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Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council**Note verbale dated 10 April 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Secretary-General**

The Permanent Mission of Mexico to the United Nations presents its compliments to the Secretary-General and has the honour to refer to his note ONU-01130 of 16 March 2006 putting forward the Government of Mexico as a candidate for membership in the Human Rights Council.

Pursuant to the terms of General Assembly resolution 60/251 to the effect that Member States, when electing the members of the Council, should take into account the contribution and commitment of candidates to the promotion and protection of human rights, the Permanent Mission is attaching a document which outlines the merits of Mexico's candidacy, together with any proposals and goals associated with it.

Annex to the note verbale dated 10 March 2006 from the Permanent Mission of Mexico to the United Nations addressed to the Secretary-General

Voluntary pledges and contributions of Mexico to the promotion and protection of human rights

Executive summary

The Government of Mexico is firmly committed to the effective promotion and protection of all human rights, within a framework of international cooperation. It has therefore adopted a State policy on human rights, with two objectives: improving the domestic situation of human rights through structural changes to overcome the various setbacks in this area; and, strengthening the international legal and institutional framework for the promotion and protection of human rights.

Openness

Mexico has demonstrated a genuine openness at the international level with respect to human rights:

- At the request of Mexico, a permanent presence of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was established in Mexico, and a technical cooperation agreement was signed with the Office with a view to the preparation of an assessment of the human rights situation in Mexico and help in drafting the national human rights programme.
- Mexico has issued an open invitation to all special procedures of the Commission on Human Rights and, since 1997, has received 11 visits from the special procedures and 3 from the High Commissioner for Human Rights.
- It has established 32 autonomous bodies for the promotion and protection of human rights, since the establishment of the National Commission on Human Rights (1990), and it has steadily increased opportunities for the involvement of organized civil society in the processes of consultation and drafting of national reports and/or plans.
- It is a State party to the main international human rights bodies, has accepted the competence of the treaty monitoring bodies and has presented detailed, comprehensive and realistic periodic reports.
- In the inter-American system, it is a State party to the main human rights instruments. It has issued an open invitation to all rapporteurs of the Inter-American Commission on Human Rights and fully recognizes the competence of that Commission and the jurisdiction of the Inter-American Court of Human Rights.

Contributions

Mexico has made considerable contributions to promote human rights:

- At the national level, apart from the human rights assessment study prepared by OHCHR, which served as a basis for the national human rights programme,

some important legislative reforms have been carried out with regard to human rights, including the abolition of the death penalty in Mexico in 2005.

- At the international level, Mexico has participated actively and constructively in the work of the Commission on Human Rights and the General Assembly in recent years, sponsoring proposals on the protection of human rights of persons with disabilities, migrants, women and indigenous peoples and on anti-terrorism measures. It has co-sponsored various resolutions on human rights. It recommended and still promotes the drafting of an international convention on the rights of persons with disabilities, it participated in the drafting of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft International Convention for the Protection of All Persons against Enforced Disappearances, and it advocated the drafting of a United Nations declaration on the rights of indigenous peoples.

As regards the reform of the United Nations human rights machinery, Mexico advocated, during the 2005 Summit, the strengthening of OHCHR and participated actively in the negotiations on the conception, design and establishment of the new Human Rights Council. It intends to lend its full support to the effective implementation of resolution 60/251, and for that reason wishes to become one of the initial members of the Council.

Mexico would like the Council to be characterized by transparent and efficient work and to focus on the effective improvement of international human rights standards. To this end, the contributions of the thematic and geographical mandates and the participation of the civil society organizations and the national institutions for the promotion and protection of human rights are indispensable. In addition, Mexico will contribute to the design and development of the periodic review mechanism for the situation of human rights in all countries.

The contributions of Mexico in this new body would be enhanced by virtue of the priority which it attaches to human rights in its domestic and foreign policies and the experience which it acquires as a result of its openness to monitoring and full cooperation with international bodies.

Commitments

Mexico is aware of the areas in which it must increase its efforts at the national level, and for this reason it is committed to promoting the highest levels of human rights protection and implementing the recommendations that derive from the universal periodic review mechanism. In addition, it is resolved to contribute to the prompt and substantive consolidation of the Human Rights Council pursuant to the mandate assigned to the Council in General Assembly resolution 60/251, to strengthen international cooperation so that States are able to develop effective public policies for the promotion and protection of all human rights and to ensure that the Council is effective in preventing human rights violations.

Voluntary pledges and contributions of Mexico to the promotion and protection of human rights

I. Mexico in the promotion and protection of human rights

- ✦ **The Government of Mexico is deeply and firmly committed to the effective promotion and protection of all human rights and fundamental freedoms, within a framework of international cooperation.**

Such commitment is based on the conviction that a context of respect for and observance of fundamental rights offers the right conditions for the development and peaceful coexistence of the peoples of the United Nations. It has therefore adopted a State policy on human rights, with two specific objectives: improving the domestic situation of human rights through structural changes to overcome the various setbacks in this area; and strengthening the international legal and institutional framework for the promotion and protection of human rights.

