.F.

11. Ce-Acatl, A.C.
12. Centro de Apoyo al Movimiento Popular Oaxaqueño (CAMPO)
13. Centro de Derechos Humanos de la Montaña (Tlachinollán, A.C.), Guerrero
14. Centro de Derechos Humanos "Los Príncipes", Oaxaca
15. Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A.C. Chiapas
16. Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A.C., D.F.
17. Centro de Derechos Humanos "Miguel Agustín Pro", A.C. (PRODH), D.F.
18. Centro de Derechos Humanos "Tepeyac", Oaxaca
19. Centro de Derechos Indígenas (CEDIAC), Chiapas
20. Centro de Derechos Indígenas "Flor y Canto", A.C., Oaxaca
21. Centro de Derechos Humanos "Fray Matías de Córdoba", Chiapas
22. Centro Regional de Derechos Humanos "Bartolomé Carrasco", A.C.
23. Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A.C., Tamaulipas
24. Centro de Estudios para el Cambio en el Campo Mexicano
25. Centro de Estudios Sociales y Culturales Antonio Montesinos
26. Centro Nacional de Comunicación Social (CENCOS)
27. Centro de promoción y Defensa de los Derechos Humanos, A.C., Guerrero
28. Centro Potosino de Derechos Humanos, A.C. (CEPODHAC), San Luis Potosí
29. Ciudadanía Lagunera por los Derechos Humanos, A.C., Coahuila
30. Ciudadanos en Apoyo a los Derechos Humanos A.C. (CADHAC), Nuevo León
31. Colectivo Mexicano de Apoyo a la Niñez (COMEXANI)
32. Colectivo de Mujeres Campesinas de la Costa Grande de Guerrero (COMUCAM)
33. Colectivo Oaxaca por la Paz
34. Comisión de Derechos Humanos de la Asamblea de Barrios, D.F.
35. Comisión de Derechos Humanos "La Voz de los sin voz", Guerrero
36. Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C. (COSYDDHAC), Chihuahua
37. Comisión Independiente de Derechos Humanos de Morelos, A.C., Morelos
38. Comisión Intercongregacional "Justicia, Paz y Vida", D.F.
39. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C., D.F.
40. Comisión para la Defensa de los Derechos Humanos, A.C., Veracruz
41. Comisión Regional de Derechos Humanos "Mahatma Gandhi", Oaxaca
42. Comité de Artes, Oficio y Ecología
43. Comité de Defensa y Apoyo a Comunidades y Pueblos Indios (CODACPI), Guerrero

44. Comité de Defensa de las Libertades Indígenas (CDLI), Chiapas
45. Comité de Derechos Humanos Ajusco, D.F.
46. Comité de Derechos Humanos de la Huasteca, Sierra Oriental (CODHISO)
47. Centro de Derechos Humanos "Don Sergio", A.C., Morelos
48. Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada, O.P.", Chiapas
49. Comité de Derechos Humanos de Colima (no gubernamental), Colima
50. Comité de Derechos Humanos y Orientación Miguel Hidalgo, A.C. (CODHOMHAC), Guanajuato
51. Comité de Derechos Humanos Pueblo Nuevo, A.C., D.F.
52. Comité de Derechos Humanos de Tabasco, A.C. (CODEHUTAB), Tabasco
53. Comité de Derechos Humanos de la Sierra Norte de Veracruz, A.C., Veracruz
54. Comité Emiliano Zapata de San Nicolás de Totoloapán
55. Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hidalgo, A.C.
56. Congreso Nacional Indígena (CNI)
57. CNI Tarahumara-Chihuahua
58. Consejo Indígena Popular Oaxaqueño "Ricardo Floren Magón"
59. Consejo Supremo Nahuatl de Texcoco
60. Coordinadora Nacional de Mujeres Indígenas
61. Coordinadora Nacional de Pueblos Indios
62. Deca Equipo Pueblo, A.C.
63. Defensoras Populares A.C. (DPAC)
64. Defensoría del Derecho a la Salud
65. Desarrollo Social y Económico de los Mexicanos Indígenas, A.C.
66. Espacio Autónomo, A.C.
67. Foro Maya Peninsular
68. Frente Auténtico del Trabajo (FAT)
69. Frente Cívico Sinaloense, Secretaría de Derechos Humanos, Sinaloa
70. Frente por el Derecho a Alimentarse, A.C.
71. Frente Regional Popular del Sureste de Veracruz
72. Grupo Indignación, A.C., Yucatán
73. Instituto Guerrerense de Derechos Humanos, A.C., Guerrero
74. Instituto Mexicano para el Desarrollo Comunitario, A.C. (IMDEC), Área de Derechos Humanos, Jalisco
75. K'inál Ansetik
76. Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH-FIDH)

77. Maderas del Pueblo del Sureste, Oaxaca
78. Mujeres en Acción Solidaria (MUSAS), Tabasco
79. Praxis
80. Programa Universitario de Derechos Humanos del ITESO, Jalisco
81. Programa Universitario de Derechos Humanos, UIA - León, Guanajuato
82. Promotores de Derechos Humanos del STUNAM
83. Servicios del Pueblo Mixe
84. Servicios para una Educación Alternativa, A.C. (EDUCA)
85. Servicio Paz y Justicia-México (SERPAJ)
86. Taller Universitario de Derechos Humanos (TUDH), D.F.
87. Unión Campesina Obrero Popular Independiente, Irapuato
88. Unión de Comuneros Emiliano Zapata, Michaoacán, Guanajuato
89. Unión de Comunidades Indígenas Nahuas de Jalisco
90. Unión de Comunidades Indígenas de la Zona Norte del Istmo (UCIZONI)
91. XI'Nich, Chiapas

The 25 non-governmental and other organizations:

1. Ascur-Las segovias
2. Agir Ensemble pour les droits de l'Homme
3. Missionary Centre of the Franciscans, Bonn
4. CAFOD
5. CCFD
6. Center for Justice and International Law (CEJIL)
7. National Centre for Development Cooperation, Flanders, Belgium
8. CIDSE
9. CIFCA
10. DKA, Austria
11. Federación de Asociaciones de Defensa y Promoción de Derechos Humanos
12. International Federation of Action by Christians for the Abolition of Torture (IFACAT)
13. International Federation of Human Rights (IFHR)
14. France Libertés-Fondation Danielle Mitterrand
15. Franciscans International and the Dominicans
16. Humanitarian Law Project-International Educational Development
17. Instituto de estudios políticos para América Latina y África (IEPALA)

18. Netherlands Organisation for International Development Cooperation (NOVIB)
19. One World Action
20. Oxfam GB
21. World Organization against Torture (OMCT)
22. Pax Christi, Germany
23. Pax Christi International
24. Paz y Tercer Mundo, España
25. Terre des Hommes, France