The main focus of this policy has been on genuine openness to monitoring, full cooperation with international human rights bodies and the incorporation of Mexico's experience and vision in the efforts to reform the multilateral system of promotion and protection of human rights.

II. Openness at the international level

- ✦ **Mexico is one of the countries with the highest degree of voluntary acceptance of international monitoring.**
- ✦ **Mexico is a party to the main human rights treaties.**

In relying on the positive contribution of the international human rights system to improve its domestic situation, Mexico has done the following:

- It has voluntarily requested the establishment of a permanent office of the United Nations High Commissioner for Human Rights (OHCHR) in Mexico. Mexico is the first country in a situation of internal stability to have taken this step.
- It has signed a technical cooperation agreement with OHCHR that includes the preparation of an assessment of the human rights situation in Mexico and help in drafting the national human rights programme.
- It maintains an open invitation to all special procedures of the Commission on Human Rights. Since 1997 it has received 11 visits from special rapporteurs, independent experts and members of Commission working groups on human rights.
- It has also received three visits from the head of OHCHR.
- In the context of the inter-American system, it has issued an open invitation to all rapporteurs of the Inter-American Commission on Human Rights and even to the Commission itself.
- The International Committee of the Red Cross has established a permanent delegation in Mexico City, in order to promote the dissemination of the

principles of international humanitarian law and assist in training Mexican armed forces and police corps.

Since 1990, when the National Commission on Human Rights was established, Mexico has consolidated the widest network in the world of autonomous bodies for the promotion and protection of human rights (32), whose establishment and operation is governed by the Paris Principles.

In addition, the Government of Mexico has steadily increased opportunities for the involvement of organized civil society, as is evidenced by the participation of non-governmental organizations (NGOs) in the processes of consultation and drafting of reports and/or national plans on human rights and in the Mexican delegations that attend the meetings of multilateral bodies (principally the Commission on Human Rights and the General Assembly).

As to legally binding instruments:

- Mexico is a party to the main human rights treaties of the United Nations;¹
- It is a State party to other important instruments for the effectiveness and observance of human rights at the universal level;²
- It has accepted the jurisdiction of human rights treaty bodies in the area of individual communications³ and has made a real effort to submit and present detailed, comprehensive and realistic periodic reports.
- In the context of the inter-American system, Mexico is bound by the main human rights instruments⁴ and fully recognizes the competence of the Inter-American Commission on Human Rights and the jurisdiction of the Inter-American Court of Human Rights. In addition, it is bound by other Inter-American instruments of relevance to human rights.⁵

As a result of the aforementioned visits and the examination of its reports, the Government of Mexico has received valuable observations and recommendations, which it has made strenuous efforts to disseminate and act on. It is worth noting in particular the human rights cooperation programme which it entered into with the

¹ International Covenant on Civil and Political Rights and its first Optional Protocol; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Convention on the Rights of the Child and its two Optional Protocols; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

² Convention relating to the Status of Stateless Persons; Convention relating to the Status of Refugees and its 1967 Protocol; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; and Rome Statute establishing the International Criminal Court.

³ Human Rights Committee; Committee on the Elimination of Racial Discrimination; Committee against Torture; Committee on the Elimination of Discrimination against Women.

⁴ American Declaration of the Rights and Duties of Man; American Convention on Human Rights; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights; Inter-American Convention to Prevent and Punish Torture; Inter-American Convention on the Forced Disappearance of Persons; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

⁵ Inter-American Convention against Terrorism; Inter-American Democratic Charter; Declaration on Principles on Freedom of Expression of Inter-American Commission on Human Rights.

European Commission in 2003 with the aim of securing the incorporation of international human rights standards and practices into domestic legislation and ensuring their full implementation by the competent authorities.

III. Contributions of Mexico to promote Human Rights

❖ **At the country level, a national human rights programme was drafted.**

❖ **Constitutional amendments strengthening human rights were introduced.**

❖ **The death penalty was abolished in Mexico.**

As a consequence of the technical cooperation agreement with OHCHR, an assessment of the human rights situation was carried out with a view to identifying any structural causes of human rights violations in Mexico.

A national human rights programme was drafted which will enable the State to fulfil its obligations, thereby guaranteeing the full enjoyment of human rights.

Additionally, with a view to enhancing the legal framework for the protection of all human rights, important constitutional and legislative amendment processes have been introduced in the Mexican Congress:

- A proposal to amend 11 articles of the Constitution was introduced, in order to ensure the constitutional recognition of human rights, improve their jurisdictional protection and oblige all authorities to observe and protect them.
- Another proposal was aimed at the reform of the criminal justice system as a whole, based on the promotion and protection of human rights.
- A highly significant reform became effective on 10 December 2005 when the Congress abolished the death penalty in Mexico for which provision had still existed in the Constitution and the Military Justice Code, although it had not been applied for more than 70 years.

❖ **At the international level, Mexico has participated actively in the Commission on Human Rights and the General Assembly.**

❖ **It was also actively involved in the United Nations human rights machinery reform process.**

❖ **Mexico fully supports the effective implementation of General Assembly resolution 60/251, establishing the Human Rights Council.**

Within the Commission on Human Rights and the General Assembly,

- Mexico has sponsored proposals dealing with anti-terrorism and protection of human rights of persons with disabilities, migrants, women and indigenous peoples;
- It has co-sponsored various resolutions on human rights questions;
- It has recommended and still promotes the drafting of an international convention on the rights of persons with disabilities;

- It has taken an active and constructive part in the recent setting of international standards in the Commission on Human Rights, including in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft International Convention for the Protection of All Persons against Enforced Disappearances. It has also firmly advocated the drafting of a United Nations declaration on the rights of indigenous peoples.

As regards the reform of the United Nations human rights machinery, Mexico advocated, during the 2005 Summit, the strengthening of OHCHR as one of the necessary measures to provide the system with better tools to guarantee the full enjoyment of all human rights. With the same motivation of strengthening the system, it participated actively in the negotiations on the conception, design and establishment of the new Human Rights Council. It intends to lend its full support to the effective implementation of resolution 60/251, and for that reason it wishes to become one of the initial members of the Council.

Mexico's participation in the Council will be geared to the development of a specialized body characterized by its transparent, efficient and fruitful work and always focusing on the effective improvement of international human rights standards. To this end, the contributions of the thematic and geographical mandates and those of the civil society organizations and the national institutions for the promotion and protection of human rights are indispensable. In addition, Mexico has consistently defended the idea of creating a periodic review mechanism to monitor the situation of human rights in all countries.

Mexico could make extremely positive contributions to the work of this new body for two fundamental reasons: the high priority it attaches to human rights in its national and foreign policy, and the broad experience and knowledge acquired in this area in recent years by basing its policy on the principles of openness to monitoring and full cooperation with international bodies.

IV. Issues remaining on the agenda

❖ Mexico will continue its efforts to remedy human rights deficiencies.

Notwithstanding the achievements registered so far in its human rights policy, Mexico acknowledges that much effort is still needed to remedy the deficiencies that still exist at the national level. Reforms should include:

- Strengthening the autonomy and independence of the authorities responsible for law enforcement and combating torture;
- Improving the conditions of the penitentiary system and instituting work and rehabilitation for imprisoned individuals;
- Promoting higher levels of efficiency and honesty in the public security system;
- Strengthening the general legal framework relating to freedom of expression and adopting special measures to guarantee the protection of journalists and avoid impunity;

- Adopting additional measures to protect the economic, social and cultural rights of groups affected by poverty, especially extreme poverty;
- Increasing efforts to guarantee the right to education;
- Strengthening the actions to remedy deficiencies in the access of indigenous people to law enforcement systems and administration of justice, indigenous lands and territories and indigenous education, language and culture, notwithstanding the strides made towards eliminating discrimination; and
- Continuing the adjustment of domestic laws to international standards, promoting the elimination of stereotypes and the incorporation of a gender perspective, eliminating discrimination against women in all spheres, protecting their sexual and reproductive rights and their right to a life free of violence and ensuring that the perpetrators of crimes against women do not go unpunished.

V. Commitments regarding human rights

❖ **Mexico will maintain a standing invitation to the special procedures of the Human Rights Council.**

❖ **It will implement the recommendations on human rights.**

❖ **It will contribute to the prompt consolidation of the Human Rights Council.**

Pursuant to the terms of General Assembly resolution 60/251, Mexico undertakes to:

- Defend and promote the highest levels of human rights protection.
- Maintain a standing open invitation to special procedures of the Human Rights Council.
- Implement the recommendations and observations emanating from the human rights assessment, the special procedures, the treaty bodies and the national and local ombudsmen.
- Implement any recommendations emanating from the universal periodic review mechanism.
- Encourage the permanent development of the international human rights standards where necessary to cover any lack of protection.
- Promote the immediate adoption of a convention for the protection of all persons against enforced disappearances and of a United Nations declaration on the rights of indigenous peoples.
- Strongly support negotiations to conclude as soon as possible an international convention on the rights of persons with disabilities.
- Strengthen State policymaking with respect to the permanent promotion and protection of human rights, in accordance with the highest standards at the international level, involving the different levels of national Government and civil society as a whole.

- Contribute to the prompt and substantive consolidation of the Human Rights Council, in accordance with the mandate drawn up by General Assembly resolution 60/251, and to this end to:
 - Strengthen international cooperation in order to help States develop effective public policies for the promotion and protection of all human rights.
 - Contribute to the design and development of the universal periodic review mechanism.
 - Work for a Council that favours genuine movement towards the prevention of human rights violations.
 - Broaden and strengthen the participation of civil society, NGOs, national human rights institutions and other actors involved in the work of the Human Rights Council.

The Government of Mexico will be most grateful for your valuable support for its candidacy, which is based on Mexico's pledges and contributions in the field of human rights.

New York, 10 April 2006
